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Judicial Act Delay Due To 'Politics'?

By Nancy Davis

The issue that could possibly be described as the biggest controversy so far this year on campus is presently only a controversy in the student government office. The issue is the new proposed Judicial Act (officially called the Student Disciplinary Governance Act for the University of North Carolina at Charlotte), which if approved will change the structure of the student courts, the responsibilities of the student legal assistants, and the process of trying cases.

However, Student Legislature is working with it now with the problem being that 95 per cent of the students don't know about the new act or how it will affect them. Work began on the new act this past summer with plans to have it approved by legislature early in the semester. Yet, only a few know where it stands right now or the necessary procedures left in order to get it passed.

Many are asking what the hold up is and why it is such a controversial document. Feeling that an undercurrent of desentment among the student legislators is present, Forrest Bowen, former attorney general and one of the authors of the new act, describes the cause for the delay as political. Referring to other controversial issues that have passed through legislature with no problems, Bowen said, "If legislature really wants to get it done, they'd pass it in a motion."

According to the present Attorney General Jeff Hall, the legislative process is holding up passage of the act. Hall explained that "legislature is going over the act word by word, line by line...to steam out any differences." He feels the new Judicial Act should have been presented to legislature earlier in the year.

Judicial Committee Chairman Gary Rogers is not sure how to explain the act's delay in getting to legislature. Rogers said that awhile back, Dennis Rash "...claimed he put the new Governance Act in Karen Cozart's (then acting Judicial Committee chairman) box. She claims she never had it." However, Rogers believes the main problem with the new Judicial Act is that it is a "violation of the Student Body Constitution," and that "it is going to take time for it to be approved."

The difference in the new act and the old one are a major reason for its extreme controversy. The old act requires a student court to hear all cases, while the new act will replace it with an appointed Hearing Board. The entire trial

proceedings will differ also. Instead of the attorney general concentrating on the prosecution and the legal counselor on the defense, under the new act, both sides will gather evidence and present the facts to the Hearing Board. The Hearing Board will make a decision as to whether there is any reason for punishment.

Hall feels the new act is "fairer to the students who have done wrongdoing." He feels that under the old act, the attorney general and legal counselor were always clashing, "one wanting to hang him, the other wanting to get him off." Now with both offices only gathering information and presenting them to the Hearing Board, Hall feels that more justice will come through this new system. The attorney general loses power under this new act, also.

Roger's belief that the act is in direct violation of the constitution has slowed down his committee's work. Even though the new act redefines the supreme court and the attorney general's office defined in the constitution, Rogers feels that his committee's hands are tied because "the Chancellor doesn't even recognize the constitution."

The new constitution, passed in the student elections of 1976, is not official until the Chancellor has approved it and puts a limit on how it can be used by the students. Therefore, Rogers feels that the act is either going to have to be rewritten to fit the constitution or that the constitution's going to have to be changed in a student referendum to fit the Judicial Act. "Or," explained Rogers, "we'll have to sit down and write a new constitution," which will also have to be passed in a student referendum.

The idea of waiting for changes in the constitution doesn't settle too well with Bowen. He explained that when his committee began writing this act this past summer, it was apparent that the constitution would have to be rewritten. Throughout the summer, Bowen said he kept in contact with Student Legislature Chairman Jack Summerlin, and was "always promised that it wouldn't be a problem." The constitution was going to have to be rewritten to include the Fees Commission that was formed last year.

"There are parts of it that are just totally unacceptable to me," said Rogers about the new act. "I'm very serious about it...I'm concerned with the students ahead of me." Rogers admits the Judicial Committee is having a hard time trying to accept certain areas of the act and is meeting weekly to discuss the act.

Miss 49er Pageant



Negleatha Jones (top and lower right) won the seventh annual Miss 49er Pageant over nine other contestants, including Sandy Robinson (lower left).

Last week, only three out of the eight committee members showed up for the meeting.

Hall is looking for efficiency in his office and feels that can best be found in the new Judicial Act. According to Hall, there is a "significant amount of back log of cases" that must be tried this semester. He feels the old act is "ineffective and inadequate." Yet Rogers is concerned with the rights of the students, questioning what happens to a student's defense under this new act.

Bowen, however, feels that if legislature doesn't do something soon, the administration is going to step in and set up the act themselves. He used the Fees Commission, set up last year by the administration, as an example. Bowen explained that the Student Legislature was misallocating funds and violating the law and the administration had to take matters into its own hands. Now he feels

the chancellor and administration could be forced to act again.

"I don't know what's going on, except that it's creating more distance in the student government office which has an affect on the Judicial Act. Ultimately, the administration will step in and not allow us to drag our feet," said Bowen. "In the old act there were a lot of legal inconsistencies...violations of the law...real legal problems...and loopholes to get off on," Bowen said.

For now, the old system must be used to handle the cases, whether individuals agree on it or not. "We still have the old court system. We sat on it all semester," said Rogers, agreeing that the old act should be used now. Yet, Bowen feels it is "dysfunctional for those students needing help and not having the means to do it."

Next week: UNCC administrators' voice their opinions of the Judicial Act.

One Year After Petitions and Implementation, It's A 'Non-Issue'

Smoking Ban: Most Students Like It

By Steve Bass

Almost one year has passed since Chancellor D.W. Colvard banned smoking in all classrooms on the UNCC campus. The ban had its origins during the fall registration for 1976. Students opposing classroom smoking manned desks requesting students to sign petitions urging the ban. Chancellor Colvard, upon receiving the petition announced smoking would henceforth be banned in the classroom. "No Smoking" signs were posted in every classroom and professors were instructed to enforce the regulation. The ban met with initial resistance from students unhappy with the decision and

the method employed to have the ban created. Today, one year after the initial response the ban is viewed, in the words of UNCC Director of Public Information Ken Sanford as "a non issue. Most students don't seem to care. They view the ban as accepted fact."

Students interviewed in the commuter cafeteria generally agreed with Sanford's opinion. Junior Doug Huss, a business major said, "I like the ban, because I don't smoke myself. Smoke really bothers me. I guess for me the ban was a case of the sooner it went into effect the better." (cont'd. on p. 4)

On The Inside:

● Neil Young Puts His Entire Career On One Album (p.10)

● Rogues 'N Rascals Situation Improving (p.4)

● Will Rogers Is Alive And Well At UNCC (p.2)

