

# editorial

## How the SDC affects YOU !

1. The University of New Brunswick Student Disciplinary Code, hereinafter called the "Code," shall extend to include all students registered at the University of New Brunswick whilst on the University of New Brunswick campus. It shall also extend to off-campus events to which student police have been assigned. By definition: a student is a person registered as a student at the University of New Brunswick.

If you are reading this, then it is most likely that this "code" will have a dramatic effect on you in the future.

This code will come before the Board of Governors sometime in the near future. It was to be before the Board of Governors during the summer and then on October 15. At the past SRC meeting a committee was formed to look into this code. This committee was formed out of student concern about the lack of student input into the formation of this document.

The Student Disciplinary Code, as it reads now, leaves too much to the discretion of our Campus Police and University Security officers.

5. OFFENCE: [a] Any student who wilfully obstructs a Student Police Officer or University Security Officer in the performance of his duties is guilty of offence; [b] Any student who assaults an on-duty Student Police Officer or University Security Officer whilst wearing some form of external identification as a Student Police Officer or University Security Officer, is guilty of an offence. SANCTION: [a] Fine up to and including one hundred and fifty dollars [\$150.00] AND/OR [b] Restriction of student social privileges; OR [c] Suspension or dismissal from the University.

There are no boundaries or descriptions in the code that would indicate what an attempt to obstruct the duty of an officer might mean.

This means that a particular action against one officer may be deemed "obstruction" while the same action against another officer would not be considered an attempt to obstruct. This different interpretation of actions by various individuals leads to an inconsistency in the implementation of the code.

OFFENCE: Any student who [a] assaults any person [b] acts in a manner which does harm to

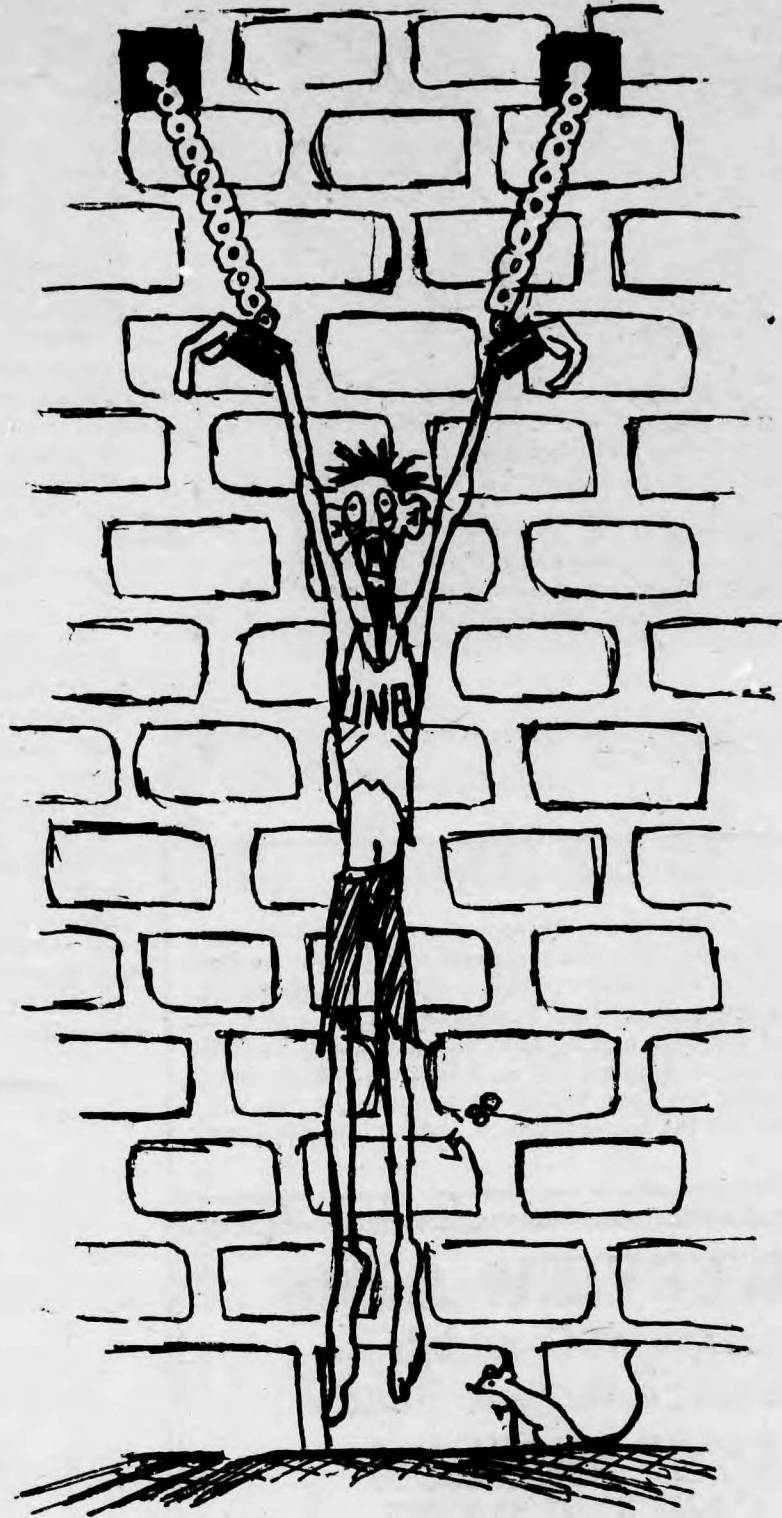
persons or property or threatens harm to persons or property; [c] acts in a disorderly manner which does harm to persons or property or threatens harm to persons or property [d] acts in an indecent manner which does harm to persons or property or threatens harm to persons or property; is guilty of an offence. SANCTION: [a] Fine up to and including one hundred and twenty five dollars [\$125.00]; AND/OR [b] Restriction of student social privileges; [c] Suspension or dismissal from the University.

