

Windsor law dean candidate alleges racism

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A law professor is asking the Human Rights Tribunal of Ontario to force the University of Windsor to appoint her dean of law, after her candidacy was spoiled by accusations of plagiarism and, she claims, racism and sexism.

Emily Carasco, a one-time NDP candidate who teaches family and immigration law at the university, is also seeking payments for "injury to dignity" of \$60, 000 from the school, and \$15,000 from her colleague who raised the accusation, hate-speech expert Richard Moon.

In her complaint to the HRTO, Prof. Carasco alleges that Prof. Moon "sabotaged" her candidacy in a "personal attack," with "overblown, hearsay-based allegations of plagiarism," which the school used as a "convenient pretext" to reject her candidacy with "indecent haste." All of this, she alleges, was motivated by racism and sexism, and the school's refusal to accept a woman of colour as a leader.

She claims the school found her "threatening" because of her intentions to "do more than pay lip service to equity" by addressing the "distinct contrast" between the diverse student population and the "white male leadership."

Her complaint includes a list of all Windsor Law deans back to 1967, of which she says only one was not a white man and she left the post early.

"The University and Faculty of Law leadership remain in the hands of white males," Prof. Carasco claims, creating a "culture of privilege which white men expect to have continue, and will defend with impunity."

She claims the alleged sexism and racism behind her rejection is "particularly hard to swallow in a context where I am surrounded by individuals who claim that they understand and live by the values that underlie human rights law."

The school, now without a law dean since July, has started a new search, which Prof. Carasco is asking the HRTO to block until her complaint is resolved.

Most unusual, though, is her request for an order appointing her dean for a five-year, renewable term, which is likely beyond the tribunal's practical power.

Prof. Carasco was one of two people on a short list created by the law school's search committee, which included a judge, a member of the Human Rights Tribunal of Ontario, visible minorities and women, including the chair, Kathleen McCrone. After months of interviews and debate beginning last year, the

committee recommended neither candidate, forcing the school to start fresh.

The other failed candidate, lawyer Scott Fairley, said the process seemed to him rigorous and fair, with no sign of racism. He said the process was "structurally very transparent and very public, almost to the point of paralysis."

"The only odd thing was the committee choked at the end," he said. "This was a hugely expensive and time-consuming process, and the university was left with nothing at the end."

The scandal began in March, near the scheduled end of the search process, when Prof. Moon, who was not on the search committee, contacted the chair to describe a "very serious" accusation of plagiarism in a 2006 book co-authored by Prof. Carasco called *Immigration and Refugee Law: Cases, Materials and Commentary*, parts of which had to be recalled from the publisher and rewritten by another co-author.

Prof. Moon, a constitutional law scholar at the University of Windsor, is best known for his 2008 report to the Canadian Human Rights Commission recommending the end of its hate speech mandate.

His note suggested the committee seek out the original chapters to see for themselves the "sources that were not properly referenced," according to Prof. Carasco's complaint.

One of Prof. Carasco's co-authors on the book was Prof. Moon's wife, University of Toronto law professor Audrey Macklin, a prominent advocate for Omar Khadr.

"Professor Moon's reasons for making these spurious allegations at the eleventh hour are highly suspicious," Prof. Carasco wrote, given that he heard them from Prof. Macklin long ago. "[H]e raised them at a time and in a manner that would do maximum damage to my reputation and candidacy."

Prof. Carasco's explanation of the alleged plagiarism was that another co-author raised it over email while she was overseas, and that she consented to have him rewrite parts of her chapter.

This co-author, University of Victoria law professor Donald Galloway, "made substantial alterations to the galley proofs of my chapter, removing my material outlining the history of racism in Canada's immigration policy." She said her own recent review of this episode "disclosed no problems" and showed she in fact made "voluminous attributions" to the author of the allegedly plagiarized passages, Ottawa

journalist Valerie Knowles, who has written two histories of Canadian immigration.

Prof. Carasco said she was the only person of colour among the four co- authors, and now believes that Prof. Galloway's "focus on the attribution issue" was an excuse for him to "remove material on racism which he believed should not have been included."

Prof. Galloway could not be reached on Thursday.

Prof. Moon's lawyer, Freya Kristjanson, denied the allegations of racism and sexism, and said his client raised his concerns in the appropriate manner, "motivated by genuine concern for academic integrity."

University of Windsor spokeswoman Holly Ward said the allegations are a surprise, and are taken very seriously. She said the school has hired lawyer **Raj Anand**, a former chief commissioner of the Ontario Human Rights Commission, to prepare a response.

The call for applicants said the new dean should be a "distinguished academic" with administrative experience. It also expressed the school's openness to candidates from "traditionally marginalized groups."

Prof. Carasco, who was born in Bombay and grew up in Uganda, studied law at Makerere University in Kampala, then fled as a refugee in 1972, shortly after dictator Idi Amin took power. She has two degrees from Harvard Law School and has been a Canadian citizen since 1983.

She ran for the federal NDP in 1993 against Liberal veteran Herb Gray, and has served on Ontario's Judicial Appointments Advisory Committee. One newsworthy episode in her past role as human rights commissioner for the University of Windsor - and author of the school's human rights policy - involved her vowing to punish whoever was responsible for a poster that showed a faculty member's face superimposed on a picture of Adolf Hitler.

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