

Editorial inaccurate

Dear Editor:

If your incoherent and woefully inaccurate editorial of 3 February is any standard by which student awareness of legal matters may be judged, I would prefer that the whole fate of the Student Disciplinary Committee be settled in some secret fastness of the President's offices, by his delegates. The point at issue is that the university is a legally independent chartered institution with certain rights of self-government, including the option to judge students who have injured it or offended members of its community. The Student Union, by whatever name it may call itself, is the institution by which students govern themselves under the President; therefore, it acquires some of this responsibility.

As to your charges against the Board of Deans, which, one gathers, has announced that the Student Disciplinary Committee will try those cases left to it by the Board: under the University of New Brunswick Act, as you have described it, the Board is acting fairly, for it is "responsible for discipline". Why does the SDC, subordinate to the Board, have knowledge of its Code kept secret from the Board? You say, "...the SDC is in a better position to judge the action of students." Must not the Board, as "appellate court," be the subtlest interpreter of law, for it judges the judges? The SDC's authority is delegated from the Board of Deans, who presumably also wrote the Code, or at least vetted it; this implies that the Board may also revoke the SDC's power where disciplinary duties are not carried out to the Board's satisfaction. That is the nature of the process of delegation of authority.

Certainly the administration of university discipline needs review, but perhaps, Mr. Editor, you have not investigated the rationale behind the Board's new policy with any care of sympathy. Rather than entangl-

ing yourself in fatuous flannel about fairness and the Bill of Rights of 1688, look rather to the unique legal relationships between the university and the town of Fredericton, and the university and its students. The university must act in *loco parentis* to some students, and as "hometown" and employer to others, for students are not all legally responsible adults. The Student Disciplinary Committee, composed, one may presume, mostly of undergraduates innocent of legal qualifications, is in no position to judge cases of assault, vandalism or theft, which are better left to the police and the crown courts. The punishments available to a student tribunal will not deter die-hard bathroom-smashers, nor will students respect their court appropriately if it is not protected by some facsimile of the power of law. The anomaly of the university's independent rights must not be allowed to free students of their civic duty.

The first tenet of British Common Law is that all men are equal before the law. Jury trial is an option open to the defence, giving not only a tactical advantage to the accused, but also freedom from the total responsibility for condemnation of acquittal to the judge. One's peers are all the citizens of Canada, including the people of Fredericton, other students, the Prime Minister, and, incidentally, the members of the Board of Deans. The right to a fair trial, recognized in various forms since King Hammurabi of Babylon codified his brand of justice, implies much more than your narrow definitions, but nowhere is it suggested that the judge must be of the same social stratum as the accused. The judge is appointed by the constituted authorities, and at UNB that authority is the President and the Board of Governors.

This writer needs far more evidence than a statement in a BRUNSWICKAN editorial that "students are of the opinion that the SDC is the proper body to hear

charges against students." I, for one, feel that the proper bodies to hear charges against students are Her Majesty's Civil and Criminal Courts. Only those offences which are peculiar to the academic state, such as plagiarism and cheating, should be tried by a university tribunal. I would suggest a court consisting of a member of the Board of

Deans as judge, a student jury chosen by lot and empanelled at the defence's request, and court-appointed counsel.

The Student Disciplinary Committee's roots lie in the medieval world, where all university students were clerics and therefore immune to temporal prosecution. It is long past time for disciplinary review, and the

university community should take particular care to abolish this last rag of privilege. Perhaps, then, the Social Club furniture will be left unmolested, and the walls of the toilet stalls and the light fixtures might survive the term.

I remain, sir.

Yours sincerely,
Charmion Chaplin

Student Disciplinary Code explained

Dear Editor:

The editorial on Student Discipline in the February 3rd issue of the Brunswickan indicates some misconceptions concerning the way in which disciplinary matters are handled on campus.

The Student Disciplinary Code was drawn up in 1980, by the Dean of Students in full consultation with students, the Board of Deans and others concerned with discipline, and has been approved on the recommendation of the Supervisory Board, which is composed of both students and administrators.

While the Code does provide a mechanism for the self-discipline among students, occasional cases arise that, for various reasons (practical or per-

sonal) are more appropriately dealt with by the Board of Deans. In accordance with the Code and with procedures established over several years, whether charges are laid following a complaint, and whether a case goes before the Student Disciplinary Committee or before the Board of Deans, are decided by consultation between the Chairman of the SDC and the Commissioner of Student Discipline, together with the Campus Police or Security where appropriate. The current case which has given rise to some concern is an example: considerable discussions were held between the Commissioner and the SDC Chairman, and involved the Dean of Students and the Technical (Legal) Advisor, and the complainants were

fully consulted. This group agreed that in the interests of all parties, the case should be referred to the Board of Deans for a hearing.

Under the UNB Act, the Board of Deans has specific responsibility with respect to discipline. The code delegates part of that responsibility to students, and the Board remains anxious that most complaints falling within the Code be dealt with by the SDC: it certainly has no desire whatsoever to hear any discipline case unless there are special reasons or circumstances that make it necessary.

Yours sincerely,
James Woodfield
Commissioner of
Student Discipline

Response to letter from Koncz

Dear Editor:

I feel compelled to respond to last week's letter "Light Shed On CSL". First-

ly, Mr. Koncz suggests that CSL should be run solely by Student Union councillors, a position I and other board members disagree with.

Four out of seven directors should be councillors but by restricting it to councillors only, we are missing out on potentially talented and eager students who can offer a wide array of in-

novative ideas. All directors, regardless of whether or not they are councillors,

are directly accountable to the SRC who are the CSL shareholders. It is a gross misinterpretation to suggest that SU councillors are the "most informed" in areas in which CSL operates.

The objective of CSL is to be a profit oriented corporation and in so doing provide better services for students. In following that objective, the new board plans to im-

prove and increase services and avoid incurring such

losses as were caused by previous boards. I suggest, Mr. Koncz, that YOU attend a CSL meeting so YOU will be better informed.

As for my "attitude" and the so-called "attitudes of some councillors," I suggest you question me outright rather than depend on hearsay.

Brenda Paul
CSL Vice-President
SRC Vice-President