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PURPOSES of SAFS

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

At the very least, existing codes and procedures should be thoroughly reviewed to provide for fairness, right of appeal, compensation for false accusations, and sanctions against frivolous or malicious charges.

SAFS Board of Directors

PRESS RELEASE RE HARASSMENT CODES AND OFFICES IN INSTITUTIONS OF HIGHER EDUCATION

July 21, 1997

The growing storm of controversy at Simon Fraser University over the Administration's handling of several sexual harassment cases, the admission by the acting president of inappropriate conduct by the university's harassment policy coordinator, together with questionable decisions by the university's president in the settlement of a recent case have yet again called into question the nature of sexual harassment policies and practices now in place at most Canadian universities.

Most university sexual harassment codes have installed officers equipped with investigative procedures that violate traditional basic standards of fairness. The policies use wording so vague and subjective that they encourage frivolous accusations and can result in damage to the reputations of those improperly accused. Furthermore, they may serve to stifle academic debate by creating a campus-wide atmosphere of intimidation.

As a direct result, in the past few years, these codes have led to debacle after debacle on campuses across the country. Worse still, there is evidence that they have made it difficult to proceed against genuine cases of sexual harassment.

The Society for Academic Freedom and Scholarship questions the need for elaborate extra-legal codes and concomitant special offices since the existing government human rights codes and universities' academic misconduct policies provide adequate protection.

PROFESSOR RUTH GRUHN TO BE SAFS' NEXT PRESIDENT

half of the Board we are delighted to tell you that Professor Ruth Gruhn will take up the presidency of SAFS in 1998-99.

Ruth has been on the SAFS Board of Directors since 1994. She is professor emerita in anthropology at the University of Alberta in Edmonton. She is a graduate of Radcliffe College (B.A., Ph.D.) and has conducted research at early archaeological sites in Latin America, western Canada, and the western United States. From 1991 to 1994 she served as president of the Association of Concerned Academics of the University of Alberta, an organization with aims similar to those of SAFS. It publicized the issues raised by the university's proposed employment equity plan. Dr. Gruhn's published articles include "The institutionalization of a collectivist ideology in the university" (*Fraser Forum, Critical Issues Bulletin* III, 1993: 11-14) and "Do preferential policies raise the status of women?" (*Balance* 1, Vol. 1, 1994: 3-6).

SAFS Board of Directors

EMPLOYMENT EQUITY POLICIES: A TRIUMPH OF IDEOLOGY OVER INFORMED JUDGEMENT

*P. A. Sullivan
University of Toronto*

Ontario's Conservative Government scrapped the *Employment Equity Act of 1993*, legislated by its NDP predecessor. But the *Job Quotas Repeal Act of 1995* was challenged in the courts on constitutional grounds. It has

recently survived this challenge. In a ruling released on July 9, 1997, the judge noted that the government's lawyers "took the position that employment equity as instituted under the provisions of the [NDP Act] simply wasn't working"¹. Supporters of employment equity policies will, no doubt, dismiss this position as convenient ideology. But a careful examination of historical, scientific and legal evidence suggests that such a position is reasonable. Three main themes may be cited. First, no matter how desirable egalitarian ideals may be, legislation designed to aggressively promote them virtually always requires interference by the state in the lives of individuals in ways that are unacceptable in a modern democracy. Second, the record shows that action under such legislation is usually a costly failure. Finally, because it is inevitably based on a specific social ideology, it is inimical to other ideas and thus produces divisive moral ambiguities.

Consider, for example, the attempt by the Fourteenth Century Christian Church to enforce economic equity. Historian Barbara Tuchman describes the restrictions imposed on commerce: "To ensure that no one gained an advantage over anyone else, commercial law prohibited innovations in tools or techniques, underselling below a fixed price, working late by artificial light, employing extra apprentices or wife and under-age children, and advertising of wares...". Tuchman observed that "It was

generations...kibbutz women seem to be seeking to reassert their feminine status"⁴. More recently, journalists Anne Moir and David Jessel noted that the "efforts to re-engineer the traditional male/female division of labour have not been successful" and that enforced specialization of occupations has resulted in sexual polarization "even more acute than in the outside, unengineered society of Israel." Furthermore, after all the indoctrination, the children studied traditional sex-specific subjects in kibbutz secondary schools, and sought traditional sex-specific occupations.⁵

Closer to home, in the U.S., a "Fortune 500" company which prided itself on the affirmative promotion of women was targeted by an activist group because there were insufficient numbers of women in upper management. The company invited a team of psychologists to

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the denial of economic man and consequently even more routinely violated than the [Church's] denial of sensual man."² Those in commerce simply paid fines and passed the costs on to the consumer.

