

or depredations of any kind simply cannot be viewed as legitimate means of asserting the freedoms so basic to the University. Obviously, if members of the community are deprived of their liberties and are prevented from having recourse to due process, violence will necessarily erupt. However, if powerful means of persuasion are open to all members of the University, if their liberties are clearly specified and secured, if they are allowed to participate actively in their self-government, and if strong and open channels and institutions are established and maintained for the ventilation and redress of grievances, then force and intimidating conduct involved in physical obstruction and seizure of premises are inadmissible.

The Committee recognizes that there may be faculty members and students who reject the notion that the University as an institution is or can be neutral; rather, they feel that it must be committed, and that accordingly they are justified in using it, if they can, to influence or direct social change which they espouse. Moreover, some have apparently felt that where they find the University tainted by the same defects that they believe to exist in the larger society, their commitment to change the latter is a sufficient warrant for them to try to transform the former. Their zealotry, whether genuine or not, means that the University must cease to be a place for the generation of diverse ideas; it can only be a shop which purveys their own. Open, unhampered debate on the merit of proposed changes, whether in University structure or government or academic programme, becomes unacceptable because it may not produce the desired result; and there is such conviction of the necessity for replacing what we now have that it justifies resort to a wide range of tactics of force.

The underlying premise in all this, that York University has no interest in self-examination or in self-criticism, and provides no means by which institutional change may be effected, is, in the Committee's view, false. It is true that in older Universities in by-gone days little opportunity was afforded — to the student body in particular — either to make proposals for change or to participate in the councils where they could be considered. That is no longer true; and in so far as advances along this line are still desirable there is no reason to doubt that they can be made. What is inadmissible is any assumption that there is only one antidote to ills that afflict a University, known to only one segment of the faculty and student body and that once administered a permanent cure will have been effected. It is more likely that the institution will die under such ministrations.

This Committee, although not concerned directly with the merits of proposals for change in any aspect of the University's academic operations or governmental structure, is concerned directly with the conduct and behaviour of members of faculty, students and members of the administration, associated with demands for and reactions to demands for change. It repeats that only in a climate of openness of debate and of communication, free of physical interference or

obstruction can the University survive and adapt from time to time to new norms of operation. In its view, there can be no compromise on this fundamental, and the University need not apologize for the respect that it shows for it. This means that faculty members and students are entitled to a guarantee that debate will be open and that communication will be free, that the views of individuals and groups may be controversial, that they may press for changes in University life by discussion and by peaceful persuasion, and that their right to do so will be respected by their fellows and protected by the administration. The procedures, administrative and judicial, recommended later in this Report are designed to provide that guarantee by ensuring redress for unjustified interferences with what may be called the "liberty of the campus."

These interferences may have public law consequences as well. Hence, this Committee recognizes that it is only within limits which are not in any event easy to define, that York University can support claims of its members for sanctuary and immunity from the exercise by external law enforcement agencies of powers of investigation, search and arrest in situations which may reasonably call for such action. Although the University must be vigilant against the abuse of such powers, it is clear that the law of the land does not stop at the University gates, and this Committee does not understand that anyone in the University makes such a claim. There are, however, discretionary considerations that enter into law enforcement in a democratic society, and an attempt will be made later in this Report to assess their implications in the regulation of conduct on and off the University campus.

A basic consideration for the Committee in all its recommendations was that faculty and students alike must be recognized as willing individuals, capable of judgment, and hence, ready to accept responsibility for their conduct and for its consequences, at least where intended. It would be incompatible with the conception of the University as a mature educational community to regard its individual members in any other light. The expectation would be, however, that the high degree of personal freedom exercisable by teacher and student in non-academic activities would be guided by a responsible concern for the integrity of the University community. This is not to say that its stance of the moment must remain fixed; it does mean that exercises of personal freedom that reject commitment to the preservation of the University are not entitled to its protection.

The Committee does not wish to be misunderstood by its reference to the "preservation of the University." It fully appreciates that its academic and administrative structures have undergone, are undergoing and will undergo change, and that its goals may in the future be different from those of the past. The reference is therefore not to a static conception of the University, but rather to a continuing foundation of open, rational and peaceful dialogue upon which any one of a variety of academic and administrative superstructures may be built, depending on the results of the dialogue.

