

# SAFS Newsletter

*Society for Academic Freedom and Scholarship*

Maintaining freedom in teaching, research and scholarship  
Maintaining standards of excellence in academic decisions about students and faculty

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## THE CONTROL AGENDA IN CANADA'S GOVERNANCE OF ETHICAL REVIEW OF HUMAN RESEARCH

*Clive Seligman and Richard M. Sorrentino<sup>1</sup>*  
*University of Western Ontario*

The *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* is the supreme research ethics document in Canada. Generally speaking, it is a well-intentioned, sincere, sensitive, thoughtful reflection on the problems and concerns regarding the ethical treatment of human subjects<sup>2</sup> in research. But its birth was painful and its labor long. The first draft shocked the research community into action and individuals, professional and academic associations, and university administrators responded with an unprecedented number of critical comments and suggestions for revisions. Indeed, so activated was the community of researchers that the second draft was forced to further revision. The final document, published in July, 1997, was one that most researchers thought they could live with. However, what many of us failed to realize was that the document was not just a treatise on good, ethical practice but was also a potential blueprint for increased control over the research we could do and how we could do it.

The 1997 Statement replaced the separate ethical guidelines that had been used previously by each of our three major, federal, granting agencies. It was not obvious why it was felt that: a) medical research, b) science and engineering research, and c) social science and humanities research needed to be brought under one umbrella of ethical scrutiny. But a consideration of the reasons for the integration of the ethical review processes of the granting agencies illustrates the abstract and, sometimes, incoherent reasoning that is so evident throughout the document.

The stated reasons for the integration included the beliefs that fundamental ethical issues and principles

transcend disciplines, and that a harmonizing of Research Ethics Boards (REBs, called IRBs in the US) across disciplines would be bureaucratically and educationally more effective. Oddly, the increased protection of human subjects was *not* mentioned as one of the reasons! Moreover, no evidence was presented that showed the old way was problematic in the first place. Indeed, true to the natural reluctance of Canadians to offend anyone, the statements on the need for harmonization and adherence to common principles were followed by a recognition that "The effective working of ethics review -- across the range of disciplines conducting research involving human subjects -- requires a reasonable flexibility in the implementation of common principles. The Policy therefore seeks to avoid imposing one disciplinary perspective on others."

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Thus, although it is not clear that the *Tri-Council Statement* has increased public safety, it is evident that Canadian researchers are under more scrutiny and control than ever before, because a bigger bureaucracy, with more rules, has been created. We don't want to suggest that increased control per se was the driving motive of the Tri-Council, but we do want to suggest that that is one of the real outcomes of their new ethics statement. And therein lies a potential threat to free inquiry. We will describe four examples.

1. First, many REBs are asked to judge the scientific validity of research in order to consider whether the benefits expected outweigh the harm. In the new ethics forms developed at our university this past summer, investigators are asked to provide details on the scientific justification of the research, the strengths and weaknesses of the design, the analysis of the data, the justification of the sample size, and the sample size power calculation. This is the case even for research that has been peer reviewed and funded by one of the Tri-Councils!

Giving members of an ethics review board the authority to second guess the expert opinion of the grant review panel is not only absurd but opens the door to abuse. A study by Ceci, Peters, & Plotkin (1985) many years ago demonstrated that the decisions of ethics committees are influenced by the purpose of the research. In their study of actual IRBs, they showed that judgments of the ethical acceptability of the procedures of a study varied with the expected outcome of the study, even though the method section was held constant across conditions. Ethics review boards should concern themselves with the protection of subjects only, i.e., they should ask the question, 'Does the research violate any of the subject's rights?'

2. Second, we are, of course, required to provide informed consent regarding the tasks the subjects are expected to complete, anonymity guarantees, and the like. No argument. But now we are also directed to ask our subjects at the end of the experiment, after they have been fully debriefed, whether they want their data used by the researcher. Let us be clear. We are not talking about permission to reveal personal information or to identify which subject provided which data points. We are asked to obtain permission from the subject to use his or her data in the data analysis. Thus experiments that study hypotheses or theories or applications that the subjects may object to may be put in jeopardy by selective withdrawals from different experimental conditions. In extreme cases, this would be tantamount to giving subjects a veto over which research could be carried out, even though there were no ethical problems of harm associated with any of the procedures. Should investigators be obligated to match any potential or hypothetical political implication of their research with the political inclinations of their subjects?

3. Our third example is a good illustration of Lou Penner's (2002) warning about the local REBs' idiosyncratic interpretations of the rules. Although the *Tri-Council Statement* is silent on the advertising of payment for research participation, our local non-medical REB, for many years, has refused to allow investigators to advertise how much money subjects will be paid. Participants were allowed to call to find out, and payment information is part of the informed consent form, but ***the amount must not be placed in the ad***. The REB's rationale is that money is coercion, and coercion is bad.

