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# SOCIETY FOR ACADEMIC FREEDOM AND SCHOLARSHIP

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September 2000

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## PURPOSES OF SAFS

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

## THE USE AND ABUSE OF SYSTEMIC DISCRIMINATION

*Philip Sullivan and Christine Furedy  
University of Toronto and York University*

With intentional discrimination now being rare, the concept of *systemic* or *substantive* discrimination is repeatedly invoked in the continuing debate on equity in Canadian universities. Three recent developments illustrate assumptions made about such discrimination, which is said to occur when institutional policies and practices unintentionally discriminate against women and certain ethnic groups. The first is the Natural Sciences and Engineering Research Council's (NSERC) restriction of its University Faculty Awards to women. The second is a study of the University of Toronto (U of T) faculty's ethnic composition, showing that it is much less diverse than the student body, and that it is unlikely to change much in the foreseeable future. The third - and most troubling - is allegations of racism in U of T's Physics Department, made by an Ontario Human Rights Commission (OHRC)

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## REPORT ON THE SAFS ANNUAL MEETING, MAY 13, 2000

*Doreen Kimura, Past President*

We had a very successful and lively meeting this year, with 36 people attending, and 22 members at the business meeting.

We thank Nancy Innis, the UWO local co-ordinator, for making the arrangements for morning coffee, lunch, and for looking after the reservations for the very pleasant meeting rooms. Nancy also arranged accommodations for our guest speaker, Karen Selik.

1) As president, in my opening remarks, I outlined briefly some highlights of SAFS activities in the past year.

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investigator in his report on of a grievance by geophysicist Dr. Kin-Yip Chun.

The report claims that Chun's failure to obtain a tenure-track appointment at the University in four separate competitions between 1987 and 1992 reflects an appointments procedure which "effectively screens out racial minorit[ies]." The investigator dismissed an internal U of T investigation finding no evidence of racial discrimination because it did not consider the implications of a "prevailing substantive theory of discrimination."

But there is no such "theory." In the name of combatting racism and sexism, activists have instead adopted a simplistic doctrine called the *proportionality fallacy*: a presumption that, if women and ethnic groups are not represented in the work force roughly in proportion to their population ratios, then some form of discrimination must be the cause. This doctrine obviates the need to examine historical, sociological, psychological and other factors that might account for the patterns of representation.

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In universities, the doctrine opens the door for unsustainable policies such as preferential treatment of special interest groups, and almost always detracts from the principle of merit in education and scholarship. Moreover, because it absolves its proponents from the responsibility of actually identifying a discrimination mechanism, it legitimates shoddy arguments and may even support witch-hunts for racism and sexism in every aspect of human behaviour.

Unintentional discrimination may, of course, occur in educational institutions and workplaces. It can be rectified when the source of bias is identified; two examples are: the provision of facilities enabling the disabled to attend colleges and universities, and of left-handed writing tablet chairs in lecture halls. Thus the possibility of unintentional bias cannot be dismissed, but the emphasis must be upon identifying the actual bias mechanism, so that appropriate adjustments can be made.

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This rational understanding of systemic discrimination, however, seems not to have gained acceptance because the proportionality fallacy is now deeply entrenched; as an example, aptitude tests used in screening students or for employment are often arbitrarily restructured to eliminate any deviation from proportionality. Thus, in the USA, universities frequently adjust scores on scholastic aptitude tests by race solely on the presumption that such differences must be the result of some unidentified bias factor.

The doctrine originated in attempts to eradicate the deeply-rooted effects of racial segregation in the USA. The landmark 1964 Civil Rights Act targeted only intentional employment discrimination; but the pace of change was glacial, and a US Senate report on the 1972 Equal Opportunity Employment Act viewed discrimination as being much more complex than the consequence of ill-will. It noted that "Experts... describe the problem in terms of 'systems' and 'effects' [such as] the mechanics of seniority [and] the perpetuation of ... discriminatory practices through various institutional devices, and testing and validation requirements." These remarks reflect a precedent-setting 1971 US Supreme Court ruling, which disallowed a high-school equivalency education requirement for promotion in a previously segregated Southern company, because blacks disproportionately failed this test. The Court viewed the company's financial assistance for employees' education as evidence of lack of intent to discriminate, but nevertheless prohibited the requirement because of its consequences for the pattern of employment. Furthermore, the Court placed upon the employer the burden of demonstrating that any employment test was clearly related to a specific job performance.

The 1972 Act granted enforcement powers to the US Government's Equal Employment Opportunities Commission (EEOC), which has since aggressively promoted the notion that disparate impact, as opposed to disparate

treatment, is a test for discrimination. Hence, if the numbers of "visible minority" employees in a job category fall below 80 percent of what the EEOC deems to be the relevant applicant pool, an employer must show that it has not discriminated, and that any screening procedure is clearly relevant to the specific skills required for the job. Failure to provide evidence deemed satisfactory by the Commission can result in the imposition of severe penalties.

