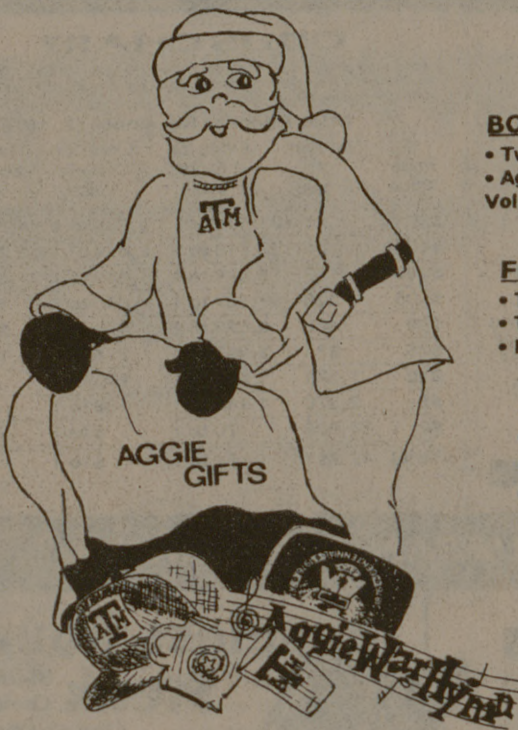


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On-campus narcotics control

One man determines discipline

Editor's Note: Rick's case is hypothetical, but based on facts. An article on page one of today's Battalion explains the arrest process of University Police. The other story on this page describes the appeals process open to students who are punished by the University and how other state universities handle the drug problem.

By STEVE LEE
Battalion Campus Editor

The University Police searched Rick's room and found one ounce of marijuana. Rick was arrested and charged with possession of a controlled substance.

Possession of one ounce of marijuana is considered a class B misdemeanor by law, and carries with it a fine or a six-month jail term.

Rick expected some action to be taken by the University against him, but wasn't particularly worried since he was arrested for just a fineable offense. He was thinking maybe probation would be the measure taken.

Rick's fate rests on the decision of Ron Blatchley, acting director of student affairs, who conducts an administrative hearing for the student.

"THERE ARE NO automatics," Blatchley said. "We are going to provide a hearing for the student, no matter what transpires. And based on that hearing the facts as they are, then I make a decision. I look at all discipline on a case by case basis."

Just as off-campus violations aren't kept in University Police records, students arrested for possession of off-campus aren't disciplined by the University. There is no additional hearing for off-campus violators.

Blatchley stressed that each student has an obligation to know the University regulations handbook.

"By and large, when a student enrolls at A&M, he literally signs a



Battalion photo by Karen Cornelison
A "bong" is used to smoke pot.

contract," Blatchley said. "In exchange for signing up for classes at A&M, the student is expected to abide by the rules and regulations of the University. Every student is not only obligated to be aware of the handbook, but forwarded."

The University regulations handbook outlines disciplinary policy: who shall handle disciplinary affairs, the offenses subject to discipline, possible disciplinary action, students' rights in disciplinary action and the appeals process.

IT DOES NOT DESCRIBE which disciplinary actions accompany particular offenses. The book merely lists 22 offenses — ranging from failure to report a current local address to destroying campus property — and 11 possible disciplinary actions. The actions range from verbal reprimand to expulsion.

Blatchley says that he acts as a

human element to interpret what is in the handbook.

"We could have a computer do this work here if all we used was the black and white print," Blatchley said. "That's why an individual operates in this position to use what's in the black and white."

The disciplinary decisions handed down the past few years show a more lenient trend than before, Blatchley said. He says he has "tempered" and this office has tempered somewhat in regard to possession of controlled substances.

THE COURTS HAVE changed a great deal in the way they have handled the situation, in particular marijuana. The police have changed a great deal, and even though it is still against the law, the law has even changed," Blatchley said. "It is not as serious as it was eight years ago. And that is true of this office and the way I look at that kind of offense."

Only four years ago, if a student was suspended, the action remained on his transcript permanently. Today, the record of a student's suspension is removed from his transcript when he returns to school.

Blatchley said that he doesn't mind a resident adviser only warning a student the first time he is caught with marijuana or other drugs. However, he said that if the student has been warned and is caught again with the substance a second time, the resident adviser should report the infraction. Blatchley added that he doesn't want to know about the warning when it is given, but rather he is concerned with the report to police or his office.

