

## Legal facts from CLASP



Since the 31st of March 1978, the Family Law Reform Act has regulated the legal effects of most family breakups. It replaced portions or all of more than a dozen other acts; the Ontario government claimed that it replaced outmoded legal concepts with a fair and realistic set of rules to govern family relationships.

The Act applies to all marriages in Ontario regardless of whether or not they were entered into prior to its enactment; it also applies to certain common law relationships. A major exclusion from the Act is divorce, a responsibility of the federal government in Canada.

Two basic obligations related to support exist: every spouse has an obligation to support herself or himself and every parent has an obligation to support her or his children. Either spouse may have an obligation to support the other spouse, depending on need and his or her ability to do so.

For the purposes of support

obligations a spouse includes not only a wife or husband but also partners in a common law relationship that has existed for five years or in which a child has been born.

The first thing I would like to do is thank the students that voted for me in the recent elections, and urge you to keep up your interests in student representation at York.

As I pointed out in my campaign my first objective will be to work with the College Councils, Osgoode, and C.Y.S.F. in their requests for a review of the student fee and student service budget. This problem has been around for quite awhile but with the shortfalls in budget structuring, we have all seen that there must be a swift solution.

The student governments at York will be meeting at the first of the New Year, in a conference that will have a general theme but

The Act does not affect the property relations between persons who are not or have not been married. As between married couples there can be a division of family assets, usually in equal proportions, regardless of which spouse owns the property.

This division can occur once the parties to the marriage are separated or when a decree nisi of divorce is pronounced. The court has some discretion to divide the property into other than equal shares, taking into account factors such as the length of time the husband and wife lived together.

specific proposals. The theme being how do the student governments continue to supply services to students under current financial constraints and specifically what apparatus is necessary to do this efficiently and quickly.

My function in my term will be to represent the interests of the students at York and their governments and to ensure that the students at this institution are not dismissed as a lower priority in financing.

The Provincial government has had many studies done to find a solution to dropping enrollment, under-financed institutions, and student aid. The solutions of course are varied and have varied effects

The Family Court does not have the power to order a division of assets. This means that if the spouses are unable to agree on the division it will be necessary to go to the County or Supreme Court where legal costs are much higher than in Family Court.

When the couple cannot agree as to who should have custody of the children the court may order that either husband or wife receive custody. The only factor that the court must consider in doing so is the best interests of the children involved.

Some couples may not agree

with the Act's schemes for division of property, support, etc. In many cases they will be allowed to contract out of the Act.

The Family Law Reform Act recognizes three types of contracts; marriage contracts, cohabitation agreements entered into by common law spouses and separation agreements.

Marriage contracts and cohabitation agreements can cover the division of property and support obligations, but not the custody of children. Separation agreements can provide for all three of these matters.

## student governor's report

but the general outlook is that there will be major changes as the financial outlook does not look brighter. One proposal was that Universities set their own tuition fees. A simplistic solution to a problem that already has students working part-time, if they are lucky enough to find a job, or still

waiting for their student loan or grant when the year is half over.

The first step to dining our own solutions at York, or keeping our heads above water if you will, will be a responsible effective program that will ensure that student service financing at York is not a frill and can be diminished or re-allocated.

The concerns and feelings on your situation at York would be appreciated as well as expected. The University as a whole needs interest, support and effort from everyone in the community. I can be contacted through C.Y.S.F. Office (667-2515).

Paul Hayden  
Student Governor-elect

## COMMENT: Nine York gays object to bigotry

On November 27th, several gay and straight friends went around York postering for the gay men's drop-in (held Tuesdays from 2 until 5 at 215 Vanier Residence). We were dismayed to find that, 24 hours later, all the posters were either torn down or violently defaced. We were angry, but we were not surprised. It happened the week before, when posters for the lesbian drop-in (held Mondays from 3:30 to 5:00 at the Women's Centre, 102 BSB) were put up. Stupidity and prejudice seem not to discriminate! We also knew that it has happened in years past. Such is the calibre of intellectual understanding and human compassion at York University.

But wait! Something else happened the night of November 27. Where once there was a poster for an informal drop-in dealing with homosexuality in a positive way, there now appeared this very different message: "Fags beware — we're going to get you this time around for sure!"

Just imagine the moral and physical courage it must have taken to rip off a poster and replace it with such a controversial message! No wonder, then, that this was done when no one who would have cared could see; no wonder that this wisdom

is offered to us anonymously.

The message was signed "the Stong Stomper". Other messages under this name have appeared before, but this does nothing to diminish the danger of this act. Indeed, the repetition, and the silent acceptance of its recurrence, makes it all the more dangerous and unacceptable. We have ignored these messages for too long.

No longer will we make this error. We cannot remain silent when faced with these words of hatred and violence. We are moved to speak by our concern for the effect such actions will have on the lesbian women and gay men at this University, particularly those who must live here. We no longer will allow to go unchallenged the assumptions about homosexuality prevailing at this University which rationalize a toleration of such actions. Such silence lends support for threats such as this.

We wish to tell the York community that something else now is happening here. Times change, and people at York will have to recognize a new situation. Lesbian women and gay men will continue to become an ever-growing visible part of this community. Whenever the "Stong Stom-

per" (or Stompers from any part of this community) is willing to face us directly, we will proudly and confidently... and "gayly"... meet this person's (these persons') homophobia (the unjustified and unreasoned fear of homosexuality) head-on.

Further, we want to know specifically what the Stong College Government intends to do in response to expressions of such obvious prejudice and violence within its community. What do you plan to do to defend the dignity and protect the safety of the lesbian women and gay men who attend and/or reside at Stong?