Canada has adopted the philosophy underlying US policy. In 1985, our Supreme Court ruled intent and motive irrelevant in establishing discrimination so that, as in the US, investigations focus on effects. Statistical evidence pointing to "under-representation" of a designated group within a workplace, and anecdotal evidence by individuals have both been accepted by human rights tribunals as indicating systemic discrimination. Furthermore, these tribunals use the balance of probabilities test in adjudication, requiring only that an accuser establish a prima facie case. In practice this means that the accuser has only to make a plausible case, and the accused is burdened with providing a persuasive justification for the conduct. Such an approach is ripe for abuse by grudge-bearers or ideological axe-grinders.

The essence of the proportionality fallacy was identified thirty years ago by Oxford University psychologist Corinne Hutt in her analysis of female and male employment patterns. Concluding even then that these could be explained largely by sexual differences in psychology, and thus by women making entirely reasonable choices having nothing to do with discrimination, she noted that, in the absence of evidence of a mechanism, use of the proportionality criterion reduces the concept of discrimination to a meaningless tautology.

The current paucity of women faculty in the physical sciences and engineering is an excellent example; the evidence points overwhelmingly to a

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lack of qualified candidates for reasons having nothing to do with any kind of discrimination. US statistics show that, in 1998, women earned only 13 percent of doctoral degrees in physics and engineering, much less than the 50 percent advocated by those insisting on defining equity in terms of outcome rather than opportunity. This is consistent with psychological evidence; thus, amongst mathematically precocious youth, females are much less likely than males to choose mathematics, the physical sciences or engineering as a career, opting instead for fields such as the humanities and biology.

This is not to say that decades ago there was no discrimination against women in academia. A recent detailed study of Canadian university hiring patterns is consistent with British and US observations. For several disciplines the study compared the fraction of female hires with the corresponding fraction of recent doctoral graduates, finding the same pattern for all disciplines: the data suggests discrimination against women prior to about 1970, and subsequently in favour of women.

Hence NSERC's initial restriction of its University Faculty Awards to women (subsequently aboriginal men have been included) illustrates the consequences of uncritical acceptance of the assumption of discrimination without regard to issues of merit and fairness. Prior to the exclusion of men, women won 57 fellowships and men won 363. It seems hard to avoid the conclusion that disqualifying the category of overwhelmingly successful applicants must have an effect on the operation of the merit principle in the awarding of these fellowships.

In considering the ethnic composition of university faculty, a number of factors should be considered when discrimination is suspected. As an example, in many Western countries, and in particular in Canadian cities such as Toronto, immigration is rapidly changing the demography.

On this ground alone, one cannot expect any but the most recent recruits to a workplace to approximately reflect the applicant pool. This is especially true of university faculty, for which the turnover can be very low. Leaving aside the effects of 'equity' hiring, the current Canadian university faculty composition appears generally to reflect the availability of suitable candidates at the time of hiring.

Even if one accepts the notion of proportionality, there remains the problem of statistical fluctuation. Calculations show that, for as few as 50 employees, random sampling from a population with just two categories fails the EEOC's 80 percent criterion one trial in five. For multiple categories or smaller groups the probability that deviations from proportionality are solely due to random fluctuations mounts rapidly.

Considering all these factors, it makes no sense to compare the composition of the "student body" with that of a relatively unchanging faculty as a method of identifying systemic discrimination - the most recent extension of the proportionality fallacy.

Turning now to Dr. Chun's grievance, we note the conclusions of U of T's investigator that he was exploited in his role as a research associate, but that there was no racial discrimination in the disputed appointment competitions. Thus our concern lies with imputations of systemic discrimination made in the report of the Academic Freedom and Tenure Committee of the Canadian Association of University Teachers (CAUT) and of both systemic and intentional racism made by the OHRC investigator: both manifest the conceptual and procedural difficulties we discuss above.

One would expect a CAUT committee charged with guarding academic freedom to be aware of the difficulties inherent in investigating systemic discrimination, and of human rights tribunals'

*Continued on page 5...*

penchant for trampling on academic freedom. But its report is oblivious to these difficulties. It embraces the proportionality fallacy and the concomitant idea that anything resulting in deviation from proportionality suggests racism. It approves the “guilty until proven innocent” mentality of human rights tribunals. While confessing to knowledge of only one side of the case, it is replete with unsupported speculation.

The OHRC report is a disgrace: it divines racism in a troubled relationship between an individual and the University, when alternative explanations are at least as plausible. Typically, it reads racism into a referee’s frank but supportive comment on Chun’s facility with English. It makes much of a computer virus incident while ignoring the implication of one of the contested hiring competitions, in which the search committee chair was the son of a Japanese Canadian interned during World War II, and the successful individual has an Albanian Muslim heritage. Alluding to the ethnicity of the older members of the Physics Department, it speaks of “cronyism,” when the ethnic composition reflects the availability of qualified candidates at the time of hiring. It ignores the implications of recent hiring data, which show that, in the last 10 years the so-called “under-represented minorities” were awarded 25 percent of the positions, even though they accounted for only 10 percent of the applicants. Worst of all, it fails miserably to address the central question: Was Dr. Chun demonstrably better qualified than the successful candidates?