A modern example is provided by the Israeli kibbutzes which originally totally repudiated traditional gender roles, and provided the necessary supporting apparatus, including unisex haircuts and clothes for children, as well as day-care.³ But, over time, there has been a strong tendency for the patriarchy scorned by feminists to re-emerge. Twenty-five years ago, Oxford University psychologist Corinne Hutt commented that "after two

investigate. They found that many of the company's women middle managers were simply not prepared to compromise their family life, such as by making frequent moves to company locations in other cities, in order to further climb the management ladder.⁶ Thus what may be decried as systemic discrimination is often more likely to be the outcome of entirely reasonable group preferences.

These cases are consistent with a large body of psychological research. After surveying this research, Hutt concluded that many of the traditional differences in male and female employment patterns could be explained by innate differences in abilities, attitudes and

values. She asserted that “evidence *other* than poor representation of women in the professions, for instance, has to be adduced to explain their poor representation.” Otherwise the concept of discrimination “amounts to a tautology”.⁷

Additional support for such a view comes from developments in neurology. Typically, Yale University scientists recently used sophisticated imagining techniques to show that women used both hemispheres of the brain to process certain language tasks, whereas men used only one, thus supporting the idea that women have superior language skills.⁸ Although such differences between men and women manifest themselves statistically, like gravity, they have to be reckoned with.

Ontario’s 1993 act aimed for proportionate representation in all types and at all levels of employment; thus it is based on the tautology identified by Hutt that has since become known as “the fallacy of inferred discrimination”. U.S. affirmative action experience clearly demonstrates the level of interference in the workplace required to achieve such goals. For example, as a result of a survey of customer preferences, the now defunct Pan-American Airways hired mainly female flight attendants. Challenged in court, the survey was the basis of Pan-Am’s defence; in disallowing it the judge ruled that the hiring policy was a “business convenience” and not a “business necessity”. But, in a highly competitive industry, so-called business conveniences may make the difference between success and failure. As law professor Richard Epstein put it, “under the guise of mere regulation, the dominant question [in such cases] is: Who runs a business, its management or the courts?”⁹ Furthermore, the cost of court and tribunal proceedings is not negligible; one estimate puts the price of the U.S. affirmative action laws as four percent of GNP.

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**THE ART OF THE POSSIBLE: MODIFYING
THE DISCRIMINATION/HARASSMENT
POLICY AT THE UNIVERSITY OF ALBERTA**

*Ruth Gruhn
University of Alberta*

The University of Alberta lagged behind other Canadian universities in the production of an employment equity plan (not approved until January 1994) and a discrimination/harassment code (not approved until January 1997), presenting campus critics of such policies with the opportunity to examine and analyse their shortcomings and unfortunate consequences as documented at other universities. Being so informed, I moved as best I could to modify the University of Alberta’s proposed discrimination/harassment code before it became finalized and official policy.

The drafting of such a policy by our Office of Human Rights was stipulated in the employment equity document (*Opening Doors*). Soon after that document was finally approved by the Board of Governors in 1994, it was announced that a committee to devise a university harassment policy was to be established, with representatives (that is, appointees or volunteers) from the university’s major constituencies. Despite my vigilance, after that announcement I heard no more; until finally, in late September 1996, a brief notice appeared in the student newspaper: the proposed discrimination/harassment policy was to go before the General Faculties Council (GFC), which is effectively the legislative body of the University on 4 November. I quickly requested a copy of the proposed code from the Office of Human Rights.

The document I received was 22 pages long, specifying general policy, definitions, administrative responsibilities, and procedures for dealing with complaints. I wrote a lengthy letter to the Human Rights Officer (with copies to the President, Vice-President Academic, and Chair of the Board of Governors), pointing out some serious problems with the proposed code. The policy did not provide for compensation to wrongly accused respondents. The definition of behaviours constituting harassment was open-ended, leaving definition of an offense up to the plaintiff and the judge. Assuming collective guilt and collective punishment, the policy authorized the Vice-President Academic to conduct a so-called “Work, Study, and Living Environment Review” upon receiving an accusation of discrimination and harassment in any department, with review procedures setting the stage for

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just such a disaster as befell the UBC political science department. Finally, I urged that the document be published so that all on campus might consider its provisions and provide input before the policy was finalized.

The letter of response from the Human Rights Officer did not address my specific concerns; it merely listed all the committees and councils and focus groups which had already given their approval to the document. In an email exchange, I pressed for full publication of the document in advance of the GFC meeting. Not possible, was the response; the document was too long. Publish an abstract or synthesis, then, I suggested. The best I could get was a promise of a public notice that copies could be obtained from the Office of Human Rights, to be inserted in the staff newspaper. It was clear that I had to publicize the document myself; so I submitted a guest column to the *Edmonton Journal*, pointing out the

inquisitorial features of the proposed policy.

