

SAFS Newsletter

Society for Academic Freedom and Scholarship

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

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SAFS AND THE DARKER FORCES

Kenneth Westhues

Department of Sociology, University of Waterloo

In the current advanced state of civilization, we professors are in a bind. For two millennia, Eurocentric societies have been nourishing values on freedom, individual rights, human dignity, and tolerance. Laws and policies serving these values have multiplied over time, as witness the ever more detailed rulebooks that govern life in universities.

At the same time, we professors are subject to what Harvey Silverglate has lately (in the *Wall Street Journal*, July 11, 2001, commenting on a wrongful conviction for child sexual abuse) called the "darker forces of the human soul." In my lectures on workplace mobbing, I sometimes say there are three basic appetites in a normal person: for food, for sex, and for humiliating somebody else.

Our civilization affirms the first two cravings and facilitates their satisfaction. The third craving is taboo, especially in so highly civilized a workplace as the university. That is why we professors are in a bind. Like humans everywhere, we are sometimes gripped by the eliminative impulse, lust to put another down, but our hands are tied by rules protecting human dignity. Besides, as learned men and women, we are supposed to be above the darker forces.

The result is camouflage, subterfuge, self-deception, denial, disguise, circumlocution,

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PSY 383E: PSYCHOLOGY AND IDEOLOGY THE STUDY OF POLITICAL CORRECTNESS

Heinz Klatt

Department of Psychology, King's College, UWO

As most readers of the Newsletter know, last academic year for the first time I taught a course on political correctness. As soon as the *National Post* had published an article, the media took an unexpectedly great interest in the course. I was repeatedly interviewed by the CBC, BBC and a dozen other radio stations for any time up to two hours. The most enthusiastic interviewers and audiences were in the Western provinces. Among all the media attention that I received with the course there was only one article that was critical and disapproving. The opposition came from the Women's Caucus of UWO which was vehemently antagonistic.

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labyrinthine plots—much like the antics of Catholic priests who are overcome by sexual desire in an organization that forbids them to satisfy it. René Girard, arguably today's most perceptive analyst of the eliminative impulse, calls it the "persecutory unconscious." Many professors think they are absolutely free of it. In *I See Satan Fall Like Lightning*, Girard describes "a new level of cunning," wherein we practice "a hunt for hunters of scapegoats. Our society's obligatory compassion authorizes new forms of cruelty" (2001, p. 158).

Two acclaimed new novels, both published in 2000, describe the way the elimination process commonly plays out in academia today. *Blue Angel*, by Francine Prose, is the lighter, funnier of the two, a take-off on the 1930s German film about professor-student romance.

After decades of successfully resisting coeds' flirtations, English professor Ted Swenson succumbs to the wiles of Angela Argo, a not very pretty but precocious member of his creative writing class. Angela is a number. Her skill at placing the world at her feet, by painting herself as a victim of its caprice and cruelty, is consummate. Most professors these days have had Ms. Argo in their classes. Pity the ones who let themselves call her Angela.

Ted is vain and oafish, but more tuned in than his counterpart in David Mamet's play, *Oleanna*. As a

straight white power-holding male, Ted is a dog who has had his day. When Angela charges him with sexual harassment, he knows the jig is up, yet inexplicably refuses to resign. He takes refuge in booze until the day of his dismissal hearing.

The last fifty pages of the book describe the tribunal proceeding wherein Swenson is destroyed by the collective action of his dean, colleagues, and students. None of them imagines being part of a mob bent on humiliating a fellow human. They are enforcing policy, upholding human dignity, and protecting the college's integrity.

"Angela, are you ready?" asks one tribunal member, the chairperson of the Faculty-Student Women's Alliance. "Do you feel strong enough to address the committee? Now, Angela, perhaps we should start by saying that everybody in this room understands how difficult it must have been for you to come forward. How brave you are for helping make sure this kind of thing is stopped."

Prose serves up a slice of life and makes the reader laugh. Philip Roth's novel, *The Human Stain*, is funny, too, but with sobering, spellbinding twists. Roth does not hide his disgust for the devious methods by which learned doctors carry out the elimination process.

Prose's protagonist has committed at least the Clinton sin of cheating on his wife. Roth's protagonist, an ex-dean named Coleman Silk, is as innocent as Roth can make him of the charges used to string him up. Five weeks into the semester, two students on his class roster have still not shown up. "Does anyone know these people?" Silk asks the class. "Do they exist or are they spooks?" Since the absent students turn out to be black, Silk's reference to spooks is taken as proof of racism. A crusade to punish him gets underway. Silk and his wife fight it. She dies of a stroke. He resigns. His life spirals downward to an inglorious death.

Unlike Prose, moreover, Roth spins an explanation for the professor's fall that goes beyond blind panic over sex or race. He tells us

that Silk, as dean, had come down hard on the faculty, raised standards of research performance, and launched what he and the president had called a "revolution of quality." Silk's humiliation is shown to be rooted in revenge. The wrongness of it cries out.

Still, what happens to Silk is basically the same as what happens to Swenson, and the mob in each case is composed of the same kind of characters. Roth traces most of Silk's troubles to Delphine Roux, his department chair and chief eliminator. Roux sees herself as blessedly above reproach. Silk to Roux: "A student who tells me that I speak to her in 'engendered language' is beyond being assisted by me." Roux to Silk: "Then there's the problem, isn't it?"

Both *Blue Angel* and *The Human Stain* are works in the classic tradition of Western literature: they unmask the persecutory unconscious, strip away the disguises it wears in a given time and place. In this respect, these novels are similar to *The First Stone* (1995), Helen Garner's nonfiction account of the ouster