The report’s claim that U of T’s internal investigation was “flawed” is unsupportable. The U of T investigator, Professor Yip, is of Asian origin. He is experienced in the resolution of grievances, both as an officer of the University’s Faculty Association, and as a member of the University’s Grievance Review Panel. Furthermore he was assisted by legal counsel familiar with human rights law who is now an Ontario Appeals Court judge. Professor Yip observes that the OHRC report presents no facts not already covered in his own report and that, as

both a researcher and one who has handled faculty grievances, he is familiar with “looking for a pattern [of discrimination].” “My investigation ... did not see a pattern of discrimination that can be supported by fact,” he wrote.

In conclusion, a charge of systemic discrimination cannot be substantiated without a reliable and disinterested analysis. First, alternative explanations of an unexpected pattern of participation or employment must be examined. Second, a specific mechanism of bias should be demonstrated in the particular case. Arguments based merely on an assumed necessity of proportionality between ‘populations’ and the participation of specific groups (in education or employment) are usually fallacious.

It’s time that Canadians questioned both the ways in which the concept of systemic discrimination has been elevated to the status of a “substantive theory” by our judicial and other organizations and the fairness of the methods used by human rights tribunals to investigate claims of both intentional and systemic discrimination.

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A shorter version of this paper was published in the Forum section of the University of Toronto Bulletin (April 24 2000) under the title: “False Doctrines: ‘Systemic Discrimination’ is the new buzzword in equity cases, but it’s based on an entrenched fallacy.” □

### BEQUESTS TO SAFS

Please consider remembering the Society in your will. Even small bequests can help us greatly in carrying on SAFS’ work. In most cases, a bequest does not require rewriting your entire will, but can be done simply by adding a codicil. So please do give this some thought. Thank you.

*Clive Seligman, President*

**SAFS ON UNIVERSITY OF TORONTO  
SETTLEMENT WITH DR. CHUN**

*Open Letter to Dr. R. Birgeneau, President University of Toronto, from the Board of Directors, Society for Academic Freedom and Scholarship.*

October 2, 2000

Dear Mr. President:

The Society for Academic Freedom and Scholarship (SAFS) is a national organization whose goals are safeguarding freedom in teaching, research, and scholarship and maintaining standards of excellence in academic decisions about students and faculty.

This letter is prompted by recent media reports, newspaper articles, letters, and news releases concerning the settlement of the long-standing dispute between the University of Toronto and Dr. Kin-Yip Chun. According to the University's press releases, Dr. Chun has received an academic appointment in the Department of Physics with the title Research Scientist and Associate/Adjunct Professor (non-tenure stream). Under the terms of the appointment, Dr. Chun's research will be reviewed in four years, at which time he will be reappointed without term if he has published four papers of unspecified length and quality.

While we appreciate the university's desire to conclude this affair amicably, and while we sympathize with Dr. Chun, whom the University acknowledges having exploited during his earlier employment as a Research Scientist, we are concerned about the manner in which this academic appointment has been made and its implications for Canadian universities generally.

Specifically, we are concerned that the position to which Dr. Chun was appointed was not advertised, that no short list of suitable candidates was interviewed, that the appointment was not made by an Appointments Committee consisting of members of the Department of Physics, and

that reappointment without term has been made conditional on the fulfilment of conditions other than those generally applied in reaching reappointment/tenure decisions. Had Dr. Chun been denied reappointment as a Research Scientist, or had he been denied appointment to any of the four tenure-stream faculty positions for which he applied, either because of racism or owing to some irregularity of procedure, it would be entirely fitting and proper to award him the position which he, as deserving of appointment or reappointment, was unjustly denied.

In point of fact, however, the University affirms that the Yip Report "had correctly concluded that Dr. Chun was not the victim of racism by the University of Toronto" (Press Release of 15 September 2000). Since there is no evidence that Dr. Chun was the victim of any other unfair hiring or reappointment practice or decision, the fact that normal academic procedures for hiring and reappointment have not been followed in this case represents an unacceptable breach of the merit principle.

We therefore respectfully request that you allay the concerns occasioned by the Chun settlement by affirming your University's commitment to established academic practice in reaching decisions concerning appointment/reappointment of academic staff, including (1) advertisement of all academic positions and a search for the best available candidate; (2) establishment of a short-list and conduct of interviews by members of a departmental Appointments Committee; (3) fair and impartial ranking of the short-listed candidates based on achievement and promise in teaching, research, and university service, without recourse to extra-academic considerations or ad hoc modification of conditions of reappointment with or without term.

Yours sincerely,

The Board of Directors, Society for Academic Freedom and Scholarship □

*KIMURA...continued from page 1*

I noted especially that SAFS has become more visible, in that members have written opinion pieces, letters, and have been the subject of news items in major newspapers like the *National Post*, the *Globe and Mail*, and the *Ottawa Citizen*. We have also taken part successfully in several radio interviews, so that many more people know us and what we are about. Nonetheless, we still have work to do in this area.