As a member of the local REB, and wanting evidence to argue with the REB, Dick Sorrentino wrote to members of the SPSP list to canvass their opinions and university's policies on this issue. All of the 26 respondents who replied were in favor of advertising the amount paid to participants, and many were quite emphatic about it. All disagreed that money is, by definition, coercion. Only one person said that their university's IRB looked upon money as coercion, but even so they were still allowed to advertise the amount.

Most of the arguments centered on informed consent. That is, participants should be fully informed about the payment amount and should not have to take extra steps to find out. For example, one respondent wrote,

“I believe that most people would like to know how much they will be paid before they call for further information. As researchers we have an ethical obligation to avoid wasting people's time, and flyers with insufficient information have the potential to waste the time of everyone who would consider the compensation insufficient.”

Many respondents disagreed that money is coercion. For example, one person said, “this seems utterly absurd. By these standards, if I pay a college student as a babysitter I'm coercing her into babysitting. It is just fair payment for services rendered. Coercion refers to the use of excessive compensation intended to entice people to do something they would not otherwise be willing to do (out of fear, moral objection, or essentially any other reason beyond ‘it's not worth my time’).”

4. As a final example, two of our colleagues in the sociology department were engaged in a health research project in which one of their goals was to assess the adequacy of the current method for calculating life expectancy for native Canadians. The research was funded by the Social Sciences and Humanities Research Council (one of the tri-councils) and one of the partners in the research was the federal Department of Indian Affairs. The investigators' idea was to match death statistics with persons listed on the Indian Register. These data are kept by another federal agency, Statistics Canada, which initially was also interested in the accuracy of life expectancy figures.

The research got hung up because Statistics Canada felt that it would be unethical to check whether newly dead people were listed on the Indian Register, without obtaining permission. Permission! From whom? Unless the silence of the dead is taken as agreement, there is a problem. Apparently, it was not possible to budge Statistics Canada on this point.

As the “negotiations” between the researchers and Statistics Canada unfolded, the researchers began to realize that the issue was hypersensitivity on the part of Statistics Canada to doing research with native populations. One need only read the *Tri-Council Statement* section on research with aboriginal communities to realize the political sensitivity of such investigations. The researchers ultimately decided against conducting this aspect of their research.

Unfortunately the situation may worsen in the future. The Tri-Council has now decided that the implementation of the 1997 Statement must be systematically policed and standardized across all institutions where research is conducted. Working behind the scenes without the full knowledge of the research community, various federal agencies, vying with each other for control of the research ethics industry, are making plans for accrediting the REBs.

According to *The Society for Academic Freedom and Scholarship* which has examined the available documents the current plan:

- does not establish any need for a national governance system
- does not make it clear that there will be any benefits to researchers
- provides no assessment scheme to document the benefits to public safety
- uses a medical research model which is not applicable to research in general
- is unclear on even the mechanics of accreditation and national governance
- aims to extend coverage to private sector research, again with no justification
- suggests that socially desirable outcomes are the aim of research
- has been developed by a top-down process driven by insiders and bioethicists
- has had no meaningful input from the community of individual scholars
- continues to download the expenses to the local institutional review boards
- seems guided by the premise that more control is inherently good

As Yogi Berra said, “It's deja vu all over again.” Whether Canadian researchers will mobilize once more to protect their interests and be successful in limiting the ‘damage’ is unknown at this time.

<sup>1</sup>Order of authorship is alphabetical

<sup>2</sup>The Tri-Council deliberated on what to call the people who sign up for experiments, and chose the term subjects over participants. It is tempting to conclude that the real purpose here was to reaffirm that Canadians really are different from Americans.

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Clive Seligman & Richard Sorrentino are SAFS members. □

### NOMINATIONS FOR THE FUREDY ACADEMIC FREEDOM AWARD

*Established in memory of Bela and Dusi Furedy*

Nominations are solicited for this award, which will recognize outstanding contributions to academic freedom.

Deadline for receiving nominations is March 1, 2003.

Nominees need not be SAFS members.

Current members of the Board are ineligible.

Final decisions will be made by the Board.

Please send your letter of nomination, along with an additional supporting letter, a short vita, and any supporting documents that may be pertinent to:

*Clive Seligman*

Society for Academic Freedom and Scholarship  
1673 Richmond Street, #344  
London, Ontario, Canada, N6G 2N3

The award will be presented at the next AGM, and will be represented by a certificate, a small gift, and a contribution toward the travel expenses of the recipient to the AGM.

