

Becker "solved" all disputes

Behaviour code never an issue at York

University members with a grievance against each other or the university have no specific channel within the university administration to appeal to, if the conflict cannot be resolved through negotiations.

Further complicating the matter is the fact that the university has never specified a code of behaviour by which university students and faculty could judge their actions.

In the following article, reporter

Julian Beltrame takes a historical look at York's past attempts to address the problem.

In 1969, fearful that the student unrest which closed down universities in the States might occur at York, then president Dr. Murray G. Ross established a presidential Committee on Rights and Responsibilities to spell out a judicial procedure for disputes within the university, quite apart from outside legal channels.

Out of the committee came a significant document put together by Justice Bora Laskin, then a member of the board of governors and now chief justice of the Supreme Court of Canada, which still stands as the unofficial university word on the subject of freedom and responsibility, and still guides the administration's approach to internal disputes.

WHEN IN DOUBT

"When there is doubt, the Laskin report tends to guide a lot of people as to what their behaviour should

be," said vice-president John Becker.

The report was published with the financial assistance of the university, and recommended that the university's ambiguous policy of "retaining the right to take appropriate disciplinary action against any student whose conduct is considered detrimental to the good name of the university" be abandoned in favour of a "clearer guidance to students on the norms of behaviour, on their relation to the law of the land and on the procedures by which punishable misconduct will be enforced."

Laskin's committee also favoured inclusion of faculty under the scheme.

FINAL JUDGE

The committee as well proposed a university court, made up of faculty and members of student groups, to act as the final judge of disputes unresolved by preliminary negotiation by the court administrator.

The fact that during the first year

of the court's formation, it never got to handle any case, accounts as much as anything for its disappearance less than a year later.

While constitutionally Becker had "in his filing cabinet" the necessary number of names to form a panel of judges, not even in that first year was the panel complete. Five names to be submitted by the senate never were.

ANOTHER ONE?

The senate's response to the Laskin committee was to create another committee to study the presidential report. While the senate approved two amendments to the second committee, for some unexplained reason it never got around to voting on the report itself.

While not officially approving the committee's report on Laskin's Freedom and Responsibilities Report, it still managed to create a standing committee by that name which still exists today, although it has no members.

UN-COMMITTEE

There has never been even one

meeting of the senate's standing committee on rights and responsibilities, and while a meeting was contemplated by Becker (secretary of the committee) after compiling a partial list of members, it was never held.

"I frankly did not know what we could talk about," said Becker.

But the senate's fumbling did not end the university court because, as Becker explained, "it's not clear that the senate has any constitutional role in the area."

LAWYERS OUT

Laskin's court called for the inclusion of at least two Osgoode Law school faculty members, who later that year dropped out because of their philosophical objection to the possibility of a court without a body of laws.

Aside from the disintegration of the panel of judges, who were to remain on standby until there was a need for the court, John Becker placed himself partially responsible for the court's end.

"The court administrator (Becker) should enjoy some freedom with regards to negotiations, and assist people with their grievances. It turned out that I was successful in each and every case," he said.

ONE-MAN BAND

Becker added that neither the court nor a code of behaviour would be useful at York.

"Look at the university's record of the past year, the year before, the year before that, and so on; I think you'll find the university's handling has been either benign or legal."

With that, the university court was ended before it began, leaving the powers it was to exercise in the hands of a (hopefully) benign president.



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