

Law students charge "bad faith" in disqualification

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or Chodikoff before the start of the year and I don't move in their circles. I have no control over what Hayden and Co. do on council".

His contention that council's retroactive change in its residency requirement was not a factor in his decision to keep Pinder off the

ballot, is backed up by his written statement of March 6. In it he argues that "the evidence of the registrar" on the morning of March 6 indicated that Pinder was a member of Bethune College, which is not a constituency of CYSF, and therefore he was ineligible to run for the CYSF presidency. He stated

that, since Mr. Pinder is not a member of a constituency of Council "it is not necessary to determine how long he was a member of Council".

This is a clear statement that CYSF's March 1 requirement that a presidential nominee be a constituent of the council since November 1, was irrelevant to his decision on Pinder.

Excalibur will not make a decision on a retraction until a staff meeting can determine whether the source of last week's report was Payne's written statement of March 6, or a statement he made in conversation with a reporter.

On Monday, seven Osgoode students issued a statement arguing that because "the facts and the law" are against Payne's decision on Pinder, they "are left with a concern that his decision was fundamentally based on bias and bad faith, rather than the law as written in the election regulations".

The seven are: third year law students Pat Ashby, Marie Dyack, Paul Trollope, John Page, and second year law students Ross Wells, Brad Nixon, and Tom Zizys.

While they agree with Payne who is also a third year law student, that the burden of proof of college affiliation lay with Pinder, they charge that "at no time between the development of the dispute and the decision did Mr. Payne give Harvey

Pinder a reasonable opportunity to prove that he is in fact a Calumet student".

Payne's response to this charge is that, "quite conveniently for their argument the letter-writers selectively emphasize parts of article 11 b (i) of the Election Resolution. They chose to read into the language of that section some right to a hearing, which the next sentence, if read in an ordinary common sense literal interpretation, would exclude".

The law students, echoing the sentiments of Harvey Pinder reported last week, complain that when Payne sought the evidence of the registrar he "checked the computer records in the registrar's office." They added that "Mr. Payne seems convinced that the computer is the registrar".

"They seem to think I check with a computer," responded Payne. "A little common sense might bring the thought that I have no 'open sesame' to the university computer. I asked the office of the registrar to check the constituency affiliation of all nominees and nominators. They responded after a search of their records by giving me a written report on each individual's constituency affiliation".

To the charge of bad intentions on his part Payne replied:

"Quite possibly the charge of bias and bad faith is synonymous with 'we don't like your decision'. He challenged the students "to prove

there was no evidence for my decision or to show bias in a legal sense."

Last week's Excalibur editorial attacked the disqualification of Pinder, on the grounds that CYSF's March 1 overhaul of its election resolution changed the rules of evidence on college affiliation. The resolution formerly stated that: "A 'member of a constituency' is a student who is a full member of a constituency of the council and who is recognized as such by a Master or Dean of the College or Faculty to which the constituency corresponds." According to Payne the section now reads that "the evidence of the registrar is to be determinative". Excalibur argued that the only reason for the change was "Harvey Pinder's electoral threat". It maintained that had the former section not been changed "the present fiasco would not have occurred."

Payne commented on Tuesday that "the purpose of the amendment was to have a source of evidence which would be centrally located, easily accessible, standardized, accurate and final. Since the university would have an interest in maintaining a record with these attributes, it was thought that this would be the best evidence of constituency membership.

Thus council enacted it and I am bound to abide by it."