### TENURE - STREAM ADVERTISEMENTS BEFORE AND AFTER THE 1995 "COMMON SENSE REVOLUTION"

*John J. Furedy, University of Toronto  
Christine Furedy, York University*

North American universities have always competed for academic status. The selection of tenure-stream faculty is a major component in that competition, especially in Canadian universities where most tenure decisions are positive. In the early nineteen seventies the introduction of public advertisement of all positions brought about a significant change in the hiring process. This requirement at least eliminated the cruder versions of the *old boys= network@* in determining appointments. In principle, this reform increased the possibility that academic merit (i.e., what a candidate knew) rather than favoritism (i.e., whom a candidate knew) would be the basis of selection for academic positions.

By the early nineteen eighties, in addition to the goal of merit in appointments, the goal of *Aaffirmative action@* (in the USA) or *Aemployment equity@* (in Canada) was adopted to a greater or lesser extent by North American universities. Since then, many university faculty and almost all administrators have argued that there is no conflict between merit and equity. (Recently, for instance, the University of Toronto has adopted a slogan of *AExcellence through Diversity@*).

Logically, however, the claim that there is no conflict between merit and equity is undermined by those many high-level university administrators who claim that they seek a proper *Abalance@* between merit and equity: balance is required only between countervailing units. The claim is also undermined empirically when, in studies like that described here, the patterns of results obtained by emphasizing merit are different from those obtained by emphasizing equity.

In the ways that they deal with such problems as finding the proper *Abalance@* between merit and equity, universities can be viewed as organisms that, guided by their academic administrators, differ both with respect to internal motivational and external environmental conditions.

For instance, with regard to motivation, York University has a stronger commitment to equity than

the University of Toronto (witness: it is the only Canadian university to have won a federal Equity Award). It is reasonable to expect, therefore, that York's tenure-stream hiring policies would place more emphasis on equity, and its tenure-stream advertisements might contain phrases like "especially welcome applications from women" rather than "welcome applications from both women and men."

An example of different adaptations to differing environmental conditions (strength of the economy) is the contrast between tenure-stream advertisements in Western and Eastern Canada. A phrase like "outstanding record of research publications" is a sign of a stronger merit requirement than "interest in developing a research program." The former sort of phrase is more evident in advertisements from universities in the West than those in the less affluent East of Canada. This West/East difference in merit emphases appears to reflect reasonable adaptations to differing environmental conditions.

### Studying Institutional Adaptations Through Job Advertisements

It is possible to systematically study the differential adaptations of universities (and even of such sectors of universities as the hard sciences versus the humanities). The method is to examine the phraseology of tenure-stream advertisements in order to indirectly assess differences in degrees of emphasis on merit and equity as factors in hiring.

To measure these emphases, the study (conducted by the first author with assistants) employed the method of "judgmental content analysis."<sup>1</sup> Raters use 7-point scales to assess the degree of merit and of equity in tenure-stream advertisements for arts and science positions (taken from *University Affairs*) from which institutional and departmental identification has been removed. Previous *SAFS Newsletter* articles have reported on some aspects of this Canada-wide study [*SAFS Newsletter*, 27 (January 2001, 6-7); *SAFS Newsletter*, 30 (January 2002, 1-4)].

The present study is a closer analysis of the situation in Ontario, primarily contrasting York University and the University of Toronto. As in the Canada wide-study, the period 1992-1994 was compared with 1996-1998 because, in 1995, a "political earthquake" occurred in Ontario, with the left-wing New Democratic Party (NDP) government of Bob Rae being replaced by the right-wing conservative government of Mike Harris

(whose "common sense revolution" included abolition of employment equity laws, at least in the private sector, laws which the NDP had strengthened during its 1990-1995 tenure in government).

On the face of it, University of Toronto and York appeared to react differently to the 1995 left-to-right shift in the Ontario government. For example, whereas, at least on the administrative level, University of Toronto maintained cordial relations with the Harris government, Harris's first minister of education was pelted with tomatoes in a rowdy protest when he visited York, York's administration did not publicly apologize. Also, these two large Ontario universities differ in the strength of their commitment to employment equity, and the position of their average faculty on the left-right political continuum. So an expected result for this study was that there would be a differential effect of the Rae-to-Harris political change on the two universities' emphasis on equity in their tenure-stream advertisements.

For comparative purposes, the study looked at a third group of university advertisements for the "Rest" of Ontario<sup>2</sup> so the design of our factorial study had *Location* as a three-level factor (York, Toronto, and Rest). The second factor was *Time* (1992-1994 vs. 1996-1998), while the third factor was *Discipline Hardness* (hard sciences, social sciences, and humanities). *Rated Merit* and *Rated Equity* were the dependent variables. Finally, there was a *Rater* factor, the four raters (Yaniv Morgenstern, Joanna Mostowka, Carol Okamoto, and Joanna Renata) providing the four levels of this factor.

