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Windsor law dean, Tarnopolsky



Opposition mounts to VP choice

Past shows anti-semitism

By ANDY MICHALSKI

York president David Slater will present Windsor law dean Walter Tarnopolsky to the board of governors on Tuesday as his choice for academic vice-president.

Tarnopolsky, who might fill a position vacant ever since York began 11 years ago, was selected from a list of six names submitted by Slater's ad hoc advisory committee of nine faculty and one graduate student.

York's Jewish Student Federation is holding an emergency meeting today to discuss the hiring of Windsor law dean Walter Tarnopolsky as York's academic vice-president.

While at the ex-Catholic University of Windsor, Walter Tarnopolsky came under fire for allegedly anti-semitic tendencies.

Three Jewish first year law students were denied supplementary examinations despite medical certificates as evidence.

One said he suffered from nervous tension during exams from working at a full-time job to support himself. Another had the flu and a medical certificate as proof. Another Jewish student's personal plea on strictly compassionate grounds was denied. One non-Jewish case was postponed.

When a second year Jewish student charged discrimination against Tarnopolsky and the faculty — he was denied counsel at a faculty meeting to reconsider his status at the law school. (The faculty reviewed all other students' cases except his.)

Four non-Jewish second year students with 60 percent overall standing got either supplementary exams in the failures or a pass into third year. Another repeating his year got 64.4 percent with a failure in labor law taught by an American. He was passed a month later after a Canadian professor agreed to reread his exam.

Four non-Jewish second year students below 60 percent had their marks re-read free and were passed before any marks were published. One of them was Bruce Frazer, president of the student law society.

Two of three Jewish second year students below 60 percent were forced to leave when Tarnopolsky told the faculty they had failed elsewhere before. He was proven wrong and one of those students is now repeating Law II. He failed only after being bell-curved by professor John McAuliffe, the American that Tarnopolsky made his assistant dean.

A third Jewish student was forced to repeat Law II despite the fact he had passed all his courses with 58 percent. All three Jewish students paid to have their exam papers re-read — by the original professors, as is the practice at Windsor.

The only 1970-71 second year student not allowed back this year is Jewish. He went to another law school.

No explanation was ever given by the Windsor law school or Tarnopolsky for the above selection process used with students under 60 percent — the required average to pass.

Three probationary second year students were dropped last Christmas when professor Margaret Hughes from Saskatchewan (as is dean Tarnopolsky) failed them in family law. Two more were dropped because their overall



Walter Tarnopolsky

Christmas average was below 60 percent.

Previously, Tarnopolsky had told all five they needed a 60 percent average for the year. Both the Law Society of Upper Canada and the University of Windsor only recognize yearly marks — not semester grades. The requirement of no failures was removed in May when the required average for repeating probationary students was raised to 62 percent.

This inconsistency in reviewing marks prompted professor Hugh Silverman, Q.C., to circulate a memorandum to all faculty. He said it appeared that "we operate under two sets of criteria, one set for those who don't make at Christmas, and another set for those who don't make it in the spring.

"In the former case we are rigid and inflexible, marks are not raised and the full weight of the administrative machine comes to bear on the unsuccessful student.

"In the latter case we review marks, and in fact have papers read by professors other than the examining professor, and tolerance and sweetness govern."

In later correspondence with ex-Windsor professor and critic Sy Langer, Silverman asked "Are you going to raise the rampant anti-semitism issue?"

He later wrote, "Tell it like it was, the antisemitic attack on me."

For the first time, last Christmas and in May, Tarnopolsky ordered professors not to allow students to see their exam papers in case they decide to appeal their grades.

Although July 5 was the final date in the Windsor calendar for all mark appeals law students were not sent their marks by the registrar until the middle of July. But law students living in Windsor were able to find out their marks in person at the law school's general office almost immediately after the marks meetings in May. Such a procedure was necessary since Tarnopolsky imposed two week appeal deadlines from the marks meetings — subject to further communication from him.

Tarnopolsky is presently under investigation by the Ontario Human Rights Commission, and J. Francis Leddy, president and vice-chancellor of the University of Windsor. He also faces possible legal action by former students.

CUPE and York meet

"Not a heck of a lot happened" at the long-awaited Monday meeting between the Canadian Union of Public Employees and York's administration, said CUPE representative Jim Anderson.

