

CLASP supervisor finds 'serious' flaws in new conduct regulations

By ZENA McBRIDE

The President's new regulations governing non-academic student conduct contain some serious flaws, according to a supervisor at Osgoode's Community and Legal Aid Services Programme (CLASP).

In a letter to York President Harry Arthurs, CLASP supervisor Marshall Swadron raised several concerns about the procedures regarding minor offenses. According to the new rules, which have been in effect since February 23, decisions made by Local Hearing Officers cannot be appealed.

"Local Hearing Officers at each College and Faculty are given exclusive unreviewable authority to hear 'minor infraction' cases, and can impose sanctions as serious as removal from residence and up to \$100 in fines or restitution," Swadron explained, adding that the Provost determines whether an infraction is a major or minor one. "There is absolutely no appeal provided in the rules for their decision," Swadron continued.

"In the past, you could appeal to the Provost, and after an appeal to the Provost, you could appeal to the President of the university. There's no provision for that now."

Various difficulties arise from this, according to Swadron. "In 1987, universities are supposedly statutory bodies," he said. Swadron explained that because of this, "there is a contractual relationship between the university and student which implies the existence of student rights."

However, Swadron continued, the new regulations resemble the old conception of university-student relationships, which was paternalistic in approach.

"(The Colleges and Faculties) are being ruled by someone with absolute authority, who can't be reviewed in minor matters, and who is given all the authority of a parent in that context," he said.

Swadron feels that students charged with minor offenses should receive the same procedural safeguards as those charged with serious

ones. "Just because we're dealing with a \$100 fine instead of a \$300 fine, we're still dealing with criminal acts and activities to which a great stigma attaches if someone is found guilty," he said. "(Therefore), the same procedural requirements should be applied." Under the new regulations, serious infractions are dealt with by a University Discipline Tribunal, and students found guilty by this Committee have the option to appeal the decision, he explained.

Furthermore, Swadron charged, a student on the borderline between major and minor infractions "doesn't know whether to hope that it's dealt with as a minor infraction, where the penalties involved are significantly less serious, or to have it dealt with as a major infraction, where, although the penalty is more serious, at least they have an opportunity to have a fair hearing. If you're not guilty, you want it to be a major infraction, because no matter how minor the offense is, you want to get a fair hearing and not be stuck with a decision you can't appeal," he added.

Swadron also questions the legality of the President's regulations with regards to the York University Act. While the President is allowed to make regulations governing student conduct, certain duties and responsibilities are bestowed upon him, Swadron explained. "One of them is to supervise and direct the implementation of the general administration of the students of the university," he said. "The President has to review what is going on inside the university and he has a jurisdiction to do so. By saying that there's no appeal, and (therefore) no way for the President to review these decisions, the requirements of the Act are not being met."

"The President cannot delegate authority to that degree without maintaining his supervisory role to an extent," Swadron continued. "In saying there's no appeal, he's removed his supervisory role."

The absence of an appeal leaves no means by which to deal with errant

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Castle guarantees strict accountability

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centre. "We have determined that the building will have self-sufficient operating costs, as determined by the MBA feasibility study, combined with studies done by YUDC and the expertise of IBI consulting group," Castle maintained. Castle added that "I don't think the university will agree to take on the union, it is a question of legalities."

Provost Meininger maintained that the University has every right to protect their initial investment. Meininger countered critics of Administration input by asserting that "a reliable indication of the commitment and sincerity of the administration can be found in the up front guaran-

tees of the President in close consultation with senior administrators."

Castle indicated that Administration input on the management board will be essential to the practical operation of the building. "The building requires a certain degree of technical expertise to manage a building, including infra-structural contact within the University to get things done," said Castle.

Castle also countered his critics claims that final ratification by unidentified students representatives will not make the final package accountable to the majority of students. Castle promised to meet with various students councils after the referendum to legitimize the various committees. He added that these committees will have significant input from the various college councils ensuring strict accountability for the final package.



CONDIMENT COUP SUCCESSFUL: Last week one letter writer proclaimed his plans to spit in and mustard ketchup containers in Central Square Cafeteria in order to protest the unhygienic conditions there. Coincidentally, one hour after *Excal* hit the stands the condiments disappeared only to reappear the next day in these dispensers.

YUDC decision process questioned

By LORNE MANLY

Concerned about the York University Development Corporation's (YUDC) decision-making process, Professor Michael Goldrick told a small gathering last Thursday that a set of criteria is essential to guide future development on campus.