### Reliability And Absence Of Bias From Rater Differences

The inter-rater correlations for merit ranged from 0.55 to 0.76; for equity, the correlations were higher, ranging from 0.83 to 0.93. There were statistically significant<sup>3</sup> differences among raters in their mean merit (ranging from 4.30 to 5.02) but not equity ratings. However, most importantly, no interactions emerged between the four-level *Rater* factor and the other three factors of *Location*, *Discipline Hardness*, and *Time*. That is to say, we can be confident that differences among raters did not confound the interpretation of what the raters were rating with respect to the three factors of *Location*, *Time*, and *Discipline Hardness*.

A potential source of bias was that, especially in the case of the most experienced rater who had worked on

prior studies, raters may have been able to identify York advertisements even though, as in previous studies, the university and departmental identification had been removed. To the extent that this identification was possible, raters may have given higher equity ratings to York advertisements not on the grounds of actual content, but on the grounds of expecting York advertisements to be more equity-oriented.

To investigate this source of potential bias, raters were asked to guess the origin of each advertisement (York, Toronto, or Rest), and to express the degree of confidence in their identification on a 5-point scale. Mean identification accuracy was not above chance level, and the two raters whose confidence in their ability to identify advertisements was highest were also the two raters who performed at significantly *below* chance level in correctly identifying York advertisements. Accordingly, it is unlikely that this source of bias confounded the results.

### Results: Expected And Unexpected Differential Adaptations

Another distinction between adaptations is to classify them into those readily explicable or expected in terms of institutional policies and/or the environment, and those that are not so readily understandable in those terms.

An example of an expected difference that has already been anecdotally mentioned is the York/Toronto difference in their emphasis on equity. The results of the present study's judgmental content analysis were in line with this expectation. York's mean equity rating (3.75) was significantly higher than Toronto's (1.80).

Taken together, the remaining Ontario Universities (Rest) had an average equity score that equaled that of York (i.e., 3.75), suggesting that, on the average, those other universities followed York's rather than Toronto's degree of emphasis on equity. It bears emphasis that the Rest category contained universities that probably vary considerably in terms of their equity emphasis. A more recent example of an extreme equity emphasis was Wilfrid Laurier's psychology department which, in 1999, advertised a developmental psychology position that was restricted to women only (see *SAFS Newsletter*, 23, November 1999, 1-3).

However, contrary to what was expected in terms of differences in policy regarding equity, the Rae-to-Harris shift had no effect on mean equity ratings, either in terms of the main effect of *Time*, or the specifically predicted *Location x Time* interaction. So, despite the marked York/Toronto differences in their commitment to equity position on the left-right political continuum, and reactions to the Harris government, the relative equity emphasis of the tenure-stream ads of these institutions remained unaffected by the provincial left-to-right political shift.

Still, when the merit results were analyzed, a significant *Location x Time* interaction did emerge as depicted in Figure 1.

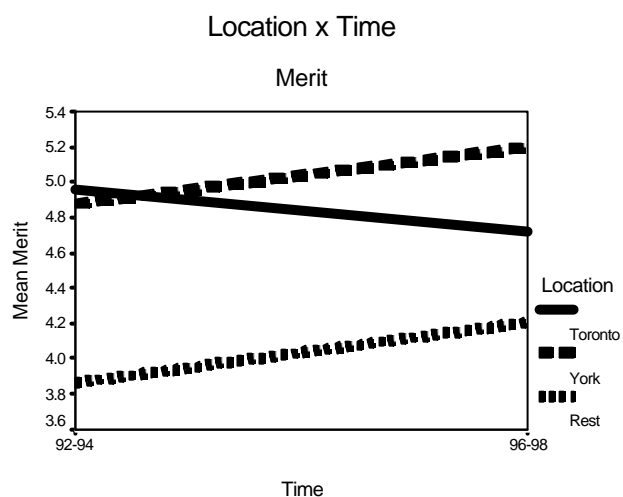


Figure 1

As inspection of Figure 1 suggests, the source of this interaction was that, whereas over time (from the Rae to the Harris period) York and the Rest increased their merit emphasis, Toronto uniquely decreased its merit emphasis. So, contrary to expectations, the Rae-to-Harris shift differentially affected Toronto and York (together with the Rest) not in their equity but in their merit emphases.

Figure 1 also shows that the merit requirements for York and Toronto were approximately equal, and markedly higher than those for the Rest. This seems to be an expected result that stems from the greater funding available to both York and Toronto compared to the remaining Ontario universities (which include a number of quite small institutions where externally

*Stream Advertisement...continued on page 8*

## NOMINATIONS FOR SAFS BOARD OF DIRECTORS, 2003-2004

The Nominations Committee consisted of Clive Seligman (President), Doreen Kimura (Past-President), Ian Brodie (University of Western Ontario) and Philip Sullivan (University of Toronto).