But he added that York seemed more receptive to union demands. Don Mitchell, personnel director and York representative had a "whole new attitude when he came to the bargaining table, even though we didn't discuss monetary matters," said Anderson.

A more complete fringe benefit plan and wage increases were the major union demands. York workers now receive \$2.50 an hour for men and \$2.06 an hour for women.

Unanimous CYSF vote to delay appointment

In an emergency meeting yesterday, Council of the York Student Federation unanimously agreed to demand that the board of governors postpone its decision on academic affairs vice-president nominee Walter Tarnopolsky pending full investigation of charges made against him.

Faculty have charged dean Tarnopolsky of anti-semitic prejudices and preferential hiring of Americans over Canadians at the University of Windsor.

In a three point brief sent to president David Slater, and the board of governors CYSF said "if such an investigation committee is not established, then CYSF shall not recognize the appointment as being valid and will undertake any means necessary to procure his (Tarnopolsky's) immediate dismissal."

CYSF also called for student-faculty parity on the proposed investigation committee, and on all committees investigating an administrative appointment.

CYSF president Mike Fletcher will ask board of governors chairman Robert MacIntosh to speak at the Tuesday board meeting.

Despite a supposedly liberal record, ex-Windsor law professor Sy Langer described Tarnopolsky as probably the worst offender of the Americanization of Canadian universities. Langer said Tarnopolski was "a symbol of the most blind indifference and complicity in regard to Americanization of Canadian faculties."

When Liberal MPP Tim Reid raised the issue of the Americanization of the Windsor law faculty, Tarnopolsky likened his moves to "a racist, a demagogue and a latter-day Hitler."

When Ontario attorney general Allan Lawrence demanded that only those law professors qualified to practise in Ontario be allowed to teach, Tarnopolsky described Lawrence as one of the most stupid ministers he'd ever known.

Of the 18 member law faculty at Windsor, only six have tenure. Four are American, three of whom commute every day from Detroit. Despite a mandatory three year waiting period before tenure is given, American professor Albert Malsten got it in 18 months.

None of the Americans tenured has a post graduate degree while their standard law degrees are from the University of Washington or the University of Detroit (including night school).

Of the three law representatives on the university senate, two are American professors and the other is the librarian (also American). American John McAuliffe is assistant dean and chairman of admissions. (He got tenure on arrival.)

Four of the five member hiring and tenure committee at the Windsor law school are American this year.

Students and faculty charge that the library, which received a special Ontario grant this year of \$100,000, is heavily stocked with American books. The law school's paper, Oyez wrote that the library's emphasis of material was misplaced with "an overabundance of dustgathering American primary material... of little value to undergraduate law students."

Langer and another Canadian professor with post graduate degrees from Columbia and Osgoode left Windsor in June. Langer was reportedly pressured out with no hearings despite a student petition on his behalf. The other joined the Hamilton solicitor's department.

According to the Windsor Star, Tarnopolsky ordered Langer, a strident critic, "to cease all criticism of the presence of so many Americans at this law school."

Despite technical differences between Canadian and American law, American professors teach Ontario labor laws, contracts, torts (civil wrongs) and advocacy (courtroom procedures).

In a telephone interview, Tarnopolsky said all Canadian labour relations were based on the American Wagner Act and that it didn't take long for American professors to pick up the Canadian difference.

He described the charge that the library was packed with American books as absolute nonsense and said Windsor's Canadian collection was as good as any Canadian law school in Canada. He said the librarian had a standing order to buy every available Canadian book. Diana Priestly, an ex-Osgoode librarian has independently sent letters to MPP Tim Reid and others, verifying his opinion.

Reid, he said, proceeded on facts without checking them first. Although he gave the Americans tenure, Tarnopolsky said he only hired one of them, the other three were there before his deanship began.

Americans he explained, were treated the same as any faculty from Jamaica or France. "You're viewing this from a Toronto perspective," he said. "Six thousand people from Windsor work in Detroit and only a few hundred come here to work."

He said the Toronto Star editorial describing the commuting U.S. professors as "Windsor Wetbacks" as all wrong.

Tarnopolsky has served three years of a six year contract as dean of Windsor's law school. Few people at Windsor knew of his possible new appointment and he expressed surprise that it was common knowledge at York.