

Procedure unfair

Since fall term the president's Ad Hoc Conduct Code Committee has been reviewing the University's Student Conduct Code and drafting recommendations for changing that code. Charges that the code is illegal, inadequate and in violation of the Oregon Administrative Procedures Act continue to be debated. One of these charges, that defendants' rights to counsel in conduct court hearings are not adequately safeguarded, is apparent.

Under the present system if accused students elect to have their cases heard by the Student Conduct Court, one of two student defenders employed by the Office of Student Conduct is assigned to the case by Steve Barnes, student conduct coordinator. Barnes, acting as prosecutor, and the defender work out of the same office and use the same files and material in preparing their cases.

It can be argued that administrative hearing bodies such as the Student Conduct Court are not bound by the same judicial procedure rules as courts of law. These hearing bodies, however, generally recognize the principle that persons facing jurisdiction are entitled to representation by their own counsel.

Student defenders, employed by the same office that is prosecuting their clients, do not qualify as adequate counsel. If the principle of representation by counsel is to have any validity, the dual functions of prosecution and defense must be separated.

The Ad Hoc Committee should recommend to the University that the student defenders be transferred from the Office of Student Conduct to another area such as the Student Bar Association. Until this separation of functions takes place, students appearing before the Student Conduct Court cannot expect a fair and impartial hearing.



"I HAVE BEEN ADVISED THAT THIS STATEMENT IS PROBABLY INCORRECT..."

commentary

Hour of truth passes

Editor's note: The following article by Don Bishoff is reprinted by permission from the Eugene Register-Guard, April 11.

Welcome to the University of Oregon, home of academic freedom and parliamentary procedure. Want to see grass-roots democracy at its worst? Drop in on one of the U of O's monthly faculty meetings.

You won't find many faculty members there. But you will find why the New England Town Meeting is no longer the prevailing form of government in this country.

The faculty meetings are the greatest argument against participatory democracy since the Tower of Babel. If the faculty, instead of the Continental Congress, had been considering the Declaration of Independence, the Declaration would still be in committee for amendments.

Do I exaggerate? Return with me to last week's faculty meeting.

It is 3:30 p.m. in Science Bldg. Room 150, where campus film societies show old movies when faculty entertainment isn't available. Faculty members, dressed in everything from traditional tweeds to hip knit caps, are scattered through the room. One man appears to be dozing in a back row.

At issue today is whether the university should reinstate the D and F grades which it somehow abandoned a while back.

An ad hoc committee (ad hoc is Latin for not having anything else to do) has labored for more than a year and recommended bringing back both the D and the F and making other changes. The faculty has spent two hours in debate at a previous meeting, passing Paragraph 1, which refers to the Ds.

Now the hour of truth is at hand on the rest of the proposal. Or is it?

Committee Chairman William Lamon stands up and says some of the changes to his plan would be contradictory, absurd and ridiculous. He says the whole thing should be sent back to his committee for more work.

Another committee member makes a motion to do just that.

A math prof speaks: "I'll ask if the mover would accept the change that the move to refer be preceded by a phrase to the effect that the faculty rescinds approval of Paragraph 1." But Parliamentarian Peter Swan tells him that has to be a separate motion.

Debate ensues. Some faculty members favor the motion, some oppose it, others don't understand it. Says Registrar Spencer Carlson:

"What we've gotten ourselves involved in is a whole set of minor changes, some for nostalgic reasons, some for reasons of philosophy, some for I don't figure out what...We've gotten ourselves in such a mess that we don't know what we're trying to do."

Carlson — who has to reset his computers every time the faculty changes the grade system — obviously understands the situation.

But a prof at the back of the room — not the dozing one — takes umbrage at such talk: "I think I resent some of the unspoken implications regarding the ability of this faculty. (If he thinks they've been unspoken, he hasn't been paying attention.) Thus far, all I've heard is that we'll be here till doomsday..."

"If we're looking for efficiency, why are we fooling with the faculty at all? (A more pertinent question than he perhaps intended.) Let's have the administration decide...But I think this is still a faculty matter. We don't like it — it's slow — it's burdensome — but, by George, that's what it's all about."

At this juncture, if the administration showed up in force it could probably outvote the profs. Only about 85 of the 900 U of O faculty members are present.