The seven nominated current Directors are: **Grant Brown, Tom Flanagan, Andrew Irvine, Steve Lupker, Clive Seligman, Harvey Shulman, Peter Suedfeld**. The additional nominee is:

**John Mueller** is professor of Psychology at the University of Calgary. He received his PhD in Experimental Psychology from St. Louis University (St. Louis, Missouri) in 1968. He spent 22 years at the University of Missouri (Columbia), and moved to the University of Calgary in 1990. He has worked for over 30 years in the general area of human learning and has published over 100 articles in professional journals and more than a dozen book chapters. He is a Fellow of the American Psychological Association and the American Psychological Society. In addition to cognitive psychology, he has taught various courses in educational computing at the University of Calgary. He recently served as President of the Calgary Freenet Association. He has taught History of Psychology, and this perspective fueled an interest in freedom of inquiry. Presently this interest is focused on constraints of inquiry by Research Ethics Boards, and by grant-driven research agendas more generally. He was the primary writer of SAFS' response to the Interagency Advisory Panel on Research Ethics.

Any member of SAFS may nominate individuals for election as Director. These nominations must be received at the SAFS Office by April 15, 2003. Each member nomination shall contain the following information: (i) the signature of the person nominating and the signatures of two (2) seconders; (ii) the full name and address of the person nominated; (iii) a statement of the status and attributes of the person nominated, showing each person's qualifications to be a director; (iv) a written consent signed by the person nominated agreeing to be nominated for election and to serve, if elected.

For your information, Philip Resnick had stepped down from the Board.

### ANNUAL GENERAL MEETING May 3, 2003

#### Advance Notice

SAFS Annual General Meeting will be held at the University of Western Ontario on May 4, 2003. Details of the program and keynote speaker will be provided later. Suggestions for presentations, panel discussion, symposia, and the like are encouraged. Members wishing to participate as speakers at the AGM should contact the President.

Please mark this date on your calendar, and we hope to see you at the meeting in May.

### SAFS BOARD OF DIRECTORS 2002-2003

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Doreen Kimura, PhD, FRSC (SFU)  
John J. Furedy, PhD (Toronto)

Stream Advertisements... continued from page 6

funded research is not undertaken on the scale of either York or Toronto).

The merit results also yielded a significant interaction between *Discipline Hardness* and *Time*, and hence another differential Rae-to-Harris effect not on equity but on merit. This interaction is depicted in Figure 2. It is clear that there is a marked and unique increase of the merit emphasis in the hard sciences from the Rae period (when there was essentially no difference among the three discipline-hardness categories) to the Harris period (where the marked difference is between the hard sciences and the other two categories). Moreover, as there was no three-way interaction between *Location*, *Discipline Hardness*, and *Time*, this unique increase in the emphasis on merit in the hard sciences appears to have occurred across all Ontario Universities.

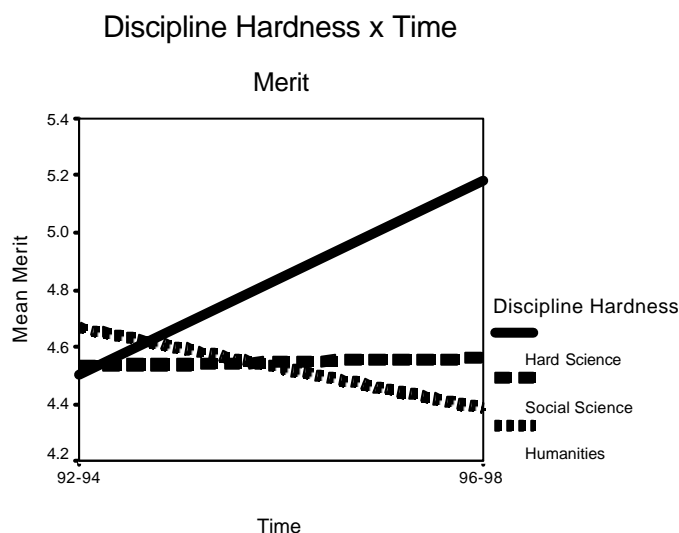


Figure 2

The increase in merit hardness from the Rae period in the hard sciences alone is not readily explicable in terms of explicitly formulated policies. It may, however, reflect an adaptation to equity pressures by departments in the hard sciences. Perhaps one result of the Rae-to-Harris shift was to produce more explicit attention to the equity vs. merit issue in tenure-stream hiring, and faculty in the hard sciences, who share more agreement about criteria for merit, adjusted to the pressure from administrations and equity officers for inclusive language in advertisements by increasing the merit requirements for positions. An indirect way of testing this interpretation would be to survey faculty

