

Excalibur

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Court suspends faculty union's bargaining status

By AGNES KRUCHIO

The interim certification of the York University Faculty Association (YUFA) as bargaining agent for all full-time faculty and professional librarians at York was suspended over the Christmas holidays in Ontario divisional court.

The suspension occurred only 11 days after the faculty union signed its first agreement with York's Board of Governors (BOG). It came as a response to a group of six professors, who have requested that the agreement not be signed by the BOG until their request for a judicial review of the manner of certification has been heard.

They had asked for a judicial review in June, two months after certification had been granted to YUFA. They felt a "denial of natural justice" had taken place in the proceedings before the Ontario Labour Relations Board, and wanted to have the ruling certifying YUFA quashed.

At the time the Divisional Court suspended the certification, no date had been set for the hearing because the parties had not all filed briefs with the courts. The challengers themselves, who are also known as Independent Faculty Members, had only filed the final form of their so-called IFM case on November 16.

The association and the university have been negotiating the first contract for six months. The first collective agreement was finalized in the middle of November, and was submitted to be ratified by the YUFA membership at large on November 21 and 22. It was then ratified by an 84 per cent majority. November 29 was set for a special meeting of the BOG to consider and ratify the contract.

The IFM say they had approached the BOG "informally" at first asking them not to sign the agreement, then filed for an injunction and November 30 was set for the consideration of their case.

According to the decision handed down 11 days later, the court only heard about the so called "application for direction" on behalf of the IFM on the 29th. On that same day the agreement was signed

between the BOG and the union.

To add to the confusion, there was a suggestion in court on the 30th by the lawyers of the IFM that they had an 'understanding' from the lawyers of the university that the agreement would not be signed by the university.

According to the judgement handed down by the court, December 10, lawyers for the university had stated they would recommend that their client not sign the agreement. President Ian Macdonald later said he had committed himself to recommend to the BOG to sign the agreement at the beginning of negotiations, because the university was obligated to negotiate in good faith. The lawyers could not have known this when they made the recommendation that the university not sign the agreement.

The judgement stated that while the application for judicial review did not by itself stay the rulings of the Board, the judges were "greatly concerned by the fact that York University and York University Faculty Association proceeded to sign the so-called collective agreement in the face of an imminent and pending application to the court to stay such action. By the next day the application had lost its purpose. It is also to be noted that York University proceeded to sign the collective agreement after its counsel had recommended that the agreement not be signed before November 30, 1976.

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It was more than one for the money as Yorkites returned from their holidays this week only to find huge lineups at the bank, bookstore and scrip office.

Fee hike for foreign students opposed by senate at meeting

By AGNES KRUCHIO

At its December meeting, the senate of York University voted overwhelmingly to support a student motion to recommend to the Board of Governors not to implement the differential fee increases imposed on foreign students starting January 1. The next Board of Governors meeting will be held Monday.

In presenting the motion Barry Edson, president of the Council of York the Student Federation, (CYSF) said Ontario would save little in the short-term and will seriously lose in the long-term by the move that forces foreign students coming to study in Canada for the first time pay a 150 per cent increase in tuition fees. He said it was simply a political move by the provincial government exploiting the current conservative sentiment of the public in Ontario.

Edson argued, and was backed up later by Chris Alnutt, a

researcher from the Ontario Federation of Students, and by several professors arguing in favor of the motion, that the differential fee increases will only affect students from poor countries, and will allow only the wealthy to come to study in Canada. Edson and Alnutt presented statistics according to which as many as 46 per cent of foreign students studying in Canada were from the third world.

Edson said that in many countries the fees for foreign students are reciprocal, that is, Canadian students would have to pay more if the students of those countries, such as France and Austria, have to pay more in Canada. Both Edson and Alnutt argued that while Ontario disputes having responsibility for foreign aid as federal responsibility, it is a political and educational bargain to educate third world students, as they will make contacts in Canada in the academic and business community and their participation in the Canadian educational system means spread of goodwill toward Canada in an increasing by alienated Third World.

They also pointed out that for the first time, the Ontario Council of University Affairs (OCUA) which has responsibility to represent university interests to the government was not consulted when Harry Parrot, the Minister of Colleges and Universities made the announcement, and that this could be seen as the invasion of the rights and responsibilities of the universities by the Ontario government. They also reminded senate that the minister has promised there would be no increases in tuition fees in the year 1976-77.

But York university president Ian Macdonald who said he personally dislikes the measure, said the university cannot afford not to implement the increases, since it would mean a loss of \$355,000 a year for the first year for the university not to implement it, and it could add up to about \$750,000 over four years. He said York may either not implement the fee increase, or implement it and deal with the consequences of it for individual students as well, by setting up bursaries for foreign students by shifting the present bursary system.

Susan Miller, director of the International Student Centre at York suggested that the cost of not implementing the tuition fee increase be either absorbed by the university, or the university subsidize the difference, or that a special bursary fund be set up for students in need.

When questioned about whether the university was imposing the increase while the Board of Governors considers the question next Monday, George G. Bell, executive vice-president in charge of finances said the policy of the university was to implement the increase until the Board makes a decision on the matter. These students will be reimbursed if the Board decides to reverse decisions it has taken to implement the increase on two previous occasions.

The new fee structure would mean about \$1,590 tuition fee for an undergraduate, and \$1,950 for a graduate student enrolled in a programme for the first time. Students sponsored by the Canadian International Development Association (CIDA) will be exempt.

OFS plans new strategy as meeting with government fails

By RONEN GRUNBERG

Last Tuesday, December 10, representatives from the Ontario Federation of Students (OFS), and provincial student council presidents met with the Minister of Colleges and Universities Harry Parrot, concerning the \$100 increase in tuition fees.

Barry Edson, president of the Council of the York Student Federation (CYSF) said the meeting did not resolve any of the problems surrounding the increase. "The meeting was a waste of time," he said. According to Edson, the meeting was too large with 50 people present, and that "there was no room for constructive discussion."

The increase is part of a "long term policy of the Conservative government to make students pay

more of the cost of their education," said Edson.

OFS, as a result of the meeting's failure to come up with any reasonable solution on the matter, held an emergency session where a tuition fee strike was proposed, but voted down. Edson said that "such a tactic would make us look worse in the public eye", and that "the general public would probably oppose such a move." Instead, a pamphlet will be published informing the public of the consequences of a tuition fee increase.

Abdul Gafur of OFS, said that the burden of a tuition increase should not be given to students, "because that would cause the middle class to constitute a lower percentage of students entering university." He said this would ultimately lead to the University being a privilege for the rich. "People should be able to

enter University on merit, and not on how much money they have," said Gafur.

He said the "staff of the OFS will be meeting this weekend to come up with options on how to tackle the increase." One solution proposed by Gafur was to have companies and corporations pay for part of the cost of education, "because they also benefit from the student with a higher education."

Parrott also thought the meeting was "just too large to be productive," and with 50 people present, nothing was really accomplished.

"After very careful consideration," said Parrott, it seems reasonable and fair to ask students to pay for a small part of their education. Without the increase universities would not have enough money to keep our present standard of education."

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