My article, published on 6 October, 1996, caught public attention. I was interviewed by the newspaper, and by the local CBC radio. The last part of my article stressed the need to amend the document, so colleagues asked just what specific amendments I would propose. I then sent a list of suggested amendments to every faculty member on GFC (which is comprised of 1/3 ex officio administrators, 1/3 elected faculty, and 1/3 elected students).

As a professor emerita and a non-member, I could not be present at the GFC meeting; but the Minutes indicate what transpired when the proposed discrimination/harassment code came to the floor. After a general discussion of the matter, my suggested amendments, which were distributed in the course of the meeting to all of the GFC members, were considered--all but two of them were approved in some form. Compensation was ensured for those wrongly accused; and the section outlining punitive measures that a vice-president could inflict on an entire department was removed. The definition of harassment was still left open-ended, but it was mitigated. I was quite disappointed that

the concept of a Work, Study, and Living Environment Review of an entire department was not eliminated; but, according to a witness, the Vice-President Academic had simply declared to the GFC that he already had the power to set up such a review, ending discussion of this point. As well, I was disappointed that a statement explicitly protecting freedom of inquiry and freedom to criticize any theoretical perspective, research, or creative work was not included in the final document, which was merely very general in its affirmation of the right to discuss controversial ideas. After the GFC meeting, I sent these suggested amendments on to the Board of Governors but to no avail, as the document as amended by the GFC was approved without change by the Board on Jan. 10, 1997.

In sum, I had some success in my effort to bring about significant changes to the proposed discrimination/harassment policy. Truly, the pen proved mighty in this case. I believe that the key to success in dealing with such policies lies in making a very close analysis of the document, and selecting limited sections which can be clearly challenged and changed through reasonable argument. One must be realistic: a discrimination/harassment code is now required of every employer by law, it is hopeless to condemn such policies in their entirety. A senior professor of economics, put off by the unpleasantly authoritarian tone of the document, tried that approach in a strong speech at the

GFC meeting, but he failed to affect the outcome: in the end, the amended document was passed by the GFC in a vote of 74 in favour to 6 opposed.

One must concede that a well-drafted discrimination/harassment policy can meet legitimate needs. It was a representative of the non-academic staff association who spoke most strongly in support of the policy, based on experience. With alacrity, the code can be put to good use, as I found out very shortly after it came into effect. I noticed a sheet of anti-male jokes posted on the door of the Women's Studies reading room; and I sent a copy over to the Human Rights Officer. She quickly agreed with me that the jokes were derogatory; and she arranged for a well-respected faculty member who is affiliated with Women's Studies to lay down the law to the students who use the reading room. Proponents of discrimination/harassment codes, then, can be shown to have created a two-edged sword.

The law does not content itself with classifying and punishing crime. It invents crime.

Norma Douglas, *An Almanac*, 1945

From: *The Oxford Book of Aphorisms*, 1983

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Finally, consider the moral ambiguity aspect. Stanford University political scientist Paul Sniderman and a colleague recently undertook a detailed survey of Whites' attitudes towards policies designed to promote Blacks in the United States. They found that, while there continues to be broad support for laws and policies to eliminate discrimination and to advance Blacks economically, anything even remotely resembling quotas promotes hostility.¹⁰ Equity advocates dismiss such reactions as "backlash"; but many others view quotas, or any euphemism suggesting them, as intrinsically immoral.

Obviously we need mechanisms to rectify cases of individual discrimination, and to investigate identifiable cases of systemic discrimination such as unreasonable job qualifications. But in view of all the difficulties cited above, one must perforce ask: Do those who advocate policies similar to those in the NDP government's legislation ever do any homework?

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Hiring Ad Policy at UBC
Philip Resnick
University of British Columbia

The key language to the new UBC ad policy adopted by the Board of Governors reads: "UBC hires on the basis of merit and is committed to employment equity. We encourage all qualified persons to apply."

All UBC ads from now on will be using this language. The change was the result of months of debate, both external and internal to the university. In my opinion, the new language represents a significant improvement over the old, and a small victory for common sense.

**THE CODE OF ETHICAL CONDUCT:
WHAT PROGRESS?**

Here are the recent exchanges between SAFS and the Tri-Council Working Group re the Code of Ethical Conduct for Research Involving Humans.