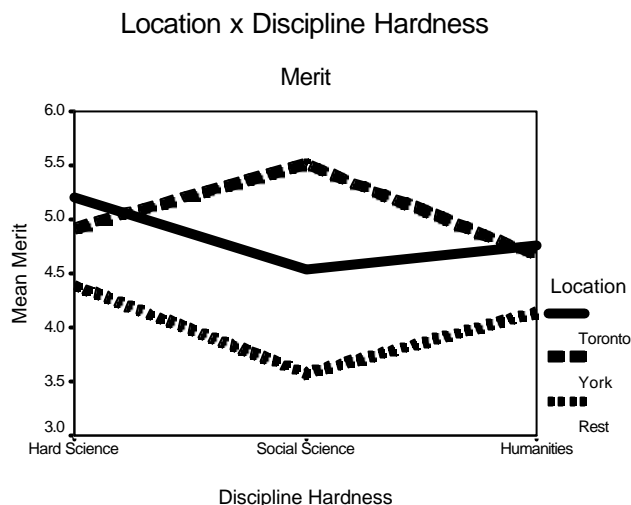


Figure 3

who were members of hiring committees in the 1992-1994 and 1996-1998 periods concerning their attitudes towards the merit/equity balance and departmental policies on tenure-stream appointments.

The third and final significant interaction that emerged from the merit results was that between *Location* and *Discipline Hardness*, an interaction that is depicted in Figure 3. This interaction arises from a contrast between York on the one hand, and Toronto and the Rest on the other hand. Whereas at York, social science had the highest merit requirements, at Toronto and in the Rest, social science had the lowest merit emphasis.

Some anecdotal knowledge may account for this apparently unique social-science emphasis on merit at York during the nineties. During the seventies and early eighties, a period of considerable expansion in the social sciences, there was a perception of softness in social science appointments. In the mid- to late-1980s the Faculty of Arts administration revised and standardized procedures for tenure and promotion committees. These factors may have subsequently strengthened the emphasis on merit in advertisements for positions in the social sciences.

To more systematically test this account, it may be possible to conduct interviews with those in positions of administrative authority at the time. Another approach would be to apply the present judgmental content analysis to Ontario university advertisements during two earlier sets of three-year periods (e.g.,



1978-1980 and 1982-1984) to see whether the sort of interaction depicted in the bottom panel of the figure emerges.

## Conclusion

The method of judgmental content analysis of tenure-stream advertisements provides a systematic, empirical way of examining differences in the way in which merit and equity in tenure-stream hiring are emphasized. Some of these differences are either due to obvious differences in institutional policies, or to marked differences in the environment in which universities operate.

However, there are other differences that came to light that are not predictable on the basis of armchair-study. It is interesting that in this research these less expected differences emerged not in the equity but in the merit emphases, and there were unique aspects shown by the University of Toronto in the later, 1996-1998 period (Figure 1), by the hard sciences in the later, 1996-1998 period (Figure 2), and by York University in the social sciences (Figure 3). Finally, it is possible to generate hypotheses that may account for these unexpected effects, hypotheses that are themselves open to further empirical testing. These investigations, then, appear to be relevant to those Canadian academic administrators who are interested in finding the right balance between merit and equity, no matter where they are positioned on the merit-equity continuum.

## Notes

1. For details, see Technical Report #1 to Donner Canadian Foundation on JJF's web site: <http://www.psych.utoronto.ca/~furedy/judgm6.htm>.
2. The universities in this group included Algoma, Brock, Guelph, Lakehead, McMaster, Ottawa, Queen's, Redeemer College, Trent, Waterloo, Western Ontario, Windsor, and Wilfrid Laurier.
3. Defined at a level of less than 0.05, i.e., a less than 5% chance that the observed sample difference is drawn from a population with no difference. □

## CHARLES CRAWFORD HONOURED

Charles Crawford, a SAFS member and Professor Emeritus at Simon Fraser University, is this year's recipient of the Nora and Ted Sterling prize in support of controversy. The prize was presented at a lecture by Crawford on October 8, 2002. Professor Crawford discussed the relevance of our evolutionary heritage to today's social conditions.

## DIVERSITY SHOULD BE AN OUTCOME, NOT A GOAL

*John Staddon, Duke University*

The argument against selecting for diversity is an example of a more general principle:

Even if ability is equally distributed, if you limit your search you will often fail to hire the best person available.

At the risk of belaboring the obvious, an example may help. Let's first move away from the controversial topics of gender and race diversity and the thrust of current efforts and look at something more neutral: regional diversity. Let us assume that Duke is as rich as Croesus or, at least, Harvard and can attract any potential faculty member it wants. And, to be specific, consider just two regions, East and West of the Mississippi, and a single discipline, physics.

