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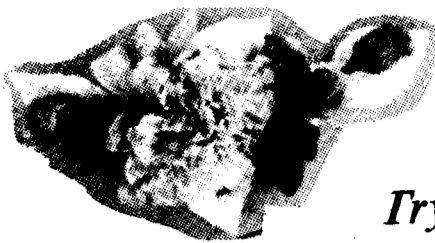
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Secretary must leave

by Julie Green

Controversy over the role of the secretary at the General Faculties Council (GFC) Discipline, Law and Order (DLO) panel has been temporarily resolved.

A student acting as an agent for a student charged with an infraction of the Student Code of Behaviour questioned DLO secretary Margaret McCaughan's right to remain in the room with the panel while it deliberates.

GFC executive resolved the controversy by deciding the secretary must leave the room while the panel deliberates. If the panel asks for the secretary's advice, all the involved parties must be present in the room.

DLO procedures set down in the GFC policy manual give the secretary the authority to reject a "scandalous or frivolous" complaint, to choose DLO members and to formally charge students with offenses. She also acts as a resource person to the panel, explaining legal or procedural points and university regulations.

The student agent protested McCaughan's presence, citing a case recently brought to the Supreme Court. The Supreme Court decided all parties must be present when the secretary/resource person gives advice.

The secretary's role as a resource person was discussed by the Campus Law Review Committee (CLRC), which reported to GFC March 3. If the secretary remains in the room during deliberations a suspicion of bias could exist, they reported.

"No other person than those deliberating the case should be present," according to the university's solicitors. Even if a resource person merely gives advice on request, he could conceivably be going farther and influencing the tribunal, unknown to the parties, they said.

"This was undesirable since justice must be seen to be done," they added.

Although DLO hearings are not legalistic, some student agents confused the panel's lay members with highly technical and legal points, McCaughan told the GFC executive when the matter was discussed. Some students have advised their "clients" not to answer questions by the lay panel, she said.

The CLRC is beginning a review of DLO procedures and the Code of Student Behaviour and changes in DLO procedures are expected.

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