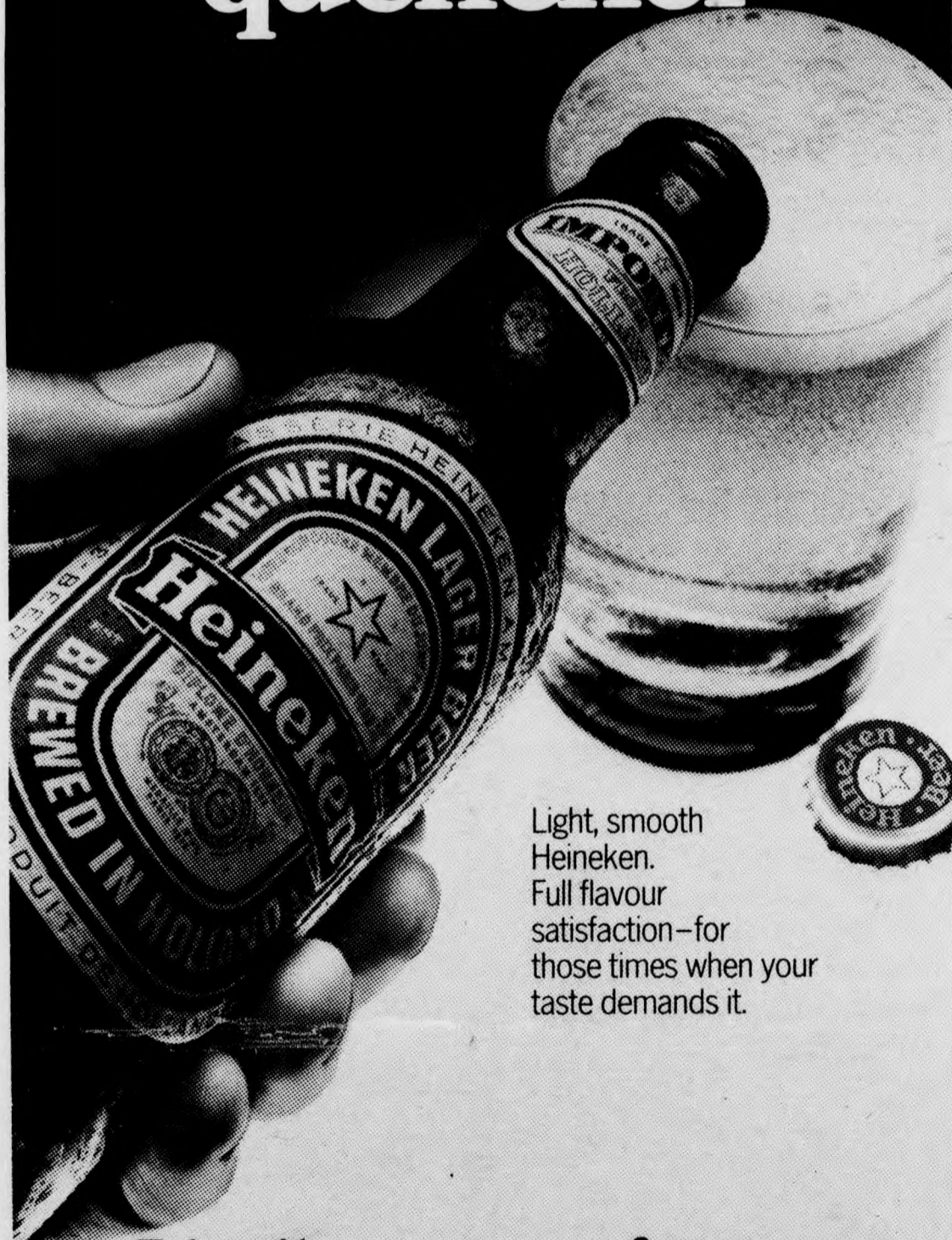
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Occupied territory

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their own statement which was sent to Pitman, Packham and Sosa. They stated that they still demanded the cancellation of classes and that every opportunity must be made for the students, staff and faculty to attend the rally.

Jennings said that apart from the 50 students occupying the office, support from the entire college has been flowing in. By Tuesday morning the Politics department sent a letter to the president and the Arts department was putting pressure on the dean to tell Pitman how they felt. Aside from this, hundreds of students and faculty and staff visited the occupied offices daily to tell them they have their support. A petition circulating since Monday morning bears the signature of 3,300 people who oppose the cutbacks as well as protesting that the institute is open Thursday afternoon.

A three hour meeting with 55 students present was held Tuesday night. The meeting decided almost unanimously that everyone was behind the two demands and that the occupancy will continue until the demands are met or until Thursday afternoon.

"We feel that we now have the administration in a bargaining position for our two demands", Jennings told Excalibur early Wednesday morning.

Jennings later commented, "there has never been at Ryerson such awareness and never have the students so successfully articulated rational ways to handle a political activity".

Vice-president Packham was contacted Tuesday night to state why he has maintained his position in refusing to close Ryerson. "I simply believe there must be a freedom of choice for the members of our community whether they will join the rally," he said.

At U of T the group is smaller and the morale lower.

Last Friday the university announced it would not reschedule classes, but no exams would be held. A group of nine students and three professors decided to occupy the office of president John Evans the following Monday morning. The group decided they wanted to draw attention to their demands but did not want a lot of people there.

"We're dramatizing and strongly demonstrating our concern about cutbacks and trying to generate

more support for the rally", said spokesperson and Associate professor of French, Peter Fitting.

The group presented two demands to the president which read, "that classes be rescheduled and the president and president-elect join in the demonstration and that the president make a public statement about the cutbacks".

The governing council were presented with three demands: "that they adopt an open and democratic budgetary process; that cutbacks be halted; that the governing council demand from the provincial government a reversal of the student aid program; and there be a five year freeze on tuition fees".

According to Fitting, an hour or so after they arrived in the office, the president came by to look at the demands. He said he could not agree to the demands directed to him and that he would look over the student aid plan but would not agree to recommend them to the governing council.

"He seemed almost uninterested in taking a stand," Fitting told Excalibur Monday afternoon. Fitting further commented, "Evans does not seem to agree that things have reached a crisis in regards to a student financing his education".

Tuesday morning Evans met once again with the occupying group and gave answers to their demands. He said he would not make a public statement against the cutbacks, but he would speak to the governing council. Commenting on the student aid plan, Evans told the group it "was equitable".

The other demands, Evans told the group, would be taken that day to the chairman of the governing council. Evans never reported back. The group concluded that he was basically rejecting these demands.

When contacted Tuesday night, Evans said he believes that a student should have a choice on attending classes or the rally.

The other demands will be brought before the governing council on Thursday, Evans said. "I do not think they will have any special interest that there was a sit-in", Evans said.

Asked if there is some way that he can have the occupying students removed from his office, Evans hesitated and then said, "I asked them to leave". After a lengthy pause he continued, "and I hope they will leave."