From: SAFS Board of Directors

To: The Presidents of the Medical Research Council (MRC), Natural Science and Engineering Research Council (NSERC), and Social Science and Humanities Research Council (SSHRC)

Re: Process of Evaluation and Dissemination of the Code of Ethical Conduct for Research Involving Humans

Date: April 29, 1997

The Society for Academic Freedom and Scholarship (SAFS) as well as other organizations and individuals has made a number of submissions that have criticized the content of the proposed Tri-Council Code of Ethics on Human Research. These content criticisms have varied in severity and focus. The present submission is directed not at content, but at the process of dissemination and evaluation that the Code has undergone, and will undergo in the future before the final version of rules becomes the law in Canadian research with humans.

With regard to process, our view is that up to the present, the process has fallen far short of the standards of openness that are required for the proper evaluation of a

document of such importance. The various drafts have not been circulated widely enough among the research community (on whom the final version will have the greatest impact, and who possess the greatest expertise with respect, especially, to the epistemological issues involved). Nor has there been sufficient time allowed for feedback from that community.

These shortcomings in process have been particularly evident in the way in which the February 1997 draft was handled by the Working committee's Deputy Chair, Prof. Michael McDonald. We shall not take time going over his conduct in detail, but provide attachments A1-A3 for your information regarding these past events.

Looking to the future, we are sure that we represent the view of most in the research community (as well as those outside it who have a high regard for the reputation of Canadian human research) in urging you to ensure that the process of revision of various drafts of the Code is a fully open one which, moreover, allows ample time for

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feedback from the research community. Other organizations may differ from ours regarding the content of the Code, but there is widespread agreement that the process whereby that content is examined must satisfy international epistemological standards of transparency and wide dissemination.

We hope, therefore, that you will ensure that the revision process is significantly improved over what has occurred up to this point with the Ethics Code.

This brief is addressed to the three presidents of the councils who have the primary responsibility in this matter. It is copied to the Chair and Deputy Chair of the Working Committee, to the president of the Canadian Society for Brain, Behavioural, and Cognitive Science (who supplied this account of the interaction with Prof. McDonald) to the two federal ministers to whom the SAFS board has addressed previous concerns regarding the content of the proposed Code, and to three scientific media writers who have reported on the Code. The brief was prepared by SAFS president with the advice and full approval of the SAFS Board of Directors.

[Attachments not reproduced here. They were circulated on the SAFS email list. Contact SAFS office if you would like to see the full document. Ed.]

Reply from Tri-Council Working Group.

From: Henry G. Friesen, M.D., MRC

To: John J. Furedy, Ph.D., President, SAFS

Date: May 23, 1997

I am writing on behalf of my colleagues Drs. Brzustowski and Penrod in response to your letter of April 29th expressing your concerns about the opportunities for review of the work of the Tri-Council Working Group on Research Involving Humans.

The Working Group has issued three publications: the Issues Paper (late 1994), the Discussion Document (April 1996), and the Description of the Revision Process (late 1996). The Group has received many responses, all of which have been carefully read and collated with the views of others on specific sections of the document, as well as on its overall thrusts. Individuals from the Working Group have also met with a number of individuals or groups at varying times during the course of the work.

The Working Group is now in the latter stages of preparing its final report, after which time it will disband. The Councils then plan targeted consultations, primarily with organizations, over the summer and early fall. I will make certain that you receive a copy of the report so that your Society can provide any final comments.

The members of the Working Group, and especially its Chair, Dr. Joly, and its Editorial Committee, have worked extremely hard and without remuneration on this very complex and difficult document. I and my colleagues are very grateful to them for the dedication that they have shown to further the highest standards of research and scholarship, which must include close attention to issues of ethics.

SAFS response.

From: John J. Furedy, Ph.D., President, SAFS
To: The Presidents MRC, NSERC, and SSHRC
Re: Dr. Friesen's May 23 reply regarding Processes of Evaluation and Dissemination of the Code of Ethical Conduct for Research Involving Humans
Date: June 6, 1997

Thank you for your letter of May 23 which I have circulated (by email) to my Board of Directors, and to which I am now replying, with their agreement, concerning the basic content of my letter.

We very much appreciate that you have undertaken to send me a copy of the next version of the report so that SAFS can provide final comments. This would certainly constitute a significant improvement over the past process of evaluation and dissemination.

In terms of the content of the report, I shall await the next version with considerable interest, and would refer you in particular to my March 19 letter to Dr. Penrod in which we provided our most recent criticism of the content of the last version. I suggest that point #4 of that March 19 letter is particularly relevant, where I indicate

that Canada should follow the American example in constructing a set of guidelines rather than attempting to generate a code of rules, which, moreover, will be differentially interpreted by local committees which will, in fact, be in charge of enforcing the "rules".

I agree that the Working Group has worked hard, but even Moses had trouble coming up with rules of conduct. He was not working in a research context and arguably had better help. A set of guidelines is all that can reasonably be expected if the international reputation of Canadian human research is not to be put in jeopardy.

