

Former dean of science sues Memorial University

BY CHAD LUFF

ST. JOHN'S (CUP) — A former dean of science at Memorial University is suing the institution in an effort to get his job back.

Alan Law, who was dismissed from the position last July, has two suits pending against the university.

The first, which goes before the courts December 5, is an application to overturn the original decision by an executive committee of the Board of Regents — Memorial's highest governing body — to dismiss him.

The committee, in dismissing Law, said senior administration at the university had lost confidence in his ability to handle the Faculty of Science.

The dismissal touched off widespread concern among faculty and student groups regarding what many felt was a summary decision on the part of the five-person committee without any outside consultation. Law has in turn received tremendous support from these groups.

The Faculty Council of Science, with the support of five other faculty councils, passed a series of resolutions asking for a review of the dismissal.

Law's lawyer, Claude Sheppard, says the courts have the right to overturn quasi-judicial decisions like this one.

"We're saying that [vice-president academic] Jaap Tuinman, and specifically the executive committee, did not have the jurisdiction to terminate Dr. Law," he said. "These executive committees or administration just don't have the authority. It's got to be at the [Board of Regents] level, or not at all."

But both university president Art May and associate director of university relations Peter Morris say the executive acted within its bounds and they stand behind the decision.

"The decision was made and acted upon, and the decision is final," Morris said. "The university is comfortable with the decision it made and we will let the courts make its decision."

At the last Regents meeting, the board upheld the committee's decision to release Law.

The second suit, to be dealt with sometime in the new year, alleges a breach of contract on behalf of the university.

Sheppard says when Law was interviewed and enticed to take the position, he was given a five-year renewable contract. Law served only three years before being dismissed. It was the first time a dean had been released before his contract expired in the history of Memorial University.

The Board of Regents has requested

that president May investigate the Law matter and eventually recommend formal procedures to deal with disciplining academic administrators such as deans and vice-presidents.

Morris says there are reasons why regulations were not in place in the past.

"It's a very unusual circumstance that a dean would have to be dismissed," he said. "You don't necessarily plan for the exceptional circumstance."

Sheppard says the provincial court has heard at least two other similar cases involving Memorial, and has ruled against the university in both instances.

Sheppard also says he doesn't understand why the university has let the issue go this far.

"The longer this thing goes on, the bigger a switch it's going to make for the rear ends of Jaap Tuinman and Art May and everybody else that's in the administration up there."

Quebec Jehovah's Witnesses challenge bylaw

BY IDELLA STURINO

MONTREAL (CUP) — Jehovah's Witnesses in a Montreal suburb can once again breathe easy — at least for now.

A temporary agreement reached in Quebec Superior Court November 21 between the religious group and the town of Blainville prevents the municipality from enforcing its anti-solicitation bylaw against the group. At the same time, Jehovah's Witnesses can only knock on their neighbours' doors at certain hours of the day.

The agreement comes after Blainville police, in response to residents' complaints, began enforcing the bylaw three weeks ago. As a result, 17 people — including an 85-year old grandmother — have been handed \$250 fines for performing their door-to-door ministry without a permit or outside of weekday business hours.

The anti-solicitation bylaw, which regulates all forms of door-to-door

solicitation, has primarily been enforced against Jehovah's Witnesses.

According to Blainville police chief Albert Stringer, that's because the only complaints police have received have been about the Jehovah's Witnesses, who some residents say knock on people's doors too early on weekend mornings.

"We enforce the bylaw and respond to calls from citizens, but we're not chasing after anybody," Stringer says, insisting that if he were to receive a complaint about the Girl Scouts, he would enforce the bylaw in the same way.

Last week, a group of Jehovah's Witnesses decided to seek an immediate injunction against the bylaw and asked the Quebec Superior Court to quash it.

"We feel that this bylaw was enacted in bad faith and with the intent to stop our work, to discriminate and control us in our ministry," said Alain Beauchemin, regional spokesperson for

the Jehovah's Witnesses in Quebec.

But Blainville mayor Pierre Gingras denies that the bylaw was meant to single out Jehovah's Witnesses. "We're not targeting one religious group," Gingras told the Montreal Gazette last week.

