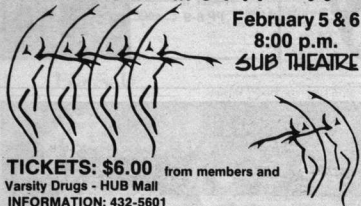


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SATURDAY, FEBRUARY 13 • R

Students take fees to court

by Tu Thanh Ha
MONTREAL (CLIP) — While other students were preparing for their final examinations last month, Diane Brassard was patiently phoning a round for hours, trying to document her upcoming class action suit.

A demography student, Brassard will go to court February 3 to challenge the legality of a \$40 per term incidental fee charged to all University of Montreal students.

The day before Brassard is scheduled to appear, Tauhid Rahman will bring a similar class action suit to court. Rahman will represent 1,700 fellow students who were charged an average of \$100 to attend Dawson College last summer.

As their underfunding problems worsen, Quebec universities and colleges are increasingly charging additional sums they say will pay for class materials, lab equipment, or photocopy costs — and more and more students are turning to the courts to contest the legality of those fees.

In the process, four separate lawsuits have been filed within one year in Montreal, students have refused to pay the fees and had their transcripts withheld (thus becoming ineligible for financial aid), and five others are still facing criminal charges after occupying their rector's office in a protest.

According to Brassard's lawyer, the issue of incidental fees goes beyond the amount of money her client is charged twice every year. "Some would say that \$40 is a small sum but that's a subjective consideration," said Paula Laviolette. "The question here is whether incidental fees constitute a right or an abuse of power on the university's part."

"Does an institution have the right to change its fees unilaterally during a school year? If you agree with that, it would set aside every concept we have about contractual obligations in civil law."

Besides Brassard's and Rahman's cases, two other lawsuits contesting the legality of incidental fees were also filed after Concordia University started charging a \$3.50 per credit fee for class materials in September 1986.

One suit, filed by Concordia student Bettina Rosenberg, was unsuccessfully heard in small claims court in March 1987. The other, a class action suit, was rejected last Spring when Justice Charles Gonthier ruled that Frederic Allali, the student petitioner, needed a formal mandate from the Concordia student council. Allali's case is being appealed.

The U of M fee was instituted in July 1986. However the \$40 charge was not mentioned in either the 1986-87 university calendar or the payment regulations listed on the back of the student registration form.

"I had not been notified that

there would be a fee for course materials when I registered," said Brassard. "The fees was not explained on the registration forms either. It looked like they used the forms from the year before."

After some students tried to pay only \$1 in protest, the university withheld their transcripts, a sanction normally applied when students don't pay tuition fees.

"Students are not against paying the incidental fee, they are against the fact it is a disguised form of tuition fee," said Martin Lefebvre, an executive of FAECUM, the federation of student councils of the University of Montreal.

FAECUM has officially given its

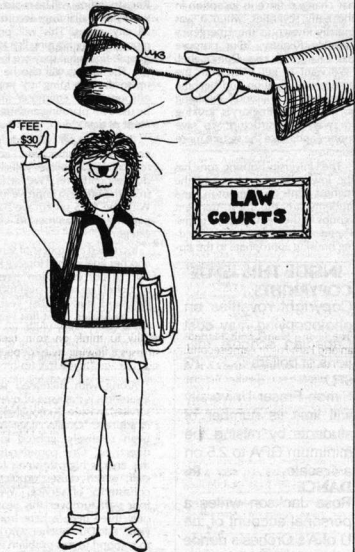
they say the money will go towards the deficit."

The University of Montreal has a \$27 million accumulated deficit. In his annual report, published March 2, 1987, rector Gilles Cloutier wrote that "students will also have to share the sacrifices" necessary to balance the school's budget. The university collects \$1.5 million in incidental fees per year.

At Dawson College, students have also been asked to help cover their institution's \$1.5 million deficit, a decision that was ill-received following revelations that the school's administrators were receiving illegal bonuses.

The new incidental fees were also collected before they were approved by the Quebec ministry of education.

"My major gripe is not necessarily that they charged fees, it is the way



support to Brassard's class action suit. The suit is the latest effort by U of M students to protest the fee. Last Spring, they occupied the offices of university rector Gilles Cloutier for five days. Five were arrested and charged with obstruction of justice when police were called in to disperse the students.

"It is very obvious that the money collected will go to cover the deficit," Lefebvre said. "The university has been presenting two different positions. Outside of the institution, they say the fee pays for learning material but within their meetings,

they went about it," said student council president Christopher Meehan.

"The college decided it was a rush thing for the summer so they charged the fee illegally when it still was not approved by the government," Meehan said, adding that the council had given support to the class action suit filed by Dawson student Tauhid Rahman.

"The college is always advertising how important students are for them," said Meehan. "Yet the administration of our school is trying to screw students more and more."

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