PAINFUL STRUGGLE AT SFU

*Charles Crawford
 Simon Fraser University*

The swimming student case which has received so much media attention is not directly about academic freedom, but there is a connection in that it reveals how bad the procedures for dealing with supposed harassment are. One thing that seems clear from the events is that it is essential to separate the roles of adjudication from the roles of advocacy. In our office, and I suspect in many others, they have intermingled. They must be kept at arms length in our institutions of higher education!

I sent the following letter to the SFU faculty on July 18.

Some of you may be worrying about the publicity we are getting right now. I admit that I would rather have the news media talking about our great teaching and research than about our handling of harassment cases. We have had bad publicity in the past, and there were those who wanted secrecy to protect us from it.

Those of us who have been here for a long time remember the late 1960s and 1970s. We remember a campus polarized between the left and the right, student occupations of university buildings, student arrests, student strikes to get the charges dropped, faculty strikes, faculty dismissals... We remember being on the front page day after day, week after week.

We also remember a university where Senate and Board meetings were closed to faculty, staff, and students; where department heads, appointed by the administration, had arbitrary power; where there were no adequate procedures for insuring fair treatment during tenure, promotion, and renewal of contracts; where students were not represented on the Senate and Board of Governors... Many of the policies and procedures implemented during those years of "bad publicity" have become models for other universities across Canada.

I believe that our early struggles and the solutions and university ambiance developed during those hectic times are one of the reasons that SFU is such a fine institution. I also believe that we now have choices. We can try to

go secret, try to get spin doctors to help us through the bad publicity, or, we can do as we did in the past--go through the painful struggle of developing procedures that insure that all members of our community get fair and just treatment. If we take this latter course, SFU's reputation will be maintained and enhanced. We will again set standards that other universities will emulate. It is always unpleasant to have one's dirty laundry, whether it is from Somalia or Burnaby Mountain, washed in public, but sometimes that is the only way to get it clean.

I am confident that our Administration will understand this argument and will join with faculty in working through this affair to preserve the strengths of SFU and to help the process of reform elsewhere in Canada.

LETTERS TO THE EDITOR

Notorious Among Whom?

■ In the May 1997 Newsletter of the McMaster University Faculty Association, Rhoda Howard reports on the "National Conference on Academic Freedom and the Inclusive University," held at the University of British Columbia, 10-12 April 1997. In an otherwise largely factual and even-handed article, Dr. Howard states:

Jack Granatstein, a member of the notorious Society for Academic Freedom and Scholarship, antagonized many in the audience with his critical description of the 'politically correct' behaviour of the academy.

I wish that Dr. Howard were more precise in her use of adjectives. She does not specify those groups among whom this notoriety is achieved. The failure to specify leaves the perhaps unintended impression that, in her opinion, SAFS is "notorious" among all right-thinking people, including Rhoda Howard.

It was less than four years ago that the previous NDP government in Ontario tried, unilaterally to impose a policy of "zero tolerance" of "negative environments" in university classrooms. Dr. Howard and others should be reminded that there were exactly two organizations that objected to this restriction on freedom of speech: one was the "notorious" SAFS and the other, to its great credit, was MUFA. There was not a peep out of any university administration, nor out of any other faculty association, nor out of any civil rights groups, nor out of any of the organizations that supposedly represent the interests of academics in the corridors of power.

Fortunately, the ill-conceived policy was aborted (along with the NDP government). But, the affair provided me with the motivation to join both SAFS and MUFA, organisations that evidently were particularly committed to the defence of freedom of expression in general, and academic freedom in particular. It is thus a little disturbing to find

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a member of the current MUFA executive commenting in a seemingly pejorative way on an organization that in my opinion deserves much more support among academics than it gets.

To my way of thinking, academic freedom should be a cornerstone of the policy of any faculty association; thus if SAFS is "notorious", MUFA should also be, since many of their policies should be closely linked. So, I find myself wondering: notorious among whom? Notorious among those opposed to academic freedom? Notorious among those who make specious arguments to justify special privileges for special groups? Notorious among those who think comfort in the classroom is more important than argument, discussion, fact or scholarship? Notorious among those who want government to regulate every detail of our lives, including what we say and think?

If Rhoda Howard meant any of these things, then I wonder why she did not say so. If not, then what did she mean?

*Bill Smyth
McMaster University*

The Left and Affirmative Action

■ I was astonished by the illogic of Graeme Voyer in his article, "Philosophical Roots of Affirmative Action," in *Newsletter* 16, March 1997. According to Professor Voyer, "Affirmative action...proceeds logically from the world view of the Left." What about the Nazis? They had their own brand of affirmative action that clearly favoured certain groups. What about White southerners prior to the Civil Rights movement in the United States? They also had their down-home variety of affirmative action. Also, it is daft to equate leftism with support for affirmative action. For generations in Canada and elsewhere the left was concerned with the

implementation of universalistic rather than particularistic criteria for admissions to universities, jobs, and so on. It has only been recently that some leftists have gone wrong and supported measures that while intended to decrease discrimination actually have the opposite effect.