Still, Beauchemin says the bylaw is a veiled attempt to curb Jehovah's Witnesses' activity because it lists visits of a religious nature among the forms of solicitation to be regulated. According to Beauchemin, everyone knows it's Jehovah's Witnesses who make door-to-door religious visits.

"It's part and parcel of our religion," Beauchemin said, pointing to passages in the Bible which describe how Jesus and his apostles travelled door to door to preach the gospel.

The Quebec Superior Court denied the group an immediate injunction against the bylaw, but ruled that it cannot be invoked against Jehovah's Witnesses until a Dec. 12 hearing when the court will decide how to proceed.

The group's lawyer, Glen Howe, is confident that the battle against the bylaw will be successful.

"[The city] is trying to take away rights that have already been given," he said.

Aside from trying to quash the bylaw, the group also plans to seek punitive damages from Gingras. Each member will seek \$25,000 in damages because they believe the bylaw was implemented in bad faith and in direct contradiction of clear Supreme Court rulings which upheld the constitutional rights of Jehovah's Witnesses.

"We want to send a strong message that if, as a duly elected official, you use your democratic power to force minorities to do something wrong and against the Charter, you have to pay the price," Beauchemin said.

There are currently about 35,000 Jehovah's Witnesses in the province, most of them in the greater Montreal area.

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Government same-sex benefits

BY ANDREA BREAU

WINNIPEG (CUP) — After a 15-year legal battle, Manitoba provincial employees have finally won the right to same-sex benefits.

The Manitoba Human Rights Commission ruling, made November 24, means gay and lesbian provincial government employees will now be able to provide health, dental and optical care to their partners.

"This decision was long overdue," said Chris Vogel, a provincial employee who launched the suit in 1982.

While Vogel and other provincial employees are celebrating the ruling, members of Manitoba's gay and lesbian community are asking why it took so long.

"It seems pretty silly that it took 15 years and several appeals to determine whether it's legal or not to discriminate against [gays and lesbians]," said Maggie Ross, a member of the University of Winnipeg's gay, lesbian and bisexual student group.

"Of course it's illegal."

Roland Penner, a law professor at the University of Manitoba and a former provincial attorney general, says the delay in the ruling was

probably the result of several factors.

"One, I think in some instances there was a lack of willpower [from] the government, due to fiscal and ideological concerns, to act on this issue. Two, human rights

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commissions in Canada are often underfunded and that sometimes affects their ability to work effectively."

Manitoba Labour Minister Harold Gillshammer told the Winnipeg Free Press that the province is prepared to act on the commission's ruling.

"We don't like it, but we'll abide by the [commission's] ruling," he said, adding that an appeal isn't likely.

Gillshammer could not be reached for comment.

Vogel and others say the victory, however, is not complete. He and other provincial employees still do not have the right to include their partners in their pension plans. The Manitoba commission ruled that it was out of its jurisdiction to dictate the structure of the pension plan to the federal government.

"It's not totally satisfactory," Vogel said.

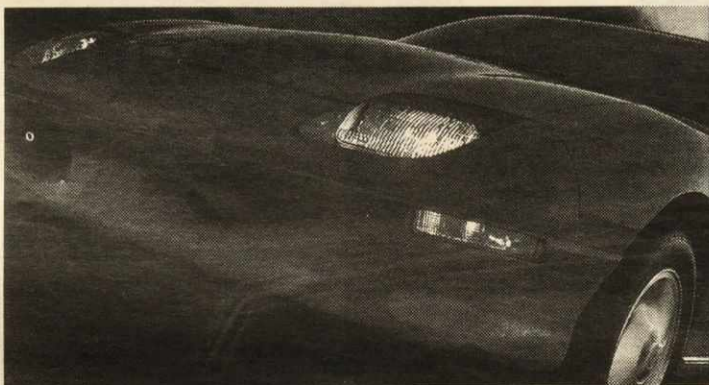
He says he believes the commission's ruling is an indication of how much society has changed in recent years.

"I've been a gay activist for almost 25 years, and [now] is the most tolerant and diverse I've ever seen. [The ruling is] symbolic. It's a sign that things are progressing."

Penner agrees, but says governments need to take a more active role in the future.

"Governments shouldn't wait for human rights commissions. They should go ahead, take the initiative and take out the remaining artificial barriers to [equality]," he said.

In 1987, Manitoba became the second province in the country to include sexual orientation in its human rights code.



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