

Students occupy Quebec minister's office

BY SONIA VERMA

MONTREAL (CUP)—A group of students occupied the constituency office of a Quebec cabinet minister to protest the provincial government's shaky record on making post-secondary education accessible.

Shortly before 2 p.m. on Oct. 1, approximately 30 people, most of them students from the provincial colleges, commonly known as CEGEPS, entered the constituency office of Andre Boisclair, Quebec's immigration minister.

They presented officials with a list of demands before escorting them out of the building and barricading the doors.

The list of demands included free and accessible education, a request that the province convert loans into bursaries to eliminate student debt and that students be guaranteed a voice in the running of the province's CEGEPs and universities.

But as the evening wore on, students noticed the growing police presence around the building. By 10:30 p.m. there were 12 police cars at the scene and the students voted on whether or not to leave "on their own terms," according to Patrick Borden, a member of the civil disobedience group Canvas, who participated in the occupation. By a majority of one, the decision was made to leave.

"The police gave us an amnesty and we left. Personally I feel we bailed out way too soon," said Borden.

Jean-Rene Levesque, secretary of Le Mouvement pour le Droit a l'Education, says the students occupied the office because direct action has been successful in the past.

"We are trying to construct a movement to radicalize students in the province," he said. "It has to be a militant approach because that is

what has worked in the past."

Last fall, students at 25 of the province's CEGEPS went on a month-long strike to protest the threat of rising tuition in Quebec. In the wake of the strike, provincial Education Minister Pauline Marois announced that the provincial government would freeze tuition for Quebec students until the end of its current mandate.

Julie Bradet, a CEGEP du Vieux Montreal student who participated in the occupation, says Marois' track record reveals a lax commitment to accessible, quality education.

"Marois should have extended her promise to freeze tuition," she said. "Right now her promise is temporary, and it only applies to Quebec students. She is not committed to an ideal of education for all."

This fall the Quebec government introduced a differential fee formula requiring out-of-province students to pay more for their education. Tuition jumped by as much as \$1,000 for these students.

The occupation of Boisclair's office is part of a broader campaign to pressure the Parti Quebecois government to return to its more

socailly progressive roots with respect to post-secondary education funding. Since the beginning of its current mandate, the PQ has slashed over \$400-million from the education sector, and has indicated that it may cut at least \$700-million more.

Members of Le Mouvement say if the government does not accede to its demands by Oct. 23, they will call for another province-wide strike and other acts of civil disobedience.

The Quebec wing of the Canadian Federation of Students (CFS) is also planning actions to

protest the provincial government's education policies.

The federation is planning to occupy the provincial government buildings in Quebec City on Nov. 3 to protest poverty, neo-liberalism and globalization. They will also present the provincial government with a list of demands, including accessible education.

"It's a good idea to participate in actions like the occupation because it fits into a larger movement," Erin Runions, chair of the Quebec CFS wing said. "It's important that people feel comfortable with this type of resistance."

Bank service charges remain unchallenged

BY JULIAN SCOTT

WINNIPEG (CUP) — A little-known legal requirement obligating banks to obtain customer consent before applying each and every service charge continues to be overlooked.

Even minor charges like those resulting from automated teller withdrawals and cash advances are illegal unless the customer approves them before they are levied, according to section 440 of the Bank Act, the federal legislation regulating financial institutions.

The section states that an "express agreement" must be made between both bank and customer before any charge pertaining to the "keeping of the account" is applied. And blanket agreements signed when accounts are opened do not over-ride this requirement.

But this requirement was news to Linda Rutledge, director of consumer affairs for the Canadian Bankers Association.

"I'm certainly not aware that the banks are required to get a customer's consent every time they charge a service charge," she said.

The matter has, however, been dealt with in Canadian courts. In a Quebec small claims court in 1994, the presiding judge ruled in favour of a plaintiff suing a bank under the provisions of section 440. He said that the Bank Act had indeed been violated, and all service charges in question had to be refunded.

But since then, no other legal action with respect to section 440 has found its way into a Canadian court.

This is because a low-level court made the decision says Kernial Aasland, a member of the social justice coalition, Choices.

"Even if it is precedent setting, everyone's ignored it, so it's a useless precedent," Aasland said.

Aasland added

that the relative obscurity of section 440 coupled with the prohibitive costs of taking a major bank action have also discouraged legal action against these service charges.