The University of Western Ontario chapter has as usual been very active, having successfully challenged the local union's preferential hiring clause.

We opposed the exclusionary advertisement by Wilfrid Laurier University's Psychology department calling for "women only," and generated a very public airing of opinions on such practices, probably more thoroughly than ever before. Although WLU did ultimately hire a woman, the effects of SAFS vigorous campaign were felt across the country. Recently, WLU Psychology announced publicly that it would not be advertising for women only in future.

SAFS undertook a campaign against the NSERC junior faculty awards designated for women only. I sent a letter to all NSERC grant selection committee members, outlining our position. That letter was widely circulated and as a consequence, I debated an NSERC representative on the CBC Morning show. This process, as in the WLU incident, is ongoing, but one outcome has been the extension of the awards to aboriginals, male and female! The radio interview was heard by someone from the Donner Foundation and resulted in the suggestion that SAFS might apply for some Donner funds to carry on certain of our activities.

The Board took action in the case of a University of Manitoba professor who as a private individual questioned the need, at a school board meeting, for a homosexual awareness programme. The U of

M student union complained to its equity office that this constituted hate literature. We wrote the president of U of M to the effect that such ideas should be discussable, even in a university context, stressing of course that we took no position on the content of the professor's report. That complaint was dismissed.

Some pronouncements by Robert Birgeneau, the incoming president of the University of Toronto, were quite emphatic about promoting equity hiring. He also suggested that anyone in a leadership role who disagreed with him would be in an uncomfortable position. The U of T local chapter took up this issue and has had a lively discussion with Birgeneau on the topic. It is probably fair to say that he has backtracked somewhat.

Most recently, another issue has arisen in the U of T Physics Department, which has been charged by the Ontario Human Rights Commission (OHRC) with systemic discrimination. Again, local Toronto SAFS members have been in consultation with Physics about this, and have written cogently on the nature and definition of systemic discrimination. The decision of the OHRC not to refer this case to a board of enquiry has recently been announced. (See the U of T web page: [www.newsandevents.utoronto.ca/ohrc/00072response.asp](http://www.newsandevents.utoronto.ca/ohrc/00072response.asp)).

I want to thank the many members who wrote letters on these and other issues, sometimes at the Board's request, and sometimes on their own. I know that it takes time and energy away from one's regular work to do this, but it is effective.

2) At last year's AGM, we voted to establish an academic freedom award, and to call it the Furedy award, in recognition of Chris and John's generous memorial donation to SAFS, and also in recognition of John's long years of service to the Society. The award this year went to Rory Leishman, a freelance journalist from London. Because Rory was unable to be present this year,

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John Palmer, his nominator, received the award for him. Fittingly, John Furedy made the first presentation of this award. (See his remarks while making the presentation on page 9).

3) The formal morning session, chaired by Jim Ryan, was entitled "Combatting preferential hiring." Clive Seligman gave a very useful outline of some of the arguments used to support the Wilfrid Laurier exclusionary ad, as well as the counter-arguments. Clive's appeal of this ad to the Ontario Human Rights Commission is still not resolved.

Steve Lupker then gave an account of his and others' successful attempt to modify the newly-formed UWO union's clauses promoting group-identity or "equity" hiring. The majority of the faculty at UWO were in fact opposed to such practices, and the clauses were effectively defeated, thanks to prompt and persistent action by SAFS members and those sympathetic to our aims. Both talks generated a great deal of discussion.

4) Nancy Innis chaired the lunchtime speaker session. Our invited speaker was Karen Selick, a libertarian lawyer and frequent contributor to law magazines and to the *National Post*. She spoke on anti-hate legislation, and outlined for us the differences between anti-hate laws under the criminal code as compared to human rights commissions. For example, under the criminal code, there is a presumption of innocence, and the effects of being found guilty are punitive; whereas under human rights legislation, there is no necessary presumption of innocence (in fact, it often seems the reverse), and the effects are intended to be remedial, not punitive. The talk was very clear and informative and was greeted with long applause from the audience. There were also many questions and points of discussion afterward.

5) The Annual Business Meeting was held at the end of the day. The minutes will be circulated to members with this newsletter. □

## THE 15% SOLUTION

*Leo Zakuta, University of Toronto*

The plan is a marvel of simplicity. No wonder the CAUT BULLETIN gave Prof. Chandrakant P. Shah's proposal so much space ("Actions Speak Louder Than Words," April 2000). Its gist is that to attack "systemic discrimination...at least 15% of (university) faculty must be from visible (ethno-racial) minorities to maintain a minimal critical mass."

Academics, being notorious nit-pickers, will of course quibble with its elegant neatness. Some will say that the composition of faculties reflects such things as the different arrival times of groups in the country or on the academic scene or wide differences among them in education and aspirations. A few, more cynical, may say the proposal reminds them of the natural law of levitation as a social panacea. But these are the words of nay-sayers and should be disregarded.

