

Letters to the Editor

To Whom It May Concern:

This past week a very significant event took place in the Judicial System of Mars Hill College.

A Hearing Board Decision was appealed by the Dean of Students and eventually by the Appeals Board.

I think there are several reasons students should be alarmed:

1) The decision made by the Hearing Board was well within the laws of the *Student Handbook*; yet it was appealed. The option to be heard by your peers is a right of Mars Hill students. The Dean's appeal has rendered the Hearing Board useless. The underlying statement is that the Hearing Board decisions only hold weight if the Dean approves. The question must be asked: Why have a student court if the real decision rests with the Dean of Students?

2) The justification of the appeal was based on precedence of former sanctions. While case precedence is very important (and it was heavily considered in the student hearing) each case is special and should stand on its own. If each case is the same there is no need for trials; all defendants would merely check out of school the minute they were caught in an offense. The fact that we have a trial system indicates that at one time we believed that each case was different.

The student handbook states on page 46 paragraph O... "Unauthorized visitation with aggravating circumstances shall make the individual convicted of such an offense vulnerable to suspension." The words "aggravating circumstances" and "vulnerable to suspension" are vague. The purpose of their vagueness would seem to allow for the possibility of special circumstances. It seems to me when the student handbook was written it was with the intent that special circumstances be considered in case hearings. Obviously this attitude is no longer prevalent.

3) The appeal's decision was made on a summary statement by the chief Justice. They (the appeals board) heard no testimony from the original trial nor did they choose to listen to any of the tape from the hearing (which was available). Basically the appeals decision was based on previous cases not this one in particular.

4) The Dean of Students who brought the appeal to the Appeals Board was allowed to sit in on the closed deliberations of the Appeals Board. Though he is given this right by the Student Handbook, it is unethical that the prosecution be allowed to do this and not the defense.

Based on the above mentioned reasons and on other circumstances of this case I find my responsibility as a justice on the hearing board mocked and rendered useless. I will no longer participate in a system that does not respect my opinion as a part of the office I hold.

Effective on the date of this publication, I officially resign my post as justice for the Student Hearing Board.

Sincerely,
Tim Moore

is wrong. It is my belief that precedent is intended as a guideline - not as the only solution. If it was intended as the only solution then there would be no need for student justices, the crime could merely be punched into a machine and an appropriate sanction printed out.

3) I believe the Code of Student Conduct is too vague. If it is to be interpreted so loosely as to fit the purposes of the administration then the students should be allowed an equally liberal interpretation to suit their needs.

4) In conclusion according to the statement of mission and purpose contained in the 1983/84 Student Handbook we at Mars Hill College are "...Committed to nurturing the intellectual, spiritual, social, and physical development of the students who are entrusted to us..." and we supposedly meet these goals by ensuring these students a right to "enjoy personal privacy" and to "develop sexual identity through meaningful relationships with both sexes" among other methods. I believe that if we provided more opportunities to have privacy on this campus without having to resort to the unauthorized use of dorm rooms or having to leave campus then there would be fewer incidents of this kind.

Respectfully submitted,
Laura P. Annis

To the Editor of the Hilltop:

As a student justice of the Mars Hill College Justice Board I feel a personal insult has been made to the Hearing Board. After the recent appeal of a case decided on by the Hearing Board by the Dean of Student Affairs, I question whether or not the Dean has made a mockery of the Hearing Board. Are the Hearing Board's rulings alright as long as they follow what the administration interprets as the "right" ruling? Is the student judicial system simply to keep the students quiet about being tried by a jury of their peers? What is the point of having a choice to be tried by the Hearing Board or the Dean of Student Affairs if the Dean is going to appeal everything he doesn't agree with so blatantly to the Appeals Board?

It was public knowledge that the Dean wanted these students suspended for alleged "aggravated visitation." The Appeals Board knew this and decided the case by precedence. The appeal was not whether or not the students were guilty, it was whether they should be given a fine as decided by the Hearing Board or whether they should be suspended. As stated in the handbook the Hearing Board has the discretion of imposing a fine or suspension.

I think the only appropriate appeal now is whether the Hearing Board is a "monkey court" or whether it is respected as upholding the Code of Student Conduct of Mars Hill College and its rulings for punishment stand.

