

Bureaucratic whim puts university under a state of siege

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In January, York President Harry Arthurs announced changes to the university's disciplinary regulations. The changes — dubbed the "war measures act" by some students — allow York's vice presidents to expel or discipline students without going through the usual tribunal process. The Pan Afrikan Law Society and other student groups have objected to these changes.

by the Pan Afrikan Law Society

York President Harry Arthurs' emergency proclamation has effectively placed York University under a state of emergency. According to Mr. Arthurs, these draconian measures are necessary because York needs to deal with the immediate "problem of the highly disruptive, (potentially) or actually violent student." In order to "maintain the proper functioning" (i.e. peace, order and good government) of this institution, Mr. Arthurs has decided to place York under a state of siege. The big question is Why?

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Until April 1992 — about the time we are all supposed to be completing our school year — the Vice Presidents of the university have been given immense emergency powers. At a V.P.'s discretion, without a hearing or any other formal procedure, a student may be kicked off campus, banned from classes, ordered not to have contact with particular persons, and even pressured to sign a conditional agreement to be psychiatrically or medically diagnosed — all in the name of maintaining order!

Students have a right to know precisely what has necessitated such draconian measures. Why are we to study under siege, and what is taking place on campus now that was not taking place a month or a year ago to justify these measures? Experience teaches us that the law can be a lethal instrument of repression, and as such, responsible members of a community must question some or all of its usage.

Emergency powers may be necessary when there is a state of war (internally or externally). However, now that the Iraqi Massacre is over, it is unlikely that York is at war with a foreign power. That leaves the threat



Universities sometimes step on basic freedoms in their pursuit of order. According to PALS, that's what York did.

of internal elements as a possible instigator causing the need for a state of emergency.

Students must be told who these internally disruptive elements are, what they have done and why they pose such a diabolical threat. Who are the people that the normal legal mechanism cannot contain? And why are these measures now more necessary than during the "war" when there were numerous forced class cancellations as a result of alleged bomb threats?

Perhaps York is at war with some internal elements. If this is true, then a state of emergency would be used to quash any potential threats from these elements — say, their civil disobedience.

Yet we are well aware that a state of emergency, whether at York or in Pretoria, is always projected against actively discontented groups and organizations. The discontent is usually a result of oppression and exploitation. Order then becomes the pretense for oppressors to continue their oppression and exploitation without the menace of active resistance by the oppressed. And of course a state of emergency can be the most convenient oppressive instrument to maintain such order.

The only time people actively organize and mobilize to oppose or fight against oppressive structures, groups or individuals is when injustice stands in the way of inevitable progressive change. It is then that the oppressed in any given community cast in their lot and join with each other to defy the existing authority, if necessary. This is when the normal "peace and order"-maintaining mechanisms become paralysed. Civil rights are suspended and those who resist, even within the confines or the regular laws, are criminalized for their resistance.

Emergency powers are aimed at suppressing organized resistance. They are not aimed at individuals.

The civil rights of all members of a community are never suspended in order to catch ordinary criminals. Normally, the intended catch are political opponents.

This brings us back to the question as to who or which groups are threatening the security of York University. To answer this question, we have to first identify which groups stand to bear the brunt of these emergency regulations. One needs to observe and see who is being repressed at York and the nature of that repression in order to find who or which groups the decree is aimed at.

The people who are relentlessly crying out for change and against systemic injustice are readily identi-

fiable. The traditionally oppressed groups in Canadian society attending York include: Afrikans, First Nations peoples, women, Arabs, Asian students. These are the people who are often labeled *extremists, deviants, radicals, reels, violent* and a host of other terrifying names, every time they take a firm stance against their oppressors. Actively struggling members of these groups, and not criminals, are likely to fall prey to repressive "emergency powers."

These emergency measures have coincidentally invoked during Black History Month. Last year, the period was marked by active protest against what Afrikan students saw as racist content in the *Excalibur* newspaper.

As a result of their persistence, major changes occurred to the newspaper. It may well be that this year's events will contain similar zeal in the struggle to free the Afrikan people from racial and cultural systemic degradation. Therefore, active Afrikan students involved in any demonstrations — or any other activity that may be deemed offensive or construed as violent by a Vice President — are vulnerable to the penalties of the "emergency powers." This has serious implications for all students struggling for change.

The need for concern is obvious, but there is also reason for optimism. Pitiful though it is that an institution of higher learning has to resort to draconian measures to deal with it, York may nonetheless be reacting to a growing consciousness amongst its oppressed. The futility and desperation in this attempt to contain this growth are clear. There is more consolation to be found in the fact that blatant oppression, *agent provocateurs*, and fear are the last resorts of all oppressors. Such desperate actions are destined to fail.

The students of this university have a democratic duty to question the president's exercise of his authority. If we find that it is as oppressive as it appears, then we have a corresponding duty to have this exercise of power reversed. What we need is more academic freedom, more active participation in the decision-making process, and more accountability and responsiveness from the administrators. Indeed, we need an open, free, non-racist and non-sexist university. We must assert our right to study in a free and equal environment where if necessary, we can fight for progressive changes.

We must demonstrate to York that our rights are not negotiable, and that they are certainly not revocable through a presidential bureaucratic whim!



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