

UBC students win \$1-million in court case

BY CHRIS NUTTALL-SMITH

VANCOUVER (CUP) — The University of British Columbia will be refunding about \$1-million in tuition after four students won a victory in court over ancillary fee increases.

As a result of the decision, this year's increases to ancillary fees going towards the Student Aid Fund and the Teaching and Learning Enhancement Fund — which totaled 1.6 per cent of a student's tuition — will be refunded or credited to future tuition costs.

For a student with a \$2,400 tuition bill, the rebate will total \$36.

"It took a minute to sink in for us to see the court agreed [that] the university broke the law and raised these fees while the [provincial government] stood by," said Michael Thoms, a graduate history student who helped launch the petition against UBC.

The decision was handed down Jan. 22.

Last summer, Thoms and three other students requested a judicial review of UBC's upping of the two ancillary fees in light of the provincial government's tuition freeze.

The two fees were originally introduced in 1992-93 and were set to rise by approximately 1.6 per cent of tuition each year until they reached a total nine per cent on top of tuition.

But the final increase, implemented this year, came after the tuition freeze — violating the legislation. Students will continue to pay the bulk of the two fees.

Justice Ronald Holmes of the B.C. Supreme Court accepted the students' argument that the increases violated the tuition freeze. The judge also rejected the validity of an exemption the B.C. government granted the university to increase the two fees, an exemption granted months after the freeze was introduced in the spring

of 1996.

Though university officials say they accept the court decision, there is some concern over the impact it will have on student aid.

Carol Gibson, director of awards and financial aid, says her department has already committed funds from the increase to needy students. But she says the money lost by the Student Aid Fund, which she estimates to be as high as \$500,000, will probably be absorbed into her department's \$3-

million bursary fund without too much pain.

But the fund may end up getting help from students themselves. Thoms and the other petitioners are urging students to donate their fee rebate either to the students' legal fund or to the Student Aid Fund.

"The Student Aid Fund is consistent with what we're trying to do — we want to make education affordable," Thoms said.

The day was not a complete victory for UBC students, however.

The large tuition increases the university introduced for international students and those in select professional programs were also challenged by the four students. They argued that UBC didn't follow its own policy on consulting students before bringing in the increases. But the judge ruled otherwise.

He accepted the university's position that students didn't have a legitimate expectation to be consulted, since few knew of the

consultation policy.

Holmes also ruled that while UBC didn't follow its policy to the letter, university administrators consulted extensively with students.

Ruta Fluxgold, vice-president of the UBC student union, says the university has lost credibility since arguing it didn't have to follow its own policies.

"We know now what we have to get the university to do to keep its word, which is sign a contract basically," Fluxgold said.

Nfld. loan remission appeals go well

BY MICHAEL CONNORS

ST. JOHN'S (CUP) — Student leaders are expressing guarded optimism about Newfoundland's loan remission program after some concerns were answered during the appeals process.

Students graduating from post-secondary schools this year were the first to be able to take advantage of a provincial program which promised to forgive debts in excess of \$22,000 — but only if they finished their degrees within a year of the prescribed time.

The timely-completion requirement drew heavy criticism from student groups who claimed it was too restrictive and didn't take into account certain realities of student life which could legitimately delay graduation.

The groups said their concerns were proven last November when only 30 per cent of the 290 students who applied for debt-relief qualified for remissions.

But of the 26 students who appealed after being turned

down, 14 were approved. Randy Miller, a Memorial University student union vice-president and member of the appeals committee said this is a positive sign.

"I was pleased with the way the appeals went. My hope is [more students] can get a fair deal now," he said.

Students who couldn't take full course loads because of medical reasons or who had to do additional semesters before entering degree programs were granted appeals, as were students who did extra part-time semesters in which they did not take out loans.

Miller says these decisions will be considered precedents, so more students may eventually benefit. He adds the province's student aid office may now end up reviewing all applications which were turned down to see if any more qualify under these new exceptions.

"I think the government actually envisioned more students getting remissions under the program than actually did," Miller said, adding the government only spent half of the \$1-million it had expected the program to cost.

Kent Farrell, who works for the

provincial student aid office, says he is still waiting for the appeals board's final approval, but adds the interpretation of appeal criteria is currently being reviewed.

He says there will be a clearer picture of how the program is working next year when the province receives the first applications from graduates who entered university after student grants were cut four years ago and the remission program announced.

"There's going to be a lot of students qualifying next year," Farrell said. "I think when the program was designed, it was designed for those students graduating after being in school receiving nothing but loans. That's when we'll tell if the criteria are too restrictive or not.

But Dale Kirby, chair of the Newfoundland and Labrador component of the Canadian Federation of Students (CFS) says the government should have figured out long before the appeals process that the criteria were too restrictive.

"This is sickening that they're just figuring out the details of it

this year, but it was announced four years ago," he said.

Kirby says when the government eliminated grants and promised the remission program, it should have warned students that there would be a timely-completion requirement.

"If they had come out in 1994 and made sure everyone knew about it, maybe then we wouldn't have so many problems," he said.

Miller agrees that there are still problems with the program. He says the \$22,000 debt-ceiling is misleading because the government will only forgive loans accumulated within the prescribed study period. Students taking an extra year to finish their degrees can still qualify for remissions in some cases, but none of the debt accumulated during that extra year will be excused.

"You're still going to have students owing \$30,000 to \$35,000 even after qualifying," Miller said. "The government needs to look at all of the debt students are accumulating."

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