*J. Paul Grayson
York University*

Messianic Argument

▣ Graeme Voyer's piece ("Philosophical roots of affirmative action", *Newsletter* 16, March 1997) is a fine example of illogical argument and overblown rhetoric. Marxism is messianic (or was that Machievellian?). Political correctness is messianic. Therefore political correctness is Marxist. The same argument could be used to argue that political correctness is Christian, Nazi, or whatever other "messianism" strikes your fancy.

*Deborah Cook
University of Windsor*

Sexuality and Culture: An Interdisciplinary Journal

▣ I think that SAFS members will be interested in this new journal, which publishes issues related to academic freedom. *Sexuality and Culture* is a forum for the discussion and analysis of ethical, cultural, psychological, social, and political issues related to sexual relationships and sexual behaviour. These issues include, but are not limited to: sexual consent and sexual responsibility; sexual harassment and freedom of speech and association; sexual privacy; censorship and pornography; impact of film/literature on sexual relationships; and university and governmental regulation of intimate relationships, such as interracial relationships and student-professor relationships.

Open discussion of material published in the journal is encouraged. Comments may be submitted via email to CASE@CSULB.EDU.

*Barry Dank
California State University*

ACADEMIC FREEDOM VS. THE CULTURE OF

COMFORT: UPDATE ON THE BRAND CASE

*John Furedy
University of Toronto*

A formulation that seems to me to capture an essential aspect of academic freedom is the right of members of the academic community (faculty and students) to be evaluated only in terms of their academic performance.

In contrast, according to the recent manifestations of political correctness (PC) or the "culture of comfort" in western higher education, an important component of such evaluation is the degree to which opinions held by members of the academic community are offensive to, or uncomfortable for, those within and outside institutions of higher education. If evaluation is influenced by such concerns, we must conclude that this is a manifestation of PC or the culture of comfort.

The conflict between academic freedom and the culture of comfort becomes most visible when scholars, often using the minimum of tact, argue for positions that are offensive both to most of their peers and to society in general. A reaction might be that good order and government are threatened by such controversial opinions. In sixteenth century Europe, the heliocentric theory (originally formulated by Copernicus, but put forward in an offensive manner, i.e., as truth, by Galileo) as the prime example of such doctrine; in the nineteenth century (and also in the twentieth in some "bible-belt" portions of North America), the evolutionary position that was uncomfortable for creationists; nowadays it is scholars who argue for a genetic interpretation of average race differences in intelligence who cause the most offense. Mr. Chris Brand, a member of the teaching staff at Edinburgh University, is perhaps a current example of such scholars.

The first stage in this story was the "de-publication", in the spring of 1996, by Wiley and Sons, of Mr. Brand's book, *The g Factor: General Intelligence and its Implications*. As reported in *Newsletter* 14, Sept. 1996 (p. 1), the National Association of Scholars (NAS) and SAFS issued a joint statement condemning Wiley's action as one that "seriously impedes the free flow of ideas, chills the academic climate, and encourages efforts to suppress opinions of every stripe." It must be emphasised that the NAS-SAFS statement neither defended Brand's opinions, nor the style in which he chose to express them in media interviews. Similarly, while the principal of Edinburgh University, Sir Stewart Sutherland, stated that he disagreed with Mr. Brand's position, he also averred that he thought that Wiley should have honoured its publishing agreement with Mr. Brand.

Up to this point, then, the culture of comfort appeared to

have infected only the publishing world.

Soon after Mr. Brand's TV interview, in which he used the term "scientific racist," and in an apparent reaction to representations from various "anti-racist" and "anti-Nazi" organizations, the university's principal requested the provost, Professor Neil MacCormick (who is an eminent legal specialist), to conduct an "enquiry" into Mr. Brand's teaching.

That enquiry was the subject of some correspondence between Prof. MacCormick and myself, some of which was published in *Newsletter* 16, March 1997 (pp. 9-10). In brief, Edinburgh University supported the principle of freedom of speech in the academic setting, and the principle that, collectively, it neither endorses nor condemns any particular opinion of scientific or political controversy about which its members choose to express themselves, whether in a professional capacity or otherwise.

It appears that the enquiry, at the private level, was conducted fairly (it concluded that Mr. Brand did not evaluate his students in a biased way). There were, however, some other charges and directives that were made public, and that were reputation-damaging. These had not been subjected to disinterested examination, and the university, by making them public, was conforming to a muted form of the culture of comfort.

