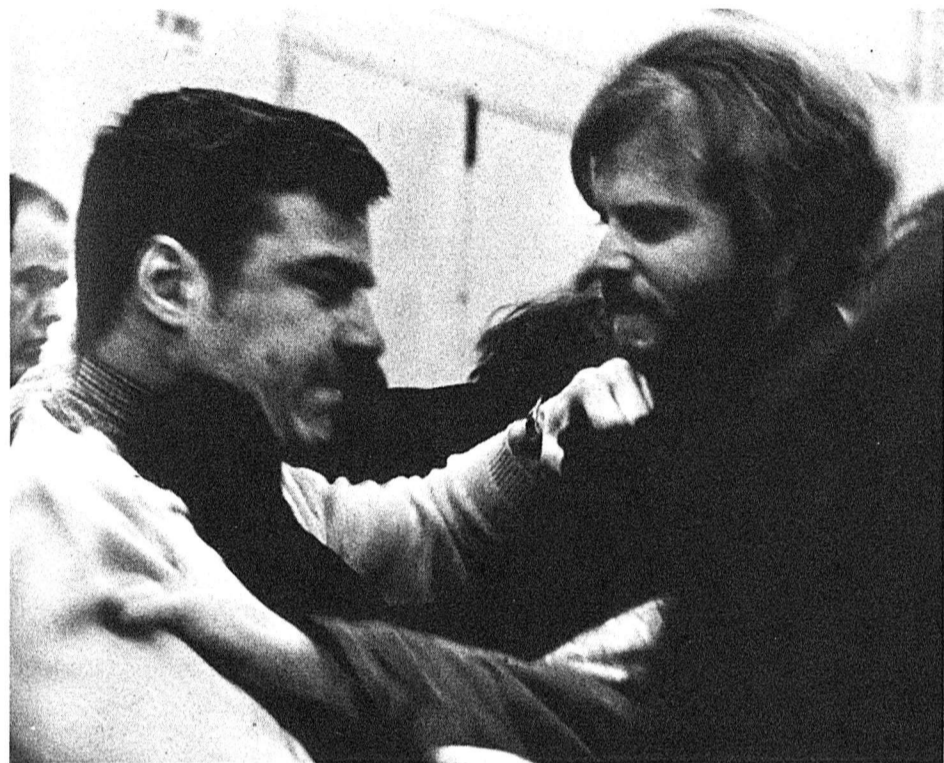


Law and ORDER



As Ken Mills remarked in the Arts Council teach-in last year, "The Emperor (Dean Smith and others in authority) stands naked before you." This is an institution made up of people who can make mistakes—they are not infallible as the current myth regarding the "apriori moral rightness" of the administration and faculty suggests. In the case of the law and order committee, if we take away the masks and myths perpetrated by the committee we will find the Dean of Law and his cohorts caught with their pants down in the act of rape of the student body. Harsh words granted, but the facts speak for themselves.

Its history

In March of 1969, the Council on Student Affairs, of which Provost Ryan is chairman, recommended that an investigation be made of "the whole question of the maintenance of law and order on the university campus." It further recommended that the present regulations "were no longer adequate in the light of rapidly changing social conditions" and the "place of university regulations and enforcement procedures as a supplement to the law of the land needed careful definition."

A few weeks later, Deans' Council recommended "the formation of a tribunal . . . to handle matters of student discipline; and that as a matter of urgency there be proper procedures available by the beginning of the session 1969-70."

Then, in late April, GFC passed a motion, moved by Dean Smith, and seconded by Dr. Charlesworth, that a "Law and Order" committee be set up. The terms of reference of the committee, as suggested by the Executive Committee of GFC were:

- General consideration of the maintenance of law and order on the campus.

- Regulations concerning student conduct and discipline.
- Procedures for the conduct of disciplinary hearings.

Why are the proposals for procedures and regulations contained in the interim report of the Law and Order committee repressive in nature and generally not in the best interests of the students and faculty? An answer is provided by an examination of the reports of the law and order committee and the university solicitors.

The rape itself

"The committee believes that disciplinary matters dealing with the students, inter se, should as much as possible remain with the students. However, the university as a whole has an interest in the proper func-

. . . it's seduction

tioning of university affairs, and should be prepared to make regulations, if requested by the students, to assist in the proper functioning of student organizations."

—This implies that the committee is a protector of the university's present role. The university is not simply an institute of higher learning but a protector of the interests of the powerful in society, a protector of the status quo.

"So far as university regulations are concerned, our preliminary view is that a different procedure may be appropriate for strictly academic matters from that required for the maintenance of law and order generally. We have thus far concentrated on the latter, leaving the question of strictly academic problems for later consideration."

—The proposed tribunal is then not concerned with academic matters, but with the maintenance of law and order.

"The General Disciplinary Board should, in our view, consist of both faculty and students because the hearings must not only be fair, but thought to be fair by those to whom they apply . . . three from the faculty and two from the student body, one of the faculty members acting as chairman. . . . In each case, the student members should be selected by the General Faculty Council on the basis of nominations from the appropriate student organization."

—The faculty-dominated GFC thus makes this decision for the whole university community. The administration and faculty feel it can turn power over to students only if students will maintain the power structures and will not violate the established social order.

"It was agreed that a person should have the right to counsel in the sense that if he wanted to hire

a lawyer to represent him he was free to have that lawyer represent him."

—How many students can afford to hire a lawyer? How many university administrations can afford to hire lawyers?

"It would appear that some faculty members engage in disrupting the activities of the students' union or counsel students to do so. The committee feels that faculty should not be exempt from university regulations necessary to the maintenance of order on the campus."

—This is real egalitarianism-repression for all! Will this ruling also extend to dissident administrators?

. . . was clumsily perpetrated

"There are some very serious problems with this draft that ought to be considered carefully by your committee before a recommendation is made to GFC or the student organizations.

"Under the Universities Act as it now exists, neither the GFC nor the Board of Governors has any power to create a tribunal which can compel attendance of witnesses or which can require testimony to be given under oath. Furthermore, in a potentially defamatory situation, the members of the boards and the witnesses appearing before the boards must rely on common law defenses as the normal protection given statutorily to judges and witnesses in court proceedings is absent."

University Solicitors, Oct. 1969

—The Dean of Law and two law students are on the committee. Why were these serious problems not noticed? Is this a lack of knowledge or is it selective per-

(Continued on page C-7)

