

# Editorial

## Ontario court ruling on retirement at 65 flies in face of Charter of Rights and Freedoms

A ruling by Mr. Justice Gibson Gray of the Ontario Supreme Court that allows Ontario universities to impose mandatory retirement denies an individual's protection under the Charter of Rights against age discrimination.

By defining universities as private institutions—an odd conclusion considering an earlier designation as public institutions under the six and five restraint programme—Justice Gray has found that the Charter of Rights does not apply to university faculty.

This means that a professor, competent or incompetent, will be summarily dismissed at the age of 65. The decision is nothing short of cruel and unusual punishment against those who reach the arbitrarily appointed age. By removing the individual's right to actively pursue a livelihood, the Court has abrogated the freedom we expect in our society.

Two practical arguments are commonly used to support mandatory retirement in the academic community. The first is a financial one: professors at 65 earn salaries that could be used to hire at least two new faculty members. This argument is ridiculous when the logic is examined closely. If professors at 45 earn 1½ times as much as new faculty, then why not force them to retire? If six professors retired at 45, nine younger faculty could then be hired.

Maintaining the university's vitality is another argument favouring mandatory retirement. Replacing older faculty with younger professors will supposedly instill fresh ideas into the university community. If this is true, then professors in the hard sciences should retire at 35, since most of their best work has already been done. Moreover, at 65 years of age the value of a professor's knowledge does not suddenly drop to zero. Forty years of accumulated human capital is an important asset to the university.

If incentives were provided, many faculty might seek early retirement. Benefits normally attained at 65 could be provided at an earlier age. This would preserve the voluntary decision to retire, whether at 65 or any other age.

Our democratic society is predicated on freedom of individual choice. Unfortunately, Justice Gray's decision upholds the tyranny of the majority above the sanctity of the individual.



FACED WITH AN UNCERTAIN BEVERAGE FUTURE, STUDENTS ARE REACHING FOR THE "ANYTIME FIX"

## Letters

### Board of Trustees responds to YDC

Editor:

Recent actions on the part of many governments and corporations reflect a diverse and growing desire to overturn the South African government's racist policy of apartheid. A variety of means are being used to achieve a common objective. Encouragement should be given to every such effort and care should be taken to avoid divisive debates, which will give comfort only to the enemy.

The article in the October 16, 1986 issue of *Excalibur* under the heading "Divestment at York: Making the Next Move" reflects the strong feelings of persons striving to add their contribution to the overthrow of a diabolical system of discrimination. They should be supported in their desire to advance the cause. They should, however, be reminded that equally sincere and determined persons may not share their chosen strategy and yet, are striking valid blows for change. They should be convinced that a cooperative approach on the part of concerned persons is required to sustain the strongest attack and to demonstrate the effectiveness of different ways of achieving a single purpose.

The development of such a position requires the building of mutual respect and confidence. Hence, it would be equally inappropriate to challenge the sincerity of the authors of the *Excalibur* article or question the integrity of the Trustees of the Pension Plan or belittle their actions. Renewed effort must be made, however, to understand varied positions and concentrate on actions which will add momentum to growing world-wide opposition to the South African government's policy.

A June 1986 issue of the York Gazette provided background information on the subject of divestment, Trustees duties under the Trustee Act of Ontario and the formal resolution passed by the Board. The Trustees made no "errors," passed no "bucks," and did not act "patronizingly." They invited the Board of Governors to take positive action with respect to funds under its control and not impeded by legal constraints regarding divestment, advocated a policy urging corporations with investments in South Africa to work against apartheid or withdraw from South Africa, and invited cooperation with institutions op-

posed to apartheid as a more effective means of challenging and eliminating the racist policy.

The objective is clear: the elimination of an intolerable, abusive racist system. Let us join forces to speed the process.

—W.W. Small

Secretary of the Board of Trustees,  
York University Pension Plan

### Yaksters tell Ross not to prejudge

Editor:

In response to Stuart Ross:

I had a dual reaction to your comments in last Thursday's *Excalibur*. It is reassuring to know there are people concerned enough with writing on campus to respond as quickly as you did to the new magazine, but I was disappointed to note that your tone was generally negative. The innovations of mags like *grOnk* and *Industrial Sabotage* are undeniably important, however, with better funding these magazines would be much more visible than they are. Too often bucks are the culprits in expensive disasters when they meet art. Money does not a good lit mag make. But the reverse is just as damaging & seemingly as fashionable. I can't count the mags hand-printed on butcher-paper that simply deserve better attention. And money is around if only you look for it. It's sad that the average York student knows *Existere* by name, but has no idea what *Industrial Sabotage* is. *Yak* is travelling a conventional route to get on the boards, but we will have the advantage of being both unconventional and visible; And if 12 good pages of art & lit is all we get, then that's how long our first issue will be.