He stressed that this doesn't mean dorm personnel are supposed to be lax.

"WHAT WE SAY to our staff, our resident advisers and area coordinators, is that we are not going to turn our backs on violations of the rules and regulations and/or the breaking of the law," Blatchley said. "We have a responsibility to uphold

that end of it."

Upon notification of an infraction, Blatchley sends a notice of charges to the student. In our hypothetical case, Rick received his notice forming him that he had three days from the time he received notice to set up an administrative hearing.

The notice included a copy of students' "Rights in Disciplinary Actions" from the handbook. A student may be represented by counsel, remain silent, present written cross-examine witnesses, and evidence brought against him to appeal the decision. The student also given the right to choose between an open or a closed hearing.

SO, RICK ARRANGES for an administrative hearing with Blatchley. The evidence is against him and Rick maintains the amount of marijuana found insignificant to warrant a penalty. The hearing can be an actual trial, and Blatchley decides the outcome.

The hearing ends, and Rick's dismay, he is suspended the semester.

This is not to say that this would be taken every time in similar circumstances. But Blatchley indicates that this decision is probable.

THE WAY I OPERATE in matters of minor possession, we've warned him before," Blatchley explained. "If we are talking about major possession, suspensions or more, or sales and distribution, I don't worry about warning. Because the student is warned by the handbook."

Rick was warned by his resident adviser a few times before he was arrested. And on that basis, Blatchley was shown to the nearest end.

Although the severity of the offense is certainly considered, Blatchley said that whether the charge is a class A or B misdemeanor, or a felony, is not considered.

Students can appeal punishment

Editor's Note: Rick's case is imaginary, but based on facts. An article on page one of today's Battalion describes the University's arrest policy. The other story on this page explains how the University may punish students who are caught using drugs.

"Students who have been assessed a disciplinary sanction by the office of Student Affairs may file an appeal with the chairman of the University Disciplinary Appeals Panel. An appeal must be based upon some specific aspect of the previous hearing; for example, unjust punishment, unfair trial, violations of due process."

So states the Texas A&M University regulations handbook. And Rick has decided to appeal his suspension, for possession of marijuana, on the basis of unjust punishment. His family hired a lawyer to represent him.

RICK WAS GIVEN three days after he received the suspension decision from the Office of Student Affairs to file an appeal. Failure to do

so would terminate his appeal.

He filed in writing with the University Appeals Panel and stated the basis of his appeal. He also requested a closed hearing, which is his option. Rick was exempt from the suspension until his appeal could be heard.

The appeals panel made up of students and faculty. The chairman of the panel is Dr. Lonnie L. Jones, an associate professor of agricultural economics. Other panelists include four faculty members and five students. The chairman is a non-voting member.

Jones says the panel was selected at random by the University. Jones has served as a member of the panel for three years and as chairman for two years. Jones serves as a judge in the hearings and schedules them.

JONES SAID THE PANEL handles few drug possession appeals compared to other offenses such as theft. A wide variety of offenses may be handled by an administrative hearing and then the appeals panel. The panel also hears scholastic dishonesty cases.

The process of the hearing is more like an actual trial than an administrative hearing is with the jury-like presence of voting members. There may be lawyers, witnesses, documentary evidence and cross-examination — and it can be lengthy.

After both sides have appeared the panel deliberates on the decision. Their decision is a powerful one because it is the final word. If it rules against the punishment handed down by the administrative hearing, but decides to set an alternate penalty, then it must decide what the new penalty will be. The panel "renders a decision in writing within a reasonable time after the hearing is completed," according to the handbook.

SO, THE DATE of Rick's appeal is set. Arguments are heard on both sides and the hearing goes into overtime. The panel deliberates on the case and the hearing is adjourned.

At this point, our hypothetical case must end. Since final disciplinary action is kept confidential by the University, there is really no indication of how successful an appeal in this case would be. Jones did say, however, that a "significant percentage" of students win their appeals.

But there remains one basic question regarding University policy. If marijuana laws and University policy on possession are indeed becoming more lenient, like Ron Blatchley, the acting director of student affairs, says, then why does the University feel that it can still suspend a student for this offense? Blatchley cites an obligation to the state as the reason.