Now suppose it turns out that there are equal numbers of able physicists on both sides of the country but only 20% of current Duke physicists come from the West. We can deal with this disparity in two ways: (1) Ignore it, and just hire the best possible physicist, or (2) address the problem directly by hiring only the best physicist from the West.

Look first at strategy 2, hiring for diversity. Since the best physicist available will be from the West only half the time, it follows that 50% of the time Duke will hire less than the best physicist available. Even if there are more good physicists in the West say 70% hiring with diversity as the goal will cause Duke to miss the best 30% of the time. Hiring for diversity will eventually achieve the 50:50 goal, but at some inevitable cost in terms of quality. In short hiring for diversity is necessarily in opposition to hiring for excellence.

Now consider strategy 1: Because ability is assumed to be equally distributed across regions, hiring for excellence will eventually result in a 50:50 mix of Duke physicists. Diversity will occur as an outcome, not as a goal, at no cost in terms of quality. This seems to many of us to be the proper course.

There is of course another way to resolve this dilemma and that is to redefine excellence. Some might argue that an excellent physicist is not just someone good at

physics but someone whose other attributes C region, gender, race C satisfy some non-physics criterion. Excellence, in this new definition, represents a balance between these two sets of criteria.

This approach is not without precedent. After all, physics departments don't just hire any old great physicist, they look for someone whose area of interest and professional links to other department members will make him or her a valuable contributor to the work of the department as a whole. *But* these other criteria usually have some relation to physics and they are defended explicitly and specifically. Unfortunately our current preferential hiring policies are rarely defended in this way. The usual tactic is to hold up Diversity as a self-evident good. What we need is an explicit defense of the specific preference that is being advocated. What are the goals C social, political, cultural or whatever C to be served by restricting hiring to a particular group? How should these goals be weighed against excellence in the discipline? Let's hear a real defense of the diversity policy, not just denials of the ineluctable conflict between diversity and disciplinary excellence.

From a letter published in *Duke Chronicle*, Nov. 11, 2002. □

**SAFS LETTER TO FREDERICK H. LOWY,  
RECTOR, AND LILLIAN VINEBERG, CHAIR,  
BOARD OF GOVERNORS,  
CONCORDIA UNIVERSITY**

*Clive Seligman, SAFS President*

Dear Dr. Lowy and Ms. Vineberg:

I am writing to you on behalf of the Society for Academic Freedom and Scholarship. As you know, SAFS represents a broad cross-section of professional academics, students and interested others from across Canada, and elsewhere. Together, we work to maintain freedom in teaching, research and scholarship, and to maintain standards of excellence within Canadian universities.

In our earlier statement on the anti-free speech riot at Concordia (September 12, enclosed), we condemned the violent actions by hooligans who forced the cancellation of the speech by former Prime Minister of

Israel, Benjamin Netanyahu. We also stated, Although it is understandable that the senior leadership would feel that a cooling-off period might be useful, a prolonged moratorium will send the message that free speech at Concordia University can be hijacked by thugs. Such an impression must never be given in a free society. @

Thus we were pleased to learn that Concordia's Board of Governors voted on Wednesday evening to revoke the moratorium on discussions of events in the Middle East. We urge you to name a date, as early as possible, on which the moratorium will be officially over, thus restoring free speech on campus.

In our view, Concordia has now had sufficient time to make the appropriate arrangements to ensure both campus safety and reasoned debate on issues concerning the Middle East. As you know, free speech is the life-blood of universities. Without free speech, the work of both students and faculty at Concordia will suffer. We support you in your efforts to make Concordia University a place where speakers representing numerous points of view, and background, will be able to speak openly and safely.

As a final note, I would like you to know that one of our Board of Directors, Professor Harvey Shulman, is also a member of the faculty at Concordia. Accordingly, he did not play any role in the writing of this letter. November 2, 2002. □

**SAFS LETTER TO SABINE FRIESENGER,  
PRESIDENT OF CONCORDIA  
STUDENT UNION**

*Clive Seligman, SAFS President*

Dear Ms. Friesenger:

We are a national organization of scholars whose goals are to promote academic freedom in teaching, research, and scholarship and to uphold the merit principle as the basis of academic decision-making regarding students and faculty.

Based on our reading of media reports, we write to denounce the actions of the Concordia Students Union (CSU) in banning Hillel from normal participation as a club at the University. As a recognized club, Hillel deserves to be treated fairly, that is, according to the same rules that are applied to all clubs.

