

# Hicks Being Sued

by Rick Whitby

On November 20th, the Supreme Court of Nova Scotia will begin hearing a case of some importance to the Dalhousie community. The defendants in the case are none other than Henry Hicks, the President of Dalhousie, W.A. MacKay, the Vice-President, and the Board of Governors of the University.

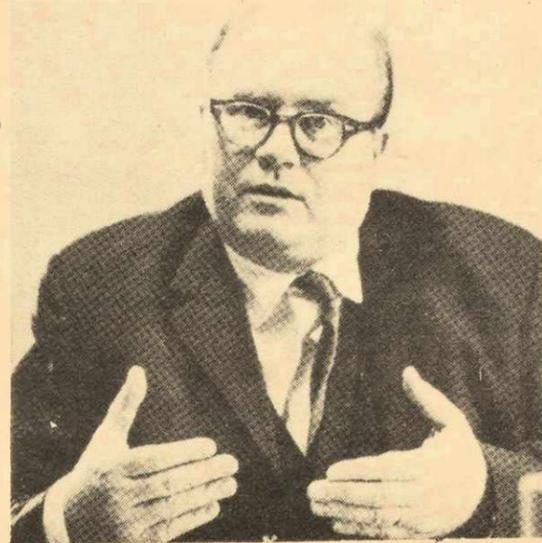
They are charged with going beyond their authority to deny tenure to Associate Professor Bruno Dumbrowski. Dr. Dumbrowski claims in charges brought before the Court that Hicks and MacKay acted without jurisdiction in denying him tenure after the Faculty of Arts and Sciences voted unanimously to approve his application on April 6, 1971.

Dumbrowski is the holder of a "Copernicus Medal", which was awarded to him for excellence in his field by the government of Poland. The purpose of his suit as outlined in the official claims printed at the end of this article, is to seek reinstatement in the Department of Classics and damages for the non-renewal of his contract. As already mentioned, the trial begins next Wednesday and is scheduled to run for three days. The

GAZETTE will be covering this important battle and we plan to investigate further instances of this nature in the near future.

The following is taken from the official claims of the complainant made in the Supreme Court of Nova Scotia on March 22, 1974:

"The plaintiff claims an Order in the nature of Mandamus compelling the first defendant (the board of Governors) to consider the applicant's entitlement to a tenured position, an Order in the nature of Mandamus compelling the second and third defendants (Hicks and MacKay) to remit to the first defendant the recommendations of the Faculty of Arts and Sciences of Dalhousie University in relation to the applicant's entitlement to tenure; an injunction restraining the second and third defendants from participating in the deliberations of the first defendant with respect to the applicant's entitlement to tenure; a declaration that the second and third defendants acted without and in excess of the jurisdiction in denying tenure to the applicant and in failing to place the matter of the applicant's entitlement to tenure and the recommendations of the



Prof. Dumbrowski

Tenure Committee of the Faculty of Arts and Sciences before the first defendant and, alternatively, damages for improper dismissal against the defendants jointly and severally."

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# Council Decides on \$10 Increase

by Peter Clarke

Student's Council voted on Monday, November 11th to increase Student Union Fees by ten dollars. The figure was arrived at as a compromise between the seven and twelve dollar options which were presented as proposals A & C on the Referendum ballot.

Although the motion passed easily with a ten vote margin, Council was not at all sure of their actions. Early in the meeting there was a strong movement to leave the decision up to a student union meeting some time in the future. Complaints were made that publicity costs would be as high or higher than the referendum, and there would still be no guarantee of a firm decision. Valerie Dyer Shirreff Hall insisted that by approving a student union fee increase without a student union meeting, as provided for in the By-Laws, the Union could be acting illegally. O'Connor assured Dyer that the Union had already fulfilled its constitutional duty by holding the referendum and a meeting of the student body would not be necessary.

Martin Ware (Graduate Studies) suggested a union meeting could be held without extensive publicity, most of the Councillors refused to consider this. Most people shared the sentiments of Andy Foster

(Science) when he said that it was impossible to interpret the results of the referendum. O'Connor however thought otherwise and went through a great deal of complicated mathematics indicating that the referendum had definitely pointed towards an increase in union fees. He added that no answer would be totally satisfactory but he felt Council was obligated to make a decision rather than turn it back to the students again. Wayne Gillis (Law) agreed, noting that 67.2% of the voters had favored some kind of increase on the first ballot. Gillis felt that this was enough indication for council to move for an increase. Mark Crossman offered a little more direction by noting that the weighted average increase was between eleven and twelve dollars.

Peter Costwell (Arts) and Chris Hart (Science) joined Dyer in arguing for a student union meeting. They insisted that the ballot could be interpreted in several different ways yielding several different answers. Costwell pointed out that the final tally had resulted in a 50.4% for proposal D (no increase). He admitted that this result had excluded the great percentage of C and A voters (both proposals for an increase) who had not voted preferentially, but he added that Council could not

morally interpret what their second and third choices



would have been. Hart added that he felt the referendum was biased in favor of an increase by offering four opportunities for voting the fee up and only one opportunity for maintaining it as it stood.

Gazette Co-Editor Mary-Pat MacKenzie spoke saying that another referendum or Student Union meeting would be absurd. She reminded Council that neither was binding and that if Council refused to make a decision on the results then they would be shirking their responsibilities. O'Connor added that a union meeting was of little purpose, if you can't interpret the wishes of two thousand people you shouldn't try again with twelve hundred.

Wayne Gillis (Law) came up with a solid proposal. He moved that a fee increase of ten dollars be initiated. Alan Turnbull (Education) quickly proposed an amendment

changing the figure to twelve dollars followed by Chris Hart offering to amend the amendment to seven dollars. Council now had three choices before them, all increases.

O'Connor who originally had sided with seven changed his mind and now backed ten, he explained that ten was a good compromise helping to accomplish most of what the twelve dollar increase would without offending proponents of the seven dollar increase. Ware made a near poetic appeal for the twelve dollar increase. He claimed that most of the people voted for an increase because they wanted the university to be a more human and less alienating place. Ware felt that the money was necessary in achieving this, but more important was the desire and the determination of the Council. Ware advised people to vote for the money only if they felt the determination and potential was there.

In the end it was the ten dollar raise that satisfied most, the vote was 14 for; 4 against and 2 abstentions.

The only other business discussed at Monday's meeting was the Report of the "Committee to Restructure Dal Radio", for which council has been waiting six weeks. The report was a fat thirty-one pages and O'Connor pointed out that it



implied substantial increases in Radio's future Capital Expenditures (carrier current) and operating budget (full time, salaried, programme director). Mark Crossman asked for details on the additional expenditures. Treasurer Barry Ward answered that the only additional expenditure would be for the Programme Director's Salary as carrier current was covered in the present budget. He figured Radio would need an additional seven thousand dollars. Martin Ware questioned whether the budget could stand the strain considering this year's tight money situation. Ward assured council that the requirements could be met this year but admitted that additional revenues would have to be found next year. Ward said he thought the Union could afford it.

Wilma Broeren (Grad Studies) asked why the committee felt that the

Cont'd pg. 6