Still, any plan, however ingenious, raises questions. For instance, in confining itself to "visible ethno-racial minorities," isn't Prof. Shah's proposal also discriminatory? It excludes many groups which have strong claims to his protective circle, such as:

- religious minorities whose distinctive dress makes them clearly visible
- the disabled: they may be not "ethno-racial" but they're often visible
- gays and lesbians: although not "visible ethno-racial," why exclude them?
- women: they're hardly mentioned. Is it because, although visible, they're not a minority in society?
- the many invisible ethnic minorities which are seriously under-represented (right in Prof. Shah's own university). For instance, French-Canadians, Greeks, Italians, Portuguese, Poles and Ukrainians. So, the percentage will have to be amended - 15% won't even begin to do the job. More like 65% - 75%, if women are included.

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More questions:

- Does the 15% apply to departments, faculties or the university as a whole?
- If the 15% in a department or small faculty were women or Chinese or Hasidic Jews, would that be satisfactory? To whom?
- What's to be done with the groups so highly over-represented now to make room for these newcomers? Has Prof. Shah a plan for them too?

These quibbles aside, if the principle is sound, it deserves implementation. But why limit it to universities? If at least 15% is right for a university faculty, it must be right for every workplace in society. To achieve it we need not a Commission or Committee - they only waste time and never do anything - but a Kommissar of Kultural Klassifikation, aka the kindly KKK, whose first step would have to be an "ethno-racial" classification of the entire populace (of what?) to establish percentages. (Just as in the university to implement the 15% Solution). It can be done. There are famous precedents in the 20<sup>th</sup> century. It's an inviting prospect of a well-ordered society, almost reminiscent of Aldous Huxley's Brave New World. □

### THANKS KEN !

The Board of Directors, on behalf of the society, wish to thank **KEN HILBORN** for his dedication and great skills as a member of the board. We have benefited greatly from his advice and efforts during his two years on the board and we wish him well in his retirement.

## RORY LEISHMAN, A CANADIAN BARD OF WALES

*John J. Furedy  
University of Toronto*

*[On the occasion of the presentation of Furedy Academic Freedom Award, at SAFS AGM, University of Western Ontario, May 13, 2000]*

As many of you know, the contribution to SAFS that Chris and I made was given in the name of my parents, Bela and Dusi Furedy, who experienced the repressive horrors of Nazi and Soviet totalitarian systems and who, by emigrating to Australia, secured for me a freedom I could not have known in Hungary.

I am delighted by the SAFS' Board's choice of Rory Leishman of the London Free Press for this award, and I thank the Board for giving me this opportunity to comment on their choice.

The title of my remarks requires explanation. Here is a Hungarophilic account of why I think Rory's contribution to journalism links him to the bards of Wales.

In 1857, Hungary's poet laureate, John Arany, was asked to write a poem in of Emperor Franz Joseph's visit to Budapest. It was some eight years after the Austrian Emperor, helped by the Russian Tsar's armies, put down the 1848 Hungarian revolution which had been initiated by Arany's contemporary, poet-soldier Sandor Petofi, who died in one of the last battles against the forces of the Austrian and Russian empires.

Franz Joseph's 1857 visit celebrated a reconciliation of sorts with the Austrian emperor being crowned as King of Hungary.

In probably the most dramatic illustration of the dictum of Hungarian intellectuals, that it is their duty to be "rude to the government," John Arany

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submitted the poem, "The Bards of Wales", as the official contribution to the 1857 celebrations.

The poem is set in the 13<sup>th</sup> century just after the imposing English king, Edward the First - known as "Long Shanks" - has conquered Wales. Edward demands that its famous bards should drink to his health and sing his praises. Instead, the bards, to a man, refuse. Each in turn steps up, and abuses the king, by singing of Edward's murder and pillage. Their "rudeness" to the King has drastic consequences.

To quote Arany:

Otszaz, bizony, dalolva ment  
Langsirba velszi bard:  
De egy se birta mondani:  
Hogy: eljen Eduard

Or, for those of you who have neglected your civic duty to attend immersion classes and hence are not bilingual:

Full five hundred bards sang  
As they went to burn  
But none would sing  
To praise King Edward.

Needless to say, Arany's rudeness to the Emperor's government was not to interfere with the official ceremonies, but the poem became lastingly significant for Hungarians. I suggest that it speaks to all who treasure freedom and dislike its oppressors. Those who 'speak truth to power' in Canada today do not suffer as the Welsh bards did. But they may well suffer in career advancement. I don't know and perhaps even Rory does not know for certain, whether he has missed out on professional opportunities since 1993, when he started to comment frankly on the problems in academia. But I would guess that he has experienced a degree of blacklisting along with smearing from several quarters. He has written many columns on values in higher education, and I'm sure most of you have read some of them. Let me just quote two comments cited by the SAFS' member who nominated Rory

for the award that pertain to our concerns with freedom in research and scholarship, and standards of excellence for students and faculty.