Goldrick, a member of the 32 person Advisory Council formed by the YUDC to give its Board of Directors a means of rapid consultation with the University community and the surrounding neighbourhood, was the speaker at the York NDP and Communist Party clubs' presentation of "YUDC: Auctioning off the University?"

The YUDC has contracted the services of the IBI Consulting firm to draw up a new Master Plan for the University as the original one from 1963 is in many ways obsolete.

The YUDC is also exploring the possibility of selling or leasing land for residential development before the Master Plan has been completed to yield the University an immediate injection of cash.

The YUDC sent out proposal calls to 30 developers last week to solicit offers for housing on 20-25 acres adjacent to University City. If the University's Board of Governors agrees to sell the land, York hopes to make about 20 million dollars to use for new capital construction.

Goldrick, who specializes in

urban planning politics, is afraid that York will be presented with a *fait accompli* because of the way the YUDC and the University Administration conducts its business. "They tell you what the results are but they don't let you in on the process," Goldrick said.

"Inviting these housing proposals makes the selling or leasing of this land in the southwest corner of the campus a foregone conclusion," Goldrick stated. "The YUDC will look at these proposals and can theoretically say they're all garbage so let's forget it," Goldrick said. "In practical terms, however, the University is obliged to accept one."

"Real or imagined," Goldrick said, "the wisdom in the development industry is that if you go to a proposal call and don't go through with it, your name is mud from there on in. There's no backing away from it; if that's done it's game over for future proposals."

Goldrick is also not pleased with the timetable of the proposal calls. "That the process is supposed to end by April, right at the end of the term is 'coincidence,'" Goldrick sarcastically remarked.

Further evidence of the closed shop approach the YUDC is taking, according to Goldrick, is that until he pressed for it, no information on the proposal call finalists would have been presented to the Advisory

Council. "I got a commitment from the President (Harry Arthurs) that a short list (of the developers) and their proposals will be brought back for information. The YUDC seems obliged to bring back the details of the finalists."

If this had not been accomplished, Goldrick felt that the decision making would have just been an internal process in the YUDC and the Administration.

Goldrick expressed concern at the meeting that for most of the YUDC officers, the criteria for selling or leasing land is basically the return and not what the lands will be used for. "Someone on the YUDC said that we should have an Engineering faculty. Why? Because it would be easier to attract industry. That's a perverse way of thinking on how to solve your problems."

The need for clear guidelines for future uses of York's lands is necessary, according to Goldrick, to prevent this kind of thinking from becoming dominant.

Taking their cue from Goldrick, a number of students at the meeting are arranging an open forum to discuss their concerns about future development of the campus. It will be held March 10 at five o'clock in the Political Science Department Lounge (sixth floor south Ross Building).

A 'good' step in the right direction: OFS

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considered financially dependent on their parents—will receive 31 percent more funding, or up to \$1,500 per term. Independent status is usually granted to students who have been out of high school for at least three years, or are mature students.

Students from farms will also be eligible for more assistance, as farm assets will now be rated at half their net value. And personal living expenses for students studying away from home will rise seven percent, from \$99 to \$106 a week.

About 35 percent of full-time college and university students presently receive assistance from OSAP. Out of these 110,000 students, roughly 8,000 are from York, according to Elizabeth Rudyk, direc-

tor of the financial aid office.

The OSAP budgetary increase is "long overdue; it will make a big difference to students from low income families," Rudyk said. She is especially pleased with the improved funding for the Ontario Work-Study Program.

York's Work-Study Program, which operates on a matching grant system, began in 1982-83 with \$10,000 allotted by the provincial government. This amount has skyrocketed recently, to this year's government grant of \$145,000, which after matched by York funds, created about 100 on-campus jobs. Rudyk said that York hopes to obtain \$225,000-\$225,000 for the 1987-88 Work-Study Program.

Gerard Blink, president of the Council for York Student Federa-

tion (CYSF), said that Sorbara's announcement "indicates that the lobbying has paid off."

According to Certosimo, however, the OFS still has more work to do to improve OSAP. He feels, for example, that the seven percent funding increase for students living expense is "a good step, but it needs more work." The OFS is now formulating a student price index to facilitate accurate estimates of student living expenses.

Certosimo also cited the interest relief program as a project which needs to be elaborated upon. "OSAP is committed to the program, but not to its details," he said. The OFS is currently working on a research paper to define the objectives of such a program.

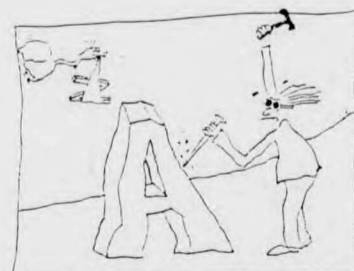


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