There's a voice vote on the motion to send part of the plan back to committee. The ayes and nays sound about equal in volume, but Provost Harry Alpert — who's presiding — rules that it has passed.

Someone calls for a show of hands. The count is 61 for sending it back, 24 against. Nay sayers speak in louder voices.

Then the debate turns to Paragraph 1, which passed at the previous meeting. A welter of confusion — more confusion, that is — arises over whether it should be rescinded.

The phrase "point of order" is heard so often that the meeting is starting to sound like the old Army-McCarthy hearings.

Finally, Registrar Carlson withdraws his motion to rescind and says they can talk about Paragraph 1 at the next meeting. Alpert agrees to leave paragraph 1 in limbo until then.

But Parliamentarian Swan has a final thought: "It strikes me that there is at least one possible logical difficulty here. That is that when originally it was moved to divide the question, that motion was made and sustained on the notion that it was independent and could survive without the other half of the question. And now we are taking the position that it doesn't need to be implemented because it's part of the larger whole. I'm not bothered by it personally, but I think it presents some logical problems."

Committee Chairman Lamon, who has more right than anybody to be confused, stands and says: "I move the previous question."

Alpert gently tells him: "There is no motion before us." And the faculty moves on to its next item of business.

Will Paragraph 1 survive? Go to next month's faculty meeting to find out.

But try to stay awake.

Letters

Article tainted

In an article printed Wednesday, the *Emerald* attributed a statement to me that I simply did not make.

The article in question concerned the Interfraternity Council (IFC). In a paragraph discussing conduct matters, I was quoted as saying, "We fined their house good." The interview was in January, but I know that I did not — nor could I ever — make such a statement.

First of all, a fine was not assessed in the example given. Secondly, "we" indicates that the IFC officers are directly in charge of such cases. This is false. As I discussed with the interviewer, these decisions are made by a panel of four fraternity presidents. Lastly, I haven't used a sentence with such poor grammar since I was in grade school.

Other inaccuracies exist in the article as well. In the second paragraph, I am quoted as using the word "frat." This term is considered to be a derogatory word by many fraternity people, including myself. I do not use it. This error may have been typographical.

Another possible typographical error occurs later on in the story. I am quoted as referring to a "raunchy" party. Again, this is an expression that I do not use. I may have said "rowdy."

These inaccuracies have portrayed me as uninformed and vindictive, as well as illiterate. Further, the tone of the article is such that the Interfraternity Council appears to be the "Mommy" of the fraternity system. This is not the case. These errors have tainted an otherwise fine article. I appreciate this chance to rectify them.

Tom Dulcich
econ., sr.

Editor's note: The Emerald has checked with the writer of the article and reviewed his notes on the story. We are satisfied that the substantive content of the article and the statements are accurate and correct. The quotation marks around the word "frat" were used to set the word off as a slang expression; not to attribute the word to Dulcich.

Bikes defended

Isn't there a better approach to the bicycle problem on campus?

Bikes are quiet, pollution-free, non-hazardous, healthful. We should regard it as encouraging that so many people have chosen this form of transport. We should be careful when dealing with the over-population of bikes on campus not to unjustly penalize those who are cyclists (no doubt the majority of students and faculty).

Instead of plunging into restrictions such as the proposed licensing and threat of impoundment, I see other approaches. There is a definite need for more conveniently placed bike racks. If they were provided, many of the bikes parked in obstructive places would be moved voluntarily. For example, racks outside the women's locker room in Gerlinger have long been needed. Why don't we respond to this need?

Where bicycle-pedestrian collisions are a nuisance, guidelines for "bicycle etiquette" could create some order out of confusion, once familiarized with the student body. The guidelines might state that pedestrians have right of way on all sidewalks and on most campus paths, yet several cross-campus paths could be reserved for bike traffic.

Aren't the proposed regulations a bit harsh and unwise? It appears that someone likes rules for the sake of rules.

Cathie Pake
biology, jr.

Letters policy

The *Emerald* will accept and try to print all letters containing fair comment on ideas and topics of concern or interest to the University community. Because of space limitations, letters must be no more than 250 words, typed, triple-spaced, dated and signed with the person's major. No unsigned letters will be published.

Longer opinion columns will be published whenever possible after being submitted to the editorial page editor. The limit on opinion columns is 800 words, using the same format as letters.

Thursday, April 15, 1976