

# University takes engineers to court

By MICHAEL CONNORS

ST. JOHN'S (CUP) — Memorial University of Newfoundland and a professional engineering association will find themselves in court sooner than expected after the legal battle over software engineering escalated last week.

University lawyers applied to the provincial Supreme Court on March 3 for an order forcing the Associa-

tion of Professional Engineers and Geoscientists of Newfoundland to stop blocking the accreditation of Memorial's engineering faculty.

The move comes just one week after the association withdrew its consent allowing a national accrediting body to evaluate the university's four engineering programs. If consent is not reinstated, Memorial's faculty of engineering's accreditation will expire June

30.

The association took the action to force the university's hand in a legal dispute over the name of a computer science program called Honours in Software Engineering. The association argues using the word engineering in the name of a degree not offered by an accredited engineering faculty violates federal trademark regulations.

The objection culminated in a lawsuit, filed jointly with the Canadian Council of Professional Engineers, against Memorial in July 1997. The case is scheduled to be heard in federal court next September.

The university, however, says it is unethical to threaten the accreditation of its engineering faculty for reasons that have nothing to do with the quality of the faculty itself.

"There's two separate issues," said university spokesperson Peter Morris. "[Those issues] should never be linked. To do it is to use the students as pawns, and dare I say it, it's tantamount to extortion."

A date has not yet been set for the hearing on the university's counter-action, but Morris says it will likely move through the courts within the next two weeks.

Memorial University has maintained throughout the dispute that it alone has the right to determine the name and structure of academic programs, not an outside body.

The issue that could have national implications since other Canadian schools, such as the University of Toronto, also offer software-engineering programs in their computer science departments.

"We're willing to take our chances [in court]," Morris said. "We're convinced by the way that we have a very good case."

The Association of Professional Engineers and Geoscientists argues that it has

the right to regulate the terms "engineer" and "engineering" to protect public safety. It has even said that students graduating from Memorial's program calling themselves "software engineers" would be sued.

"The public must have confidence that when a person claims to be an engineer, they have in fact met the rigorous qualifications to practice engineering," said association executive director Allen Steeves.

He adds that the issue of academic autonomy is a red herring.

"This is not a matter of denying academic freedom or freedom of speech," he said. "These rights carry with them responsibilities, and the right to free speech doesn't give you the right to break the law of the land. It doesn't give you the right to violate somebody else's rights, and that's what is happening here."

Even if accreditation of Memorial's engineering programs runs out, he added, graduates will still have other avenues to get certification as professional engineers.

Memorial's faculty council of engineering has since passed a resolution demanding the association reinstate consent for accreditation.

Student groups, for their part, have been supportive of the body's actions. The engineering students' association has asked Memorial's senate to consider a motion at its next meeting that would drop the word "engineering" from the name of software engineering and would require the university to abandon its trademark rights to the term software engineering.

Memorial's student union also voted at its last meeting to support the proposed motion.

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