

There are warriors who
fight for their cause
with hope

The Gateway

and there are those who
give up with bitterness.
See Thursday's Gateway

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University discipline set by 3-man panel

by Michael MacNeil

The disciplinary system of the university underwent a change last year when the Disciplinary Impanelling Board of the General Faculties Council assumed the responsibility of enforcement and interpretation of the university regulations.

Formerly the province of the Dean's Council, law enforcement is now decided by a three-man Discipline, Law and Order Committee, whose members are freshly appointed as each new case arises.

What is particularly noteworthy about the committee, is that two of the three members are students. This makes it unique in that it is the only major decision maker in the university to have a student majority.

When the scope and composition of the committee was first proposed, strong opposition arose from the administration-minded in the academic community. Students had increasingly protested that they could not be guaranteed a

fair and impartial hearing before an administration-dominated body and demanded trial by their peers.

On the other hand, those favouring the status quo argued that students were not mature, responsible or impartial enough themselves to assume the responsibility in disciplinary matters.

The matter ultimately went to committee in GFC where it languished for four years. A reluctant General Faculties finally approved the new system and the shift of disciplinary authority took place last year.

That's the history of the issue. However, Marg Midgely, the D.L.O. committee secretary, felt that the matter deserved some updating.

Mrs. Midgely claims firstly that many instructors and students do not know of the existence of the body as final arbiter of disciplinary matters. For the administration, the committee handles charges relating to plagiarism, cheating and other serious infractions of

the university regulations. Student who feel that they have been unjustly charged or disciplined may appeal to the committee for a final ruling.

The committee operates on a quasi-legal basis and Mrs. Midgely states that this has drawn fire from some quarters. She explained, however, that such methods of proceeding would preclude the appearance of a case in civil court on the grounds of lack of due process

and so forth.

The one unresolved issue is the question of privacy. At present, the proceedings are not required to be closed and Mrs. Midgely feels that this requires immediate attention. While a tribunal would probably not refuse a request to hold a particular proceeding in private, she feels justice would better be served if such proceedings were automatically closed.

And finally, Mrs. Midgely

was very positive about the performance of the student members of the committee. Despite the predictions of its detractors, the body has in fact been just, impartial and totally equitable. In fact, Mrs. Midgely termed the students "eminently acceptable" and stated that it would have been an enlightening experience for some to have witnessed the agonizing, soul-searching and depth of the students as she did.

Judicial appointments Otto Lang's concern

by Bob Blair

Federal justice minister Otto Lang's meeting with the U of A Law Faculty last Friday, while confined in topic primarily to matters of concern to people in of entering the law profession, dealt with a wide range of topics of interest to the general public.

Lang opened with a few remarks about the roll of courts.

"In my two and one-half years as minister of justice I have felt that the most important part of the job of minister of justice is the appointment of judges," he said. He said that it is important that judges appear to be alert and impartial - that they appeal to deserve the respect that they must receive.

He said that he has been trying to appoint bright young men who will be able to show this alertness.

His next comment was that it is wrong "to lay the blame on the court when the real issue is the law - whether it is right or wrong." He made reference to the Murdoch and Laval cases which had generated a good deal of adverse comment that the court's decision was unjust.

The Murdoch case was a division of property case between a divorced couple. The court ruled that the ex-wife had no claim to any portion of the family farm even though she had put a large amount of work into it.

The Laval case upheld a section of the Indian Act which says that a woman ceases to be an Indian when she marries a non-Indian. This ruling came in spite of the fact that a man can retain treaty rights regardless of whom he marries.

"Law making is not a

principle job of the judges," he said. Judges may sometimes create law by means of new interpretations, and this is important because problems may not always be dealt with by setting down the rule in advance - cases must be dealt with as they arise.

But, he said, when courts do not change law they shift the focus to where it belongs - the legislatures.

When the meeting was opened to the floor, the first question dealt with abortion - when will the government respond to polls indicating that a majority of women feel that abortion should be a matter between a woman and her doctor?

Lang responded: "One of the reasons we do not govern by polls is because all the complex problems of an issue cannot be put into a poll." He said that the poll might come out differently if it asked whether the life of an unborn child should be protected.

Sometime later, the focus of the meeting returned to the abortion question in connection with a question about women and the law.

One of the women in the audience harkened back to Lang's remark about appointing bright young *men* to the bench. She asked why he did not speak of appointing women.

She elaborated by asking about women's rights generally. She said that abortion laws were wrong. "(If) you cannot control your own body, how can you run your own life?" she asked.

On the abortion question, Lang answered, "I think there is another interest involved, that of the child."



Otto Lang addressing the law faculty last Friday.

photo by Rick Fritze

In response to the criticism of his exclusive use of the word "men", Lang said that he was merely following a linguistic custom, that by men he meant men and women.

"I appoint women to the bench whenever I find one reasonably well qualified," he said. In fact, he said that given a choice between a slightly better qualified man and a less qualified woman, he would very often appoint the woman. He stressed that this was not because the woman might bring down different decisions, but simply because it was important that women become involved in the legal process.

However he said that he could not be expected to really achieve a balance overnight. He pointed to the large discrepancy between the numbers of men and of women graduating in law from this university.

Another question was, "Why is marijuana illegal?"

Lang paused uncomfortably, drawing some laughter from the audience, and then replied that the position of the government is that marijuana is something it would be better if society had less of. "We have lost the battle on alcohol, but ... not on marijuana," he said.

The questioning then turned to the conflict that arose between the Bill of Rights and the Indian Act in the Laval case.

In that legal case it was ruled that the Bill of Rights cannot overturn discrimination against women in the Indian act, and it was asked what guarantee there was that the Bill of Rights

could overturn discrimination against women in any case. Lang replied that the Bill of Rights is in no way affected by the Laval case except in one small area.

Questioners were concerned that future court decisions might affect the Bill of Rights in other small areas. Lang said that it is not the Bill of Rights but the alertness of the democratic process that people have come to rely on to protect their rights.

A Liberal Party member in the audience asked what advice Saskatchewan Liberals might have for Alberta Liberals in light of the relative success of the former compared to the latter in the last election. (Lang represents the riding of Saskatoon-Humbolt.)

Lang said that the poor showing of the Liberals in Alberta was influenced by some pretty emotional local issues. He also said that the Liberals were

outgunned in Alberta not only by provincial ministers, but also "by a press that is not only not Liberal (liberal?), but out of this world."

The final question was that Lang comment - from a strictly legal point of view - on the recent pardon in the US of an individual rather prominently involved in the Watergate affair.

Lang said that he hated to second president Ford at this distance. But he spoke of the contrasting British/Canadian and American traditions, saying that it would be wrong for a Canadian attorney-general to be influenced by partisan considerations. He said that a Canadian attorney-general is expected to rely very heavily on the advice of his own senior law officers.

Lang said that he was glad to be working with the Canadian system.

GFC seeks nominations

The G.F.C. Nominating Committee is seeking nominations for members to serve on the Review Committees for the Chairmen of the Departments of Anatomy, Biochemistry and Pathology. Regulations governing the composition of Review Committees for Department Chairmen require that one member, not a member of the Department concerned, be elected by General Faculties Council.

The Nominating Committee is also seeking nominations for one undergraduate student to be elected by General Faculties Council to serve on the G.F.C. Committee to Administer Works of Art.

Those who have suggestions for nominations or who are interested in serving on the above committees are requested to contact the Secretary of the Nominating Committee, Mrs. Pat Campbell, 2-1 University Hall, phone 432-4965.