*"In a free university, intensely controversial ideas should not be relegated to an intellectual waste basket, but exposed to a full, vigorous and intellectually honest debate. It's the only way to assure the truth will eventually prevail."*

*"Employment equity is wrong in principle. It demeans and harms the very designated groups it is supposed to help. The policy should be abandoned together with the so-called human rights commissions that have been established to enforce it."*

Someone who speaks out so emphatically against a subtle current of conformity performs a service of incalculable value for Canadian society in general. SAFS, in particular, which knows well the kind of blacklisting and smearing that outspoken thinkers can experience, is an appreciative beneficiary of Rory's courage and independence of mind.

I feel sure that, were they alive and well to-day, Bela and Dusi, along with John Arany, and all others who value freedom of speech, would applaud giving the Academic Freedom Award to Rory Leishman, journalist and a symbolic bard of Wales. Congratulations Rory. □

### **KIMURA LETTER PUBLISHED**

Doreen Kimura's letter to *University Affairs*, published in *SAFS Newsletter 25*, April 2000 regarding NSERC's women-only faculty awards, appeared in *University Affairs*, June-July, 2000, p. 6, with the title: "Awards shouldn't favor women".

## HOW NSERC JUSTIFIES THE 'WOMEN -ONLY' FACULTY AWARDS

*Letter of Prof. John Yeomans, University of Toronto, to Dr. Thomas Brzustowski, President of the Natural Sciences and Engineering Research Council, and the reply.*

January 8, 2000

Dear Dr. Brzustowski:

The reinstatement of "Women-Only-Need-Apply" faculty (UFA) fellowships by NSERC is a giant leap backward. The enclosed letter by Prof. Doreen Kimura shows that the theory of discrimination based on numbers hired is misguided, and that the idea that women are somehow inadequate to complete on their own merits is demanding.

Already there are many levels of blatant (Wilfrid Laurier U) or insidious (U Toronto, Windsor, UBC or others) discrimination in favor of hiring women scientists at most Canadian Universities (called affirmative action, or whatever). Your program further tips the scales against men and weakens the efforts to attain competitive scientific research programs in Canada. This reminds me of the bad-old days when Jews were excluded from faculty searches or professional schools.

Your UFA program shifts the search for brain power into a search limited to one sex. NSERC should be ashamed to put its good name on sex-based fellowship. Tell the politicians and social engineers that NSERC is about science not sex. Put the money back into fair fellowship competitions.

John Yeomans

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January 14, 2000

Dear Professor Yeomans:

Thank you for recent letter on our University Faculty Awards. Your comments were very

thoughtful and I would like to explain why we instituted this program.

Let me begin with the question of the need for measures aimed at increasing the number of female faculty in the natural sciences and engineering.

In recent years, we have seen a terrific growth in the number of female undergraduates in these disciplines. Young women now make up something like 37 per cent of the nation's undergraduate scientists and engineers. But this growth has so far not been matched at the doctoral level where women are only 23 per cent of the population; and among faculty members the gap is greater still - only 11 per cent are women. This situation is most acute in engineering and applied sciences where just six percent of faculty are female.

It may be that trends in undergraduate enrolments will eventually translate into changes at the faculty level, but the progress is slow. At the current rate it would take almost a century for female faculty to reach parity with male faculty.

In our view, young women now studying in the NS & E at the undergraduate level should not have to content themselves with thoughts of the eventual successes of their great-grand-daughters. We believe Canada should do what it can now to encourage these talented young people to continue in their chosen fields.

Programs like UFA not only help qualified individual women, they also provide role models for the rising generation of female scientists and engineers.

I would like to stress the importance of that word "qualified". NSERC is committed to the highest standards of excellence in all of its programs, including the UFA program. All UFA nominees are assessed against their peers (both genders) when NSERC's Grant Selection Committees

*Continued on page 12...*

(GSCs) evaluate their research proposals and records of achievement. If a GSC does not believe that an UFA nominee merits a research grant, in competition with all other applicants with a similar career profile, then the nomination is not approved. (In fact, comments from both the GSCs and University Faculty Award Selection Committee indicate that those who get UFAs are often among the very best of new applicants).

It is clear that holders of UFAs are fully qualified and that they are making outstanding contributions to their fields, as well as helping to open up their profession to the female half of Canada's population.

I hope this clarifies our position, and, again, I appreciate your interest.

Thomas Brzustowski □

### **BBCS OPPOSES NSERC'S EXCLUSIONARY FACULTY AWARDS**

*Letter of Dr. Lorraine Allan, President of the Canadian Society for Brain, Behaviour, and Cognitive Science, to Dr. Thomas Brzustowski, President of the Natural Sciences and Engineering Research Council, and the reply.*

August 9, 2000

Dear Dr. Brzustowski:

I am writing on behalf of the Canadian Society for Brain, Behaviour, and Cognitive Science. We are a society with members throughout Canada, mainly academic researchers in the behavioural and cognitive neurosciences.

Our society recently discussed and passed a motion to notify NSERC that we are opposed to the exclusionary manner in which NSERC's University Faculty Awards are allotted. Until this year, when aboriginals were added, the awards were available exclusively to women.