If there has been a crime committed, then it is only reasonable that the Fredericton Police Department should be contacted. The police should then look into the incident.

The argument might be presented that it is to the students' advantage to be charged through the Student Disciplinary Council. If found guilty of assault, for example, the maximum fine is \$125.00 and/or restriction of student social privileges, suspension or dismissal from university. On the other hand, if the individual was prosecuted in the provincial court the fine imposed would be stricter. In addition the individual would have a criminal record.

A situation could arise where it is made too easy for a student to press charges against another. This could tie up the "courts" and could remove any value the disciplinary council might have. For example, if one student was to assault another, it is not likely that the assaulted individual would go downtown and file charges against the assailant. If this new code was to be approved, as is, then it would be much easier to prosecute. He would just have to file a charge with the President of the UNB Student Union, the Director of the UNB Student Union or the Dean of Students. If the evidence presented warranted a hearing the process would follow through the appropriate channels. It is entirely possible that a student could be charged, the hearing take place, and the fines imposed (if found guilty) without the prior knowledge of the accused. This means a student could be fined up to \$150.00 as well as expelled from school without being aware of the proceedings or the reason for the outcome.

It is obvious that there have to be some serious adjustments to the Student Disciplinary Code as



- If only I'd gone to the S.D.C. open hearings!

it now stands. Can the university assume responsibilities normally processed by provincial courts? What does the Department of Justice have to say about this code which creates a judicial system within a judicial system? Had they in fact been consulted during its initial formation?

The code's description of what is actually a crime in the eyes of the university is at times, too vague. Too much is left to the judgement of those who are not properly trained. Lawyers and judges in the courts downtown

spend years in school and only then are they prepared to make reasonable and responsible decisions. Why not let the law makers make it and law enforcers enforce it. A separate disciplinary

code for the campus can only create problems by enabling a body to decide who is and who isn't acting within the university code of acceptable behavior. Resentment and confusion can be the only result, as well as a friction ensuring between the legal system of Fredericton and the UNB campus.

There are serious deficiencies in the code which must be taken care of before it is presented to the Board of Governors. Let's hope that the committee struck by the SRC will iron out the problems presently in the Student Disciplinary Code. Public hearings will be conducted on Thursday, October 9 in Room 103 of the SUB at 8:30 p.m. Remember this code will affect all students of UNB!