THE STATE HAS CHARGED the University with the responsibility to promulgate rules and regulations, and to do whatever is necessary to maintain the building and properties that belong to the state. And that means that you can't condone the breaking of any rules and regulations, and the courts have said that the University may establish its own regulations, including penalties to outfit any needs in terms of regulating its on-campus property."

However, the University of Houston is a state-supported school and it has never suspended a stu-

dent for possession of marijuana, according to Julius Gordon, assistant dean of students at Houston.

"The student isn't exempt from the regular laws of the state," Gordon said. "But they are dealt with by the courts, not the university. Gordon said a dorm policy prohibits possession of drugs. It is in line with A&M's policy in that the student can be warned upon being caught the first time. But, if the student is caught a second time, he is kicked out of the dorm but not the university."

STRANGELY ENOUGH, Gordon speculates that UH's policy "soon may become more strict — possibly in the next semester — rather than more lenient. School officials are considering an establishment of student hearing which drug possessors may be subject to suspension, but would not apply to pushers, Gordon said.

George Scott, associate dean of the Division of Student Affairs at Texas Tech University, said that the school is concerned primarily with student conduct. Therefore, on-campus and off-campus students are subject to possible suspension for possession of drugs.

"Most cases are handled something less than suspension. It doesn't mean that people have been suspended," Scott said. "The case stands on its own. I'm sure we haven't suspended anybody for possession this year."

TECH IS SIMILAR to A&M in that no set guidelines specify what disciplinary action offense could bring. "We don't say that if you caught with one ounce that happens or that," Scott said. "It is brought to this office is handled any way from a verbal reprimand suspension."

Dr. David McClintock, assistant dean of students at the University of Texas, said students there are subject to suspension and cases are decided on a case by case basis. He also said that off-campus students who are caught with narcotics on state property are also subject to suspension.

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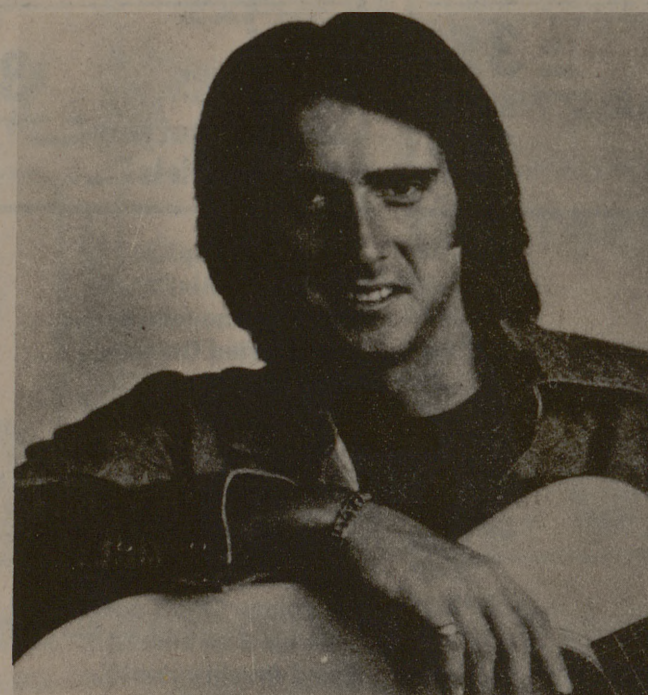
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Expert asks support for humanity studies

AUSTIN, Texas — The president of the National Humanities Center says the federal government must help subsidize the study of the humanities or the nation could lose a generation of talent.

Dr. Charles Frankel, in a keynote address to a University of Texas symposium on Government and the Humanities Monday, called for general support for humanist studies critical.

Frankel said the humanities are unlikely to receive extra support from any source other than the federal government and without it the nation stands to lose a "generation of talent that will be forced into other occupations."

What is at stake in government support for the humanities, he said, "is the quality of the environment in which Americans live, the environment in its most important aspect — not its physical aspect, though that too is involved — but its imaginative, its moral, its esthetic, its intellectual aspect."

Frankel said decisions on the humanities will determine what alternatives are available to the public to choose between the useful and the useless.

"What will our country offer its members as diet for their minds and souls?" Frankel asked.