The discussion that preceded voting on this motion identified a number of issues:

1) that excellence should be the sole criterion for granting these important awards, which provide appointments and startup research funds for the awardee. At present, even outstanding young men in the sciences may not apply, and it must therefore follow that some better-qualified men are being overlooked under the present system. As a Canadian scientific society, we are concerned at the potential loss of young scientists, either to industry, or to other countries.

2) that NSERC has misinterpreted the lower numbers of women in the physical sciences and engineering as being due to some kind of negative discrimination. This need not be the case, and in fact the evidence suggests that it is a choice women make themselves.

3) that the oft-repeated importance of same-sex role models has yet to be demonstrated. We would argue that what evidence we have suggests that the best role model is a good scientist, regardless of his or her sex or race.

4) many members simply felt this was an unfair practice, in that it undermined the merit principle, and in some instances gave rise to acrimonious relations between the sexes. NSERC administrative officers may be under the impression that there is broad acceptance of the current system for awarding UFAs. Our purpose is to inform you that a substantial scientific society in this country is opposed to this mandate. We believe that NSERC's guiding principle should be the support of research excellence, based on objective evaluation.

The Canadian Society for Brain, Behaviour, and Cognitive Science urges NSERC to return to an open competition for these awards, as they were in the 1980's. There is no evidence that women were disadvantaged during that period.

Lorraine Allan

*Continued on page 13...*

September 6, 2000

Dear Dr. Allan:

Thank you for your letter of August 9, in which you identify a number of issues recently discussed and voted on by the Canadian Society for Brain, Behavior, and Cognitive Science. I welcome your considered comments and perspective. Since its inception in 1999, the University Faculty Awards Program has generated some controversy in the scientific community. Council has carefully considered these disparate views and feels the benefits of this initiative are great enough to merit its continuation.

As regards the issue of excellence, I must emphasize here that, as in all of NSERC's programs, the excellence of the candidate is the primary selection criterion in the UFA program. NSERC's selection committees must adhere to the highest standards of quality and excellence in selecting the individuals to whom the awards are offered. All UFA nominees are assessed against their peers (of both genders) when NSERC's Grant Selection Committees (GSCs) evaluate their research proposal and excellence. If a GSC does not believe that a UFA nominee merits a research grant, in competition with all other applicants with a similar career profile, then this nomination will not be approved.

Although special programs, by their very nature, affect non-members of the target groups, the UFA program, nevertheless, only represents a very small fraction of NSERC's total budget (approximately \$1.640 million for the UFA program this year out of a total budget of \$550 million, or 0.3%). As competition for the remainder of the budget is open to both sexes, we do not think this is unreasonable.

In recent years, there has been tremendous growth in the number of female undergraduates in the natural sciences and engineering. Young women now make up 37 percent of the nation's undergraduate scientists and engineers. But this

growth has so far not been matched at the doctoral level where women are only 23 percent of the population and among faculty members the gap is still greater - only 11 percent are women. This situation is most acute in engineering and applied sciences where just 6 percent of the faculty are female. It may be that trends in undergraduate enrolments will eventually translate into changes at the faculty level, but progress is slow. At the current rate it would take almost a century for female faculty to reach parity with male faculty. NSERC believes Canada should do what it can now to encourage these talented young people to continue in their chosen fields. And, while there may be some debate over the value of same-sex role models, it is Council's strong belief that the appointment of first-class women scientists and engineers will provide excellent role models for future generations of students of both genders.

Again, I wish to underline that excellence is of primary importance in the evaluation process for the UFA program. I would also like to point out that the objectives of the UFA program as well as the number of awards allocated are significantly different from those of the URF program of the 1980s.

Finally, it should be noted that Council has clearly stated that this program is temporary in nature and that NSERC will periodically monitor the need for its continued existence.

I hope that this clarifies NSERC's position, and again, thank you for your input.

Thomas Brzustowski □

.....  
"The voice of the intellect is a soft one, but it does not rest until it has gained a hearing."

Sigmund Freud, *The Future of an Illusion*, Liveright Publishing, 1927. (From John Gross, editor, *The Oxford Book of Aphorisms*.)

**COMPLAINT TO THE ONTARIO HUMAN RIGHTS COMMISSION AGAINST WILFRID LAURIER UNIVERSITY FOR JOB DISCRIMINATION**

*Clive Seligman, SAFS President*

In mid-July, 1999, the Psychology Department at Wilfrid Laurier University circulated an advertisement for a faculty position. Specifically, the ad included the statement "The department is attempting to address a gender imbalance in its department, and therefore will hire a woman for this position..." A fair number of SAFS members wrote letters to various senior administrators at Wilfrid Laurier University to protest the ad and to request that it be withdrawn. As well, the ad sparked media interest, and in the next several months the issue received attention all across Canada from newspapers, radio, and television.

In October, 1999, Clive Seligman formally complained to the Ontario Human Rights Commission about Wilfrid Laurier University's sex discrimination. In December, the lawyer for Wilfrid Laurier University responded to the complaint by challenging Seligman's legal standing to complain. In February, 2000, Seligman rebutted Wilfrid Laurier's claim. There the issue sits, awaiting a decision by the Ontario Human Rights Commission as to whether they will hear the complaint or not. The Ontario Human Rights Code also allows the Commission to hear complaints on its own initiative.