Respectfully,
Kelly L. Denton

judicial branch when my position means nothing and my work is erased by the whims of the administration? I regretfully and respectfully resign my position as Chief of Defense.

Frank Porter

cc: Dr. Fred Bentley
Dean Michael O'Brien
Dean Richard Hoffman
Mr. Chris Harrison
The Hilltop Editors

Dear Mr. Editor:

What is Justice at Mars Hill? Before a recent case which came before the Hearing Board, I thought there was justice at Mars Hill College. It was my impression that any student at MHC under suspicion of an offense has, according to the handbook, the right to go before Dean O'Brien or before a Hearing Board consisting of his fellow students. The case was one of visitation with aggravating circumstances. According to the handbook, persons found guilty of aggravated visitation are "vulnerable to suspension." It was my interpretation that in order to decide upon a penalty I must consider the circumstances surrounding the offense and if the circumstances dictate suspension it was my job to issue the sentence of suspension. However, in my opinion, I also have the right (due to the vulnerable clause) to dictate a sentence less than suspension. It was the decision of the Hearing Board that in this case suspension was not imperative. Our decision was overturned by Dean O'Brien. This decision was the result of what I thought was justice. But there is no justice anymore at Mars Hill!!! The defendant in this case had the right to appear before the Hearing Board instead of going to the Dean. But why have a Hearing Board if, when a decision is reached as a result of a "hearing" of the case, it can simply be appealed by the Dean because precedence was broken. Is Mars Hill Justice merely a bunch of precedence? The circumstances in every case are not the same which is why a Hearing Board is imperative to justice - to hear and decide. If every decision, contrary to precedence is going to be overturned by the Dean, then the Hearing Board is of no service and there can be no justice.

Paul Christopher
Student Justice

To whom it may concern:

As a justice for the Student Hearing Board I respectfully submit my resignation for the following reasons:

1) The recent action by the Dean of Student Development has made a farce of the student judicial system at Mars Hill and the principles we purport to represent. This is not intended a personal affront to the Dean of Student Development but rather as an expression of concern for student rights and the principles this college was founded on.

2) Secondly I believe that making a decision purely on the basis of precedent

it may concern:
Chief of Defense of Mars Hill, I
fully offer my resignation, effective
mediately for the following rea-

past action of the Dean of Student
Development has made a mock-
ery of the judicial system of Mars Hill
the justice it seeks to serve. This
no way a personal vendetta
the Dean, but a protest
his lack of concern for the
of students attending Mars

critical of the judicial process in
school but very respectful for its
to exist. I have no respect for its
ary interpretation of the hand-
to suit the means and manner of
administration. I realize that
Hill is a private school and ex-
as a small community, but does
mean we have to leave out some
basic ethical elements of consti-
tutional law?

ing with the court system, I have
told that Mars Hill must strive
consistency in its action. That
ment reminds me of a quote
a famous writer, "Consistency
a hobgoblin of small minds."
case is different and must stand
own if this were not true we
not have a court system and
body would be given the same
ons for the same alleged crime.
ically in this case I feel the
ces acted accordingly and well
in their jurisdiction for the al-
crime. To appeal a decision by
earing board arbitrarily and
ously because of the sanctions
is disrespectful of the judi-
process and again a mockery of
justice.

the students of Mars Hill have
given the responsibility to judge
sentence our peers. By allowing
the administration has tak-
away our responsibility to serve
Hill. I encourage the adminis-
on to respect our responsibility.
e, administration, don't play
sides of the fence.
Christian institution I under-
d that we do have a particular
responsibility. However, don't
have the same responsibility to
care and compassion to help
ellow student? What good has
accomplished? The college has
ed its responsibility to help mold
Christian character. Our mission
purpose, noted on page two of
Student Handbook, is listed as a
"commitment" to nurturing the in-
tellectual, spiritual, social, and
ical development of students
are entrusted to us... encourag-
them to discover their own iden-
and explore their relationships
other persons, with God, and
ty." I guess by suspending two
men who showed concern for
other, that we have done our
ose and mission. I think not.

can I serve a position on the