Even in the event that this matter does make it to a higher court, banks may take advantage of a potential loop-hole in the Bank Act to defend themselves, Aasland says.

Banks could argue that section 15 of the Bank Act functions as a disclaimer to the entire document, because this section stipulates that any section of the Act is void if it comes into conflict with an agreement made by the bank.

In other words, if you authorize a bank to apply service charges to your account without notifying you, it may do so, even if it is illegal.

The consumer may have very little recourse in this situation. Refusal to sign the bank's agreements will likely result in a customer being denied an account.

"The bank is not obligated to provide service to anybody," Rutledge said. "If you're not happy with a particular agreement, then you'd have to find another bank that would offer you an agreement that you're willing to be entered into."

This may be difficult to do in Canada, however, since the major banks all have similar agreements for the opening of an account.

BC teachers college seeks appeal from Supreme Court ruling

BY LISA SCHINCARIOL

VICTORIA (CUP) — The British Columbia College of Teachers launched an appeal with the provincial Supreme Court last week following a decision to allow a church-based university, which frowns on homosexual behaviour, to expand its teaching program.

Members of the Evangelical church-based university, a private and fully-accredited institution, are obligated to refrain from homosexual behaviour and other forms of conduct which are biblically denounced.

"We've been asked to give the stamp of approval to a program that in the view of the [college of teachers'] council is clearly discriminatory. By its very nature, [gay and lesbian]

students... would be discouraged from going there and faculty of this orientation would not be able to work there," said Doug Smart, registrar of the BC College of Teachers.

He says the college was comfortable with continuing to certify Trinity Western's current Bachelor of Education program because its fifth and final year, the teachers' education component, is run out of Simon Fraser University.

But they rejected the school's application to have the full program at the Evangelical university.

The BC Supreme Court, however, overruled the objection.

In the initial hearing, the court investigated the conduct of students and graduates of the current program, the

majority of whom have been employed in highly diverse classroom settings. According to the court, no evidence was found that the teachers' beliefs led them to discriminate in the classroom, or to neglect their responsibility to shield students from harassment.

As a result, Justice W.H. Davies concluded that the College of Teachers had no reasonable basis for refusing to certify the program, and stated that teachers must be judged by their conduct, not by their beliefs.

But Smart says the College of Teachers' has plans to appeal the decision.

"We have the authority to approve the teachers' education component of the program. We believe the judge erred in not considering that issue," he said.

Dr. Guy Saffold of Trinity Western says

he is displeased with the college's decision to appeal.

"We are very disappointed and worried," he said. "It's your knowledge and skills that should matter, not your view of sexuality."

He adds that it is stereotypical to assume that those who are Christian are more likely to discriminate against gay and lesbian students.

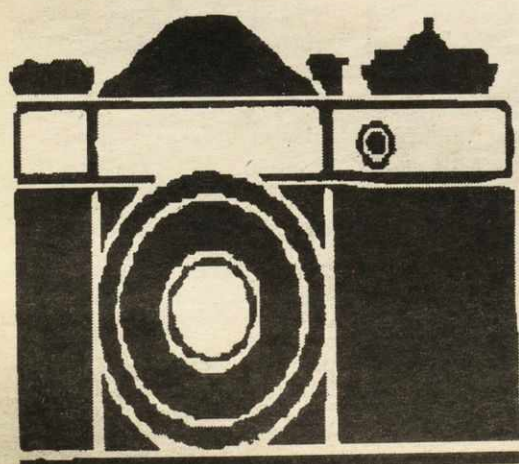
"You can't make an inference about something someone might do just because you know something about their sexual orientation. Similarly, people used to infer that gay men were also pedophiles simply because they were gay. That's ridiculous. People shouldn't be stigmatized based on their view of sexuality," Saffold said.

The B.C. Civil Liberties Association is

supporting Trinity Western, and its right as a private institution, to enforce a code of conduct on its attendees.

But Steve Solomon, a teacher at the Oasis, an alternative high school in Toronto with a transitional educational program for gay, lesbian and bisexual students, is skeptical of such a program. As a teacher of students who leave mainstream schools because of the discrimination they face, Solomon says that teachers commonly contribute to discriminatory practices by act or omission.

"I think it's artificial that we separate work that we do professionally and the beliefs that we hold. It's going to be up to each teacher to reconcile their own beliefs with the policy of the public school board."



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