In the meantime, the Psychology Department at Wilfrid Laurier University has announced that it will not continue its discriminatory job hiring next year. This decision was decided by a close vote in the department, the tie vote being cast by the department chair. Neither the psychology department nor the university has admitted that the policy was wrong. □

**TEACHING EVALUATIONS TOO TIMID**

*[The following letter by Board member Harvey Shulman, was published in The Chronicle of Higher Education, July 28, 2000, page B13. The paragraph deleted is printed below.]*

In "Some Colleges Pay Students to Go to Class -- to Evaluate Teaching" (June 23), the importance of teaching is again diminished by those who speak most enthusiastically about its importance. To be clear, I am not opposed to teaching evaluations, despite their frequent misuse and misapplication to performance evaluation. This is probably no more distorted than the evaluation of research, which rarely involves reading what is written or asking questions about content, rather than equating scholarship with productivity.

The problem is that universities are too timid and disinclined to address matters of substance and intellectual quality. Teaching evaluations -- like research evaluations--have been packaged, processed, and professionalized. What more can we expect than having teaching assessed in terms of style, delivery, being note-taking-friendly, affability, and being "interactive"? Sadly, the quality that is missing, and seemingly not missed, is content.

Does anyone care what is being said? Does anyone think it is important that instructors spend time reading, and preparing lectures and seminars that say something, ... rather than worry about practicing smiling or watching videos to rid themselves of idiosyncratic mannerisms?

*Deleted from the letter submitted:*

*Does anyone understand the loss to our students of not encountering that professor who inadvertently "smoked" his chalk because he got excited about an idea and rambled on completely disconnected from his class, as he thought and spoke at the same time in some seemingly far-off reflective land, as if no one else was around.*

And for this experience the student evaluation might indicate that 63% of the class noted that the professor failed to make eye contact, 72% said he doesn't stick to the lecture outline and 81% pointed out that he had distracting mannerisms. Teaching and learning centers are the morticians of the academy; the body looks good, but the person is dead. □

**NATIONAL ASSOCIATION OF  
SCHOLARS ANNUAL MEETING  
NEW YORK, JANUARY 2001**

The Ninth National Conference of the NAS will be held at the newly renovated and quite lovely Roosevelt Hotel in mid-town Manhattan, New York City, beginning at 1:30 p.m. on Friday, January 12, and ending by noon on Sunday, January 14, 2001. The discounted conference rate of US \$149/night will be good for the nights of January 11, 12, 13, and 14. The theme of the conference will be: *Taking Measure: Higher Education at the Turn of the Century*. Museums are open on Sunday, but not on Monday (public holiday). More information will be provided in the months ahead in *NAS Update*, our newsletter. See also the website: <http://www.nas.org>

*Brad Wilson, President, NAS*

**SPECIAL MEMBERSHIPS**

**Sustaining Member:** \$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.

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Our current issues section is updated regularly to keep you abreast of our society's activities in defending academic freedom and the merit principle.

**J.S. Mill Applauded**

There's a rising anger from many of the brighter on [Penn State] campus. They know they're being cheated, and they're angry because they can't voice dissenting opinions without risking the grades that will determine the jobs they'll get when the golden years are over. In my lecture here at Penn State the other night, I was astonished at the reaction I got to what I thought was a well-known quotation from John Stuart Mill: "He who knows only one side of the case knows little of that." Mill had the applause line of the night. Two earnest young men came up to me later. "That line from Mill was great," one of them said. "We had never heard that."

Suzanne Fields, "Education or indoctrination"? *The Washington Times*, 4/23/00

# Dues Reminder

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## RECEIVING MEMBERSHIPS ON TIME IS IMPORTANT FOR THE SOCIETY

For those of you who still have not paid your 2000 year dues, please do so as soon as possible. Thank you very much.

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### SUBMISSIONS TO THE SAFS NEWSLETTER

The editor welcomes short articles, case studies, news items, comments, readings, local chapter news, etc. Longer items are preferred on a 3.5" (MS-DOS) disk in Word Perfect or Word 95, or by e-mail attachment.

*Address:* **Chris Furedy**, c/o John Furedy, Department of Psychology, University of Toronto, Toronto, Ontario, M5S 3G3.

*Fax:* (416) 962-4253

*E-mail:* [safsn@psych.utoronto.ca](mailto:safsn@psych.utoronto.ca)

## SAFS MEMBERSHIP FORM

To join **SAFS** or to renew your **SAFS** membership, please complete this form and return to:

### SAFS

1673 Richmond Street, #344  
London, Ontario, Canada  
N6G 2N3

Please make your cheque payable to **SAFS**.  
Regular member: \$25; students and retirees: \$15; sustaining member: \$100-\$299; benefactor: \$300 or more annually.

### I support the Society's goals:

- Renewal                       Sustaining Member  
 New Member                 Benefactor

Name: \_\_\_\_\_

Department: \_\_\_\_\_

Institution: \_\_\_\_\_

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