In the interim, organizations both on and off campus who remained hostile to Mr. Brand continued to press for his dismissal, while Mr. Brand strove to force Wiley to republish his book. He circulated an internet newsletter in which he not only argued strongly for his "race-realist" views, but also referred to some Edinburgh University administrators in a derogatory manner.

In May 1997, the university set up a disciplinary tribunal to investigate Mr. Brand, and, while the tribunal was in session, suspended Mr. Brand from academic duties. For his part, Brand agreed to a "cease fire" during the investigation. He has stopped all personal attacks on university officials, and has not commented publically

Continued on page 10...

SURREAL PURSUIT OF SEXUAL HARASSMENT CHARGES

Heinz-Joachim Klatt

University of Western Ontario

I published a detailed account of the suspension of the graduate programme in political science at the University of British Columbia and related events under the title of "The surreal world of a Canadian university," in *The Montana Professor*, Vol. 7 (1)

1997. In view of the recent cases at Simon Fraser University, it is clear that the issues of harassment policies are far from being resolved on our campuses.

Here is the conclusion of my article.

Readers can judge for themselves who was harassing whom at the University of British Columbia. I am reminded of the world in which I grew up. The legal construction of *Sippenhaft* in Germany during World War II (the liability of a family for the political "crimes" of one of its members) allowed entire families, groups and villages to be indicted, harassed and punished for the "sins" of one of their members. The other notion, that of "anti-Soviet agitation and propaganda" that sent uncounted innocent victims into perdition, has so much in common with the definition of harassment in our current sexual and racial harassment codes that one has to surmise common intellectual parentage. Harassment, in North American policies, embraces an extraordinarily wide spectrum of "offenses," and the policies, after giving a long list of examples, typically state that the understanding of "harassment" should "not be limited" to the examples given. Harassment thus comprises everything that is subjectively perceived as unpleasant, from unconscious, unintentional "leering" or "ogling" to criminal rape. The only reason why rape is included in the definition of many harassment policies is apparently to imbue the other offenses with the ugliness and perversion of rape. Thus, "ogling" at someone, "inviting a woman for dinner," and "discounting the Marxist perspective" of a student become semantically associated with the characteristics of rape, and to some become a mitigated form of rape.

One of the claims at UBC was that the department "ghettoiz[ed]" feminist theory by creating a course entitled 'Women in Politics'. In other words, the department "harassed" feminist students by granting them what they had fought for so long to obtain: a feminist course! We certainly live by now in the kingdom of Roi Ubu!

It is certainly tempting to consider the craven administrators of UBC to be solely responsible for the mishandling of the students' complaints and for having abandoned all principles of natural justice

and due process. It should, however, not be overlooked that in a way all faculty share a measure of responsibility for the *déravage*. Whoever voted for the adoption of the existing speech codes under the guise of sexual and racial harassment policies, or acquiesced when they were adopted, has to accept some blame for the tragedies that *mutatis matandis* happen today in every Canadian university. Were Julien Benda alive today he would have much more reason to deplore *la trahison des clercs*.

FUREDY...continued from page 9

on the investigation (for which he has legal counsel).

Not only the proceedings, but also the charges against Mr. Brand are confidential, and my email requests to the Secretary to the University, Dr. M. Lowe, have not been acknowledged. As of the date that this is written (July 12, 1997), the tribunal has not issued a verdict, and no one knows when this will be issued.

My hope is that the tribunal's procedures have been based on a fair and expert evaluation of Mr. Brand's academic conduct in teaching, research, and administration, rather than feelings about the degree to which his opinions have been offensive within and outside the university community. The verdict, when it comes, will have significant implications not only for Mr. Brand, but also for his university, as well as for all other institutions of higher education and members of the academic community. It is an important case in a continuing struggle between academic freedom and the culture of comfort.

THREATS AND SMEARS FROM LEFT AND RIGHT

An exchange took place on the Academic Freedom network--ACADFREE-L@BSUWEB.BEMIDJI.MSUS.EDU--about contributions of the Right and the Left to political correctness (PC) and academic freedom on January 6, 1997. One respondent argued that "some right-wingers and their allies" have wrongly portrayed American universities as dominated by and threatened by leftist advocates of political correctness.

The reality, he argued, is that in mainstream, non-elite universities, the old "McCarthyism" and the intolerance of the "Conservatives" and the

"Christian Right" provide much greater threats to academic freedom than do the maunderings of the politically correct. He then criticized SAFS for emphasizing the threat from the left.