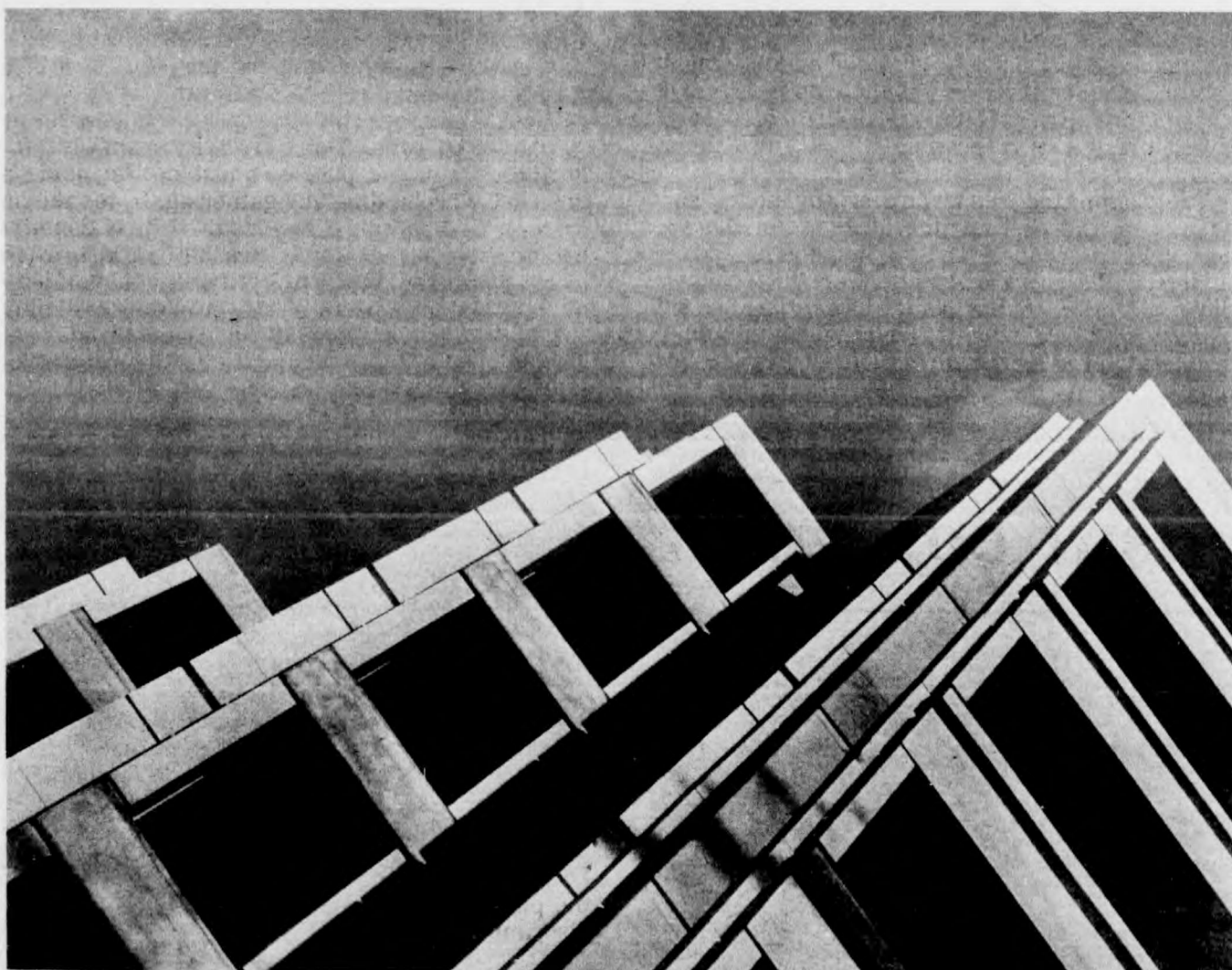
The Committee was told, and it has found confirmation in its own inquiries, that York University does not at the present time have any formal University-wide grievance or complaint machinery for containing non-academic disciplinary issues. Nor is there any comprehensive code of conduct addressed to faculty or students; there are, rather, a few disparate rules, such as one prohibiting students from membership in fraternities, another respecting drugs, and still another concerned with the use of liquor. It is fair to say that the University has not hitherto given any concerted thought to disciplinary matters. More thought has been given to them by the Colleges, which is understandable when they are residential; but even here, the approach has been in terms more of standards than of specific prohibitions or regulations.

The Committee has considered very carefully what ought to be done in the provision of administrative and adjudicative machinery and similarly, how far it is feasible to go in setting down specific rules or in establishing legislative machinery. Its views and recommendations on these matters will be found in the latter part of this Report. At this point, it would observe that such procedures as are now available for entertaining and disposing of complaints of misbehaviour are College procedures established by delegated authority of the President under his statutory power in section 13 (2) (c) of the York University Act "to formulate and implement regulations governing the conduct of students and student activities." The Committee has been informed of the various agencies created in the different Colleges to deal with student misconduct. It has not thought it either necessary or expedient to assess them in this Report. As will be seen later, it places great value on the maintenance of College responsibility for the conduct of members of the College in its precincts; and although it would expect the Colleges to be guided in substantive matters by the recommendations thereon made below, it nonetheless feels that each College should be left to fashion its own adjustment and adjudicative machinery in matters of internal discipline. The Colleges may wish to adapt their existing machinery to harmonize with what this Committee is proposing for the University at large, but that is for them to determine so far as it relates to issues within their jurisdiction. This Committee has recommendations in this connection which are detailed below.

The University as a whole has been content so far to rely on informal methods of meeting situations which may call for disciplinary measures. The Director of Student Services has served as counselor and mediator, as investigator and reporter, as emissary and intermediary, especially with external police authorities. The President has a joint faculty-student resource in the Advisory Committee on Student Affairs, from which he may also obtain recommendations for regulations. We, the members of this Committee, feel, as did the President by the very setting up of the Committee, that this formless informality should no longer be tolerated, with its uncertainty of operation, its lack of any reference points either as to standards of conduct or sanctions, and its lack of an ultimate adjudicating agency to relieve the President of the burden of making administrative decisions.

The need for orderly procedures, all the more necessary as the University grows larger, is not only a matter of efficient administration but also of fair treatment for the main constituents of the University, faculty and students. The Committee may not have sufficiently emphasized that its Terms of Reference embrace teaching staff as well as students. The President has, wisely in the Committee's judgment, considered that both groups should respond in the same way to the discipline of the University, whatever differences there be in their academic roles. Moreover, by associating students with the faculty in charging this Committee to examine disciplinary problems, the President has indicated — and this Committee in any event would declare — that the *in loco parentis* relationship of the University to the student no longer has any validity.

It is an observable fact that University staff members have more and more lent their abilities and their time to activities outside the University, in working for government, in private consultations and employment, and in community endeavours. Students too have, more than before, been on summer jobs for government, in research and in departmental employment of various kinds. The Universities have added so greatly to the body of knowledge, have so influenced the technological



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