

Bannister hearing continued

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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.

Bayes opened the defense 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 by-passed the student judiciary board in their decision. This move, he said, seriously threatened the concept of 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 defendant.

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 labeled 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 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 defendant, 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 a variety of campus activities. She cited his appointment as Spring Term Director of the Writer's Forum, arguing for the necessity and convenience of his remaining on campus.

Bayes chose to make no formal closing statement. Salmon emphasized that it 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 hushed courtroom chairperson Junkmann read their unanimous decision in favor of Bannister, remanding the case to the Judicial Board.

We make no ruling on guilt or innocence - that is not our function. We make no statement about existing dormitory policies except to uphold them.

We do not question the Student Life Association's prerogative to direct social policy on our campus.

tion of "Student Life Association" referred to the Student Life Staff or the Student Government Association.

Also, he requested the court's definition of "due process." It was not, he said, "within the court's jurisdiction to review, uphold, or reverse administrative decisions."

At 2 p.m. on Monday afternoon, The Board met with Crossley to consider his 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



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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 time. Bannister said "I am pleased with the outcome of the hearing, but concerned about what is going to happen next."

Last Friday morning, all members of the Appellate Board, Dean Claytor, Assistant Dean Salmon, and Professor John Daughtrey received a letter from Dean Crossley. This letter requested that the Board meet immediately to clarify its decision. Crossley questioned whether the court's men-

the 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 Board. A defendant whose conviction is upheld by the

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 10, 1981 - Bannister plans to appeal Salmon's decision to President Perkinson.

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