We also wish to express to all people at York the regret we feel on seeing you allow such threats, which symbolize the extreme of both intellectual and moral bankruptcy, to go unchallenged. Those with authority have been contacted in previous years about the theft and defacement of posters about services for lesbians and gays. There has been no significant response.

The day must come when homophobia is no longer expressed at York University. In our lives we have found the strength and positive potential within homosexuality. We will no longer have our value as lesbians and gays denied; have threats of violence force

us to deny expressions of our true sexuality.

Chuck Wheeler, M.A.  
Social and Political Thought  
Robin Wood, Chairperson  
Department of Fine Arts  
Atkinson College  
Edward Weissman  
Ass. Prof., Political Science  
P.J. Murty  
3rd Year, Film  
Morgan McGuire  
Winters College  
Glendon L. McKinney  
4th Year, Film  
Varda Burstyn  
2nd Year, Social and  
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Gary Kinsman  
Bethune College  
Linda Keith  
Stong College

(This extra-length comment piece was authorized by a vote of the Excalibur staff assembly, but does not necessarily reflect the view of anyone other than the writer. Any member of the York community can appear before the staff and request a comment piece. Letters of response are invited.)

## letters

### A new student lounge idea

Concerning Floyd Davis' letter of November 23 ("Move bookstore and create student lounge") since it was addressed to newly elected people, I feel compelled to respond as I am a newly installed student senator.

You are not alone in your belief for the need for a student lounge area. I have heard the sentiment voiced a number of times by fellow students. I spoke to David Chodikoff, president of CYSF on this issue, and he states that he and the council have been working on the problem for three months. He also agrees that the bookstore area would be the best space for the lounge, as this was the result of studies that have been made.

However, moving the bookstore is not a very easy proposition. I can understand the problems involved and I would predict that the move will not happen this academic year (perhaps not even in the foreseeable future). As an alternative, there is a proposal that I raised at the York NDP club executive meeting last week which was endorsed by that body.

That is, the length of the hallway on the west side of the bookstore (that extends from the doors by Scott to the clubs room) could be converted into a

lounge area. The conversion could be done quite easily and inexpensively, as this was how the clubs room was created.

With the addition of a partition by the Scott doors, comfortable common room type furnishings and perhaps carpeting and curtains, it could be reasonable. Granted the space has its drawbacks, such as size when compared to the bookstore, but I think it's viable. This could also provide space for a student-run snack bar.

I would appreciate feedback on this issue, either through Excalibur or the CYSF office.

Fred Kuzyk  
York NDP Club

### Another view of York Security

Mr. H. Sharp is entitled to his opinion - "Security Stinks", - "Excalibur", November 30th, and I would not feel it necessary to respond to his letter except that it may be advisable to correct the misconception he has regarding the operations of the Department of Safety and Security Services, inasmuch as this may be shared by other members of the community.

"Parking" and "Security" are two separate functions of the department, while the small security staff is

financed by the University the officers engaged in the control of traffic and parking are paid and equipped entirely by the fees of those persons using the parking facilities, these also finance snow removal costs, parking lot maintenance and repair, and all other expenses pertaining to the parking operation. The fact that all officers wear the same uniform may have given rise to Mr. Sharp's assumption that officers are deployed on the enforcement of parking rather than on "security" work, but this is not the case.

If it were possible to reduce the number of persons employed on parking control, which has not seemed to the Parking Committee, (consisting of faculty, staff and students) to be reasonable, this would result in a decrease in parking fees, but would not increase the number of persons available for security.

Any addition to the security staff would necessarily mean a cut-back in some other budgetary area, with a consequent loss in the services provided there. As an alternative, the active co-operation of members of the community, particularly of those students in residence, or those who frequent university buildings and grounds during the evenings, would I believe substantially reduce the incidence of vandalism, the cost of which in the long run must inevitably be reflected in

additional fees or in a reduction in necessary university services. If this is insufficient inducement the dictum of the late John D. Rockefeller that "Every right implies a responsibility; every opportunity an obligation" may be more persuasive. In whichever category students regard their presence at York the implication is obvious.

C.G. Dunn  
Director of Safety  
and Security Services

### Thanks Excalibur, from Hadassah

The Hadassah Bazaar was a great success again this year and we feel that the excellent coverage which we received in the press was a greatly contributing factor, and we are most appreciative.

Many thanks for your courtesy to us.  
Mrs. I.J. Frisch  
Publicity Co-Chairman

### Cabaret was "shoddy"

I would expect that a person writing theatre reviews for Excalibur would have at least a basic knowledge of the theatre, its workings and background,

plus some knowledge of the other arts.

This is not the case with Andrew C. Rowsome who cannot identify garbage even when it is thrown at him with such force and quantity as it was with the recent production of *Candide*.

Mr. Rowsome praised an orchestra that played neither in tune or time; dancers that had no grace or sense of rhythm; and actors and their singing which should not have been allowed to perform in public.

The direction was about as innovative as mouldy white-sliced bread. The technique of placing the audience in the middle of the action has been generally used for hundreds of years, and most specifically in the successful Harold Prince production of *Candide* in New York in 1973; it was also Prince's idea to present the show in a circus setting — at least the director of the York production knows quality when he 'borrows' from it. So much for what Rowsome calls 'inventiveness'. And what kind of logic is it that places the orchestra conductor so that he has to turn around constantly to see the cast, or has him cueing actors' backs because the cast has been directed to face the audience and not the conductor?

The fact that the Faculty of Fine Arts allowed such a shoddy production to be presented publicly is shameful. The fact that your reviewer couldn't recognize it, is inexcusable.

Lynn Slotkin