James Steiger, of the UBC chapter of SAFS, replied that the point he had been making in earlier exchanges was not that extremists of every stripe do not exist, and do not try to strip others of their freedom of speech. Clearly they do exist, especially right wing Christians.

Steiger continued:

The problem is that PCers feel that they should be immune from criticism--that their cause is so holy that the end justifies the means.

Surely "chilly climatology" is not outside your ken. This racist, sexist dogma states that "chilly climate" is a "situation where women or people of colour are made to feel marginalized..." At UBC, "criticizing feminist scholarship" is one of the behaviours defined as causing a chilly climate, and is subject to sanctions. So, for example, if I feel that scholarship in a certain branch of psychology is weak, I am free to say so, but if I think that academic standards in "Women's Studies" are weak, I am not allowed to say so without risking sanctions....

Please remember that SAFS has defended individuals of all political persuasions who were denied due process. I certainly agree that people with unusual views are subject to attack from conservatives, and I deplore any situation where an individual is denied due process.

I well remember attending a SAFS meeting at UBC, at which the speaker, John Furedy, presented an account of a vicious attack by a left-wing magazine on a SAFS member. A challenger thought that SAFS does not play fair because it attacks leftists and feminists with its emphasis on PC.

Reviewing Furedy's account of how the SAFS member had been smeared and humiliated by the magazine, the young man could not suppress some actual giggles of glee. PCers enjoy smearing anyone who contests them, and they are particularly vicious in the methods they employ.

Looking around the room, I was astonished at the diversity of political opinion and background:

liberals, conservatives, libertarians, leftists, anarchists. You name it, SAFS has them.

The excesses of radical feminism have robbed numerous male academics of due process. Read John Fekete's book, *Moral Panic*, then provide us with some similar, well-documented, concrete examples from the dust bowl.

[Thanks to James Steiger for permission to print this truncated and edited version of the network exchange. Ed.]

CAUGHT IN THE NET

Rob Haskell sends the following sites of responses to his article.

' Original Article: Haskell, R. E. (1997). "Academic freedom, tenure, and student evaluations of faculty: galloping polls in the 21st century," *Educational Policy Analysis Archives*, 5. <http://olam.ed.asu.edu/epaa/v5n6.html>

' Theall's commentary on Haskell's article: <http://olam.ed.asu.edu/epaa/v5n8c2.html>

' Haskell's response to Theall: <http://olam.ed.asu.edu/epaa/vn8c3.html>

' Stake's response to Haskell's article: <http://olam.ed.asu.edu/epaa/v5n8.html>

' Haskell's response to Stake: <http://olam.ed.asu.edu/epaa/v5n8c1.html>

NEWSLETTER GRANT REPORT

The following is a copy of an email sent to the SAFS Board of Directors on May 27, 1997:

A grant of \$10,000 was awarded by the Donner Canadian Foundation to John Furedy starting October 1, 1995. The grant was awarded to cover the expenses of the *SAFS Newsletter* for a 2-year period, ending September 30, 1997.

Expenses to date (October 1995 - June 1997) are as follows:

Issue	Layout	Printing	
Postage			
#11, July 1995*		826.00	
#12, Jan. 1996	700.00	749.00	242.00
#13, Apr. 1996		749.00	263.00
#14, Sept. 1996		749.00	287.00
#15, Dec. 1996		700.00	300.00
#16, Mar. 1997		650.00	300.00
Total	700.00	4,423.00	1,392.00

Subtotal Expenses.....6,515.00

Computer.....1,800.00**

Grand Total \$8,315.00

* Some expenses for this issue were paid out of SAFS general funds before the grant was received.

** The computer has eliminated layout costs, as the work is now done in the SAFS office.

SAFS Annual Membership Dues

Please mail your cheque of \$20 payable to SAFS to: *SAFS, Box 581, Stn. P, 704 Spadina Ave., Toronto, ON, M5S 2T1*; via IUTS: *John Furedy, Psychology, University of Toronto.*

Prejudice may be trusted to guard the outworks for a short space of time, while Reason slumbers in the citadel; but if the latter sink into a lethargy, the former will quickly erect a standard for herself.

William Drummond, *Academical Questions*, 1805

From: *The Oxford Book of Aphorisms*, 1983

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Our secretary, Lianne Carley, regularly checks messages and deals with email.

Members can contact the office for extra copies of our brochure to distribute to those who may be interested in joining SAFS.

Disclaimer

The SAFS *Newsletter* publishes authoritative notices from the Board of Directors. Apart from these, the views expressed are not necessarily those of the Society.

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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 by email. Address: **Chris Furedy**, c/o John Furedy, Department of Psychology, University of Toronto, Toronto, Ontario, M5S 3G3. Fax: (416) 962-4253; email: SAFSN@PSYCH.UTORONTO.CA