It is our understanding that the decision to ban Hillel, thus freezing its operating budget and its ability to use university space, was taken at a hastily called meeting, attended by only 9 of 27 councillors, who voted at midnight. Further, it is unclear that the action Hillel was charged with committing (distributing brochures providing information about volunteering for the Israeli Defence Forces) is actually an offence or was approved by Hillel itself. Hillel was also not given a chance to explain itself, and there was no attempt by the CSU to investigate the matter before the meeting to ban Hillel was called.

In the context of recent events at Concordia that include a riot by pro-Palestinian supporters that led to the cancellation of a scheduled speech by former Israeli Prime Minister Benjamin Netanyahu, and the invitation to and appearance by Svend Robinson, Judy Rebeck and others to speak at Concordia in violation of the administration's moratorium on issues dealing with the Middle East, your actions may be interpreted by many as a deliberate provocation, which will only further diminish the public's opinion of the CSU. The Academy is a precious entity, the only institution in society whose reason for existence is to search for truth and communicate what is known about the human condition and the world in which we live. To subvert the principles of the Academy C reasoned debate, freedom to associate, and civility C for the CSU's or anyone's narrow political purpose would be repugnant.

We call on the Concordia Students Union to revoke immediately its ban on Hillel. December 9, 2002. □

### DISSENTING OPINIONS

Doreen Kimura, SAFS founding president, has recently published *Dissenting Opinions*, a collection of writing, including op-ed articles, letters and other short articles. The articles are mainly from the period when she was on the Board of Directors of SAFS (1992-2001), including several years when she was president. Many of the articles deal with the two goals of SAFS: (1) maintenance of academic freedom and (2) maintaining standards of excellence in academic decisions. SAFS members may obtain a copy at cost (\$12 including postage) by emailing [dkimura@sfu.ca](mailto:dkimura@sfu.ca).

### UT CONFERENCE ANNOUNCEMENT

#### **Excellence through Diversity: Confronting the Tensions in the University** **University of Toronto** **March 21 - 23, 2003**

Aimed at "university administrators, faculty, staff, and students who wonder about equity and diversity issues...the purpose of the conference is to change perceptions of what is possible with respect to achieving equity and to establish a dialogue between university policy makers and those who live these policies." (From Program Abstract)

Several SAFS members have organized a panel session that challenges the favorable assumptions of equity policies that permeate this conference. Arguably, the SAFS panel will be the only one to argue explicitly that faculty hiring practices demanded by equity policies are harmful to universities.

The title of the SAFS members' panel is: The moral bankruptcy of diversity/equity hiring policies for university faculty: Empirical, logical, and ethical considerations.

In this session, speakers will present some empirical, logical, and ethical considerations that support the view that faculty hiring should be based solely on academic merit, and that the only kind of diversity a university should be promoting is the diversity of opinions, which can be defended on rational rather than emotive grounds. The speakers and the titles of their presentations are:

*John Furedy (Chair), University of Toronto:*

Empirical analyses of institutional hiring policies as revealed in the phrasing of Canadian and American tenure-stream advertisements.

*Philip Sullivan, University of Toronto:*

Use and abuse of 'systemic discrimination' in universities' commitment to excellence.

*Doreen Kimura, Simon Fraser University:*

Misguided 'equity' programs in Canada.

*Clive Seligman, University of Western Ontario:*

Ten reasons why preferential faculty hiring is bad for universities.

*Conference website:*

<http://www.utoronto.ca/equity/eeconf.htm>

**The SAFS panel session is scheduled for**  
**Saturday, March 22, 1:45 to 3:15. □**

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**SAFS OFFICE**

1673 Richmond Street, #344, London, Ontario, Canada, N6G 2N3, e-mail: [safs@safs.ca](mailto:safs@safs.ca)

*Secretary: Daniella Chirila, Department of Psychology, University of Western Ontario, e-mail: [secretary@safs.ca](mailto:secretary@safs.ca)*

# Dues 2003

**RECEIVING MEMBERSHIPS ON TIME IS IMPORTANT FOR THE SOCIETY**

For those of you who still have not paid your 2002 year dues, please do so as soon as possible. The costs of producing and mailing the newsletter are high and we are unable to continue sending copies to past members beyond a courtesy mailing. Please check your status and send in your dues if you have forgotten! Thank you!

**REGULAR MEMBERS**

**Annual:** \$25.00  
**Annual retirees/students:** \$15.00

**SPECIAL MEMBERSHIPS**

**Lifetime:** \$150 (available to those 60 years or older or retired)

**Sustaining:** \$100-\$299 annually  
**Benefactor:** \$300 or more annually

Special memberships are inclusive of the current annual dues, but payment of back dues cannot count towards them. Names of members in these special categories will be circulated at the AGM.

*(Because SAFS is not a registered charity, memberships cannot be considered charitable contributions for income tax purposes.)*

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