The outlook for any new mag on campus is really grim. But *Yak* is going to fail in the eyes of those who want it to fail and we have no power over that. Only don't judge this book before it's out.

—Michael Redhill  
Co-Editor, *Yak Magazine*

### 'Scandalous tone not warranted'

Editor:

Vanier College Council would like to clean up some of the misconceptions regarding *Existere* that may have resulted from the October 9 story and editorial in *Excalibur*.

First, we would like to address the

implication of financial mismanagement. The structure of the front page article leads to the misconception that there was mismanagement of funds. The situation is simple. Peter Alexander promised two issues, Vanier College received one and only paid for one. There was no mismanagement of Vanier College Council money. Similarly, the receipts of pizza and alcohol in the *Existere* office were Peter Alexander's, and were paid for by him and not by Vanier College Council.

We realize that it is irresponsible not to return manuscripts, but Peter Alexander has graduated, and as yet we are unable to locate him.

The Publications Board has been established to report to Council on the activities of Vanier publications. The Board intends to develop guidelines for the editors, ensure editor accountability, and, in the case of inappropriate behaviour, remove the editor from his/her position. We believe that these guidelines will prevent such a problem from occurring again. We do recognize the fact that there is a problem—but not as it was reported in *Excalibur*. The reality of the situation does not warrant the scandalous tone of the October 9 article. We hope we have cleaned up the misconceptions created by *Excalibur*'s reporting of this story.

—Tammy Hasselfeldt  
President, Vanier College Council

### 'Let Jews for Jesus speak on campus'

Editor:

We have recently become aware of the fact that a religious group, namely the "Jews for Jesus," has been denied open access to the campus of York University, largely due to lobbying by Jewish students. As concerned citizens, we are writing to protest this blatant infringement on freedom of speech.

The "Jews for Jesus" group is comprised of Messianic Jews, i.e. Jews who believe that Jesus is, precisely as he claimed to be, the Jewish Messiah. There are Gentile groups which profess essentially the same belief and which are currently active on campus. Yet they are not hindered by York's administration. Apparently, the "Jews for Jesus" are being singled out for special treatment solely on the basis of their Jewish heritage. This is flagrant anti-semitism.

Which Jews will be muzzled next by the combined efforts of arrogant,

cont'd on p. 7

## excalibur

Editor	Lorne Manly
Managing Editor	Paulette Peirrol
News Editors	Kevin Bray, James Flagal
Arts Editors	Angela Lawrence, Kevin Pasquino
Features Editor	Laura Lush
Sports Editors	David Bundas, James Hoggott
Exchanges Editor	Zena McBride
Art Director	Janice Goldberg
Darkroom Manager	Alex Foord
Staff	Luis Aguila, Reya Ali, Babak Amirfeiz, Doug Bennett, Sujata Berry, Gary Blakeley, Steven Bochco, Mel Broitman, Joe Carter, Steve Castellano, Rob Castle, Humberto da Silva, Roberta di Maio, David Dollard, Juan Escobar, Greg Gagne, Romay Gold, Cathy Graham, Theresa Grech, Karim Hajee, Ricky Henderson, Susan Hilton, Jay Howell, George Koenigsberg, Stan Klich, Nick Lapicciarella, Nick Loruso, Zena McBride, George Mathewson, Bonnie Mitten, Gail Morgenstern, Lisa Olsen, Jennifer Parsons, Alex Patterson, Lauren Paul, Gil T. Pleasures, Dan Plesac, Ben Rafael, Julie Robinson, Minto Roy, Joel Scoler, Jeff Shinder, Cathy Sturm, Rip Torn, Paula Torneck, Andrew Vance, Edo Van Belkom, John Wen, Stephen Wise, Wyndham Wise, Lisa Wood, Paula Zarnett
Board of Publications Chairperson	Kevin Connolly
Advertising Assistant	Patty Milton-Feasby
Typesetting Guy	Stuart Ross
Advertising Manager	Merle Menzies

MAILING ADDRESS:  
Room 111, Central Square  
York University  
4700 Keele Street  
Downsview M3J 1P3

EDITORIAL: 736-5239  
ADVERTISING: 736-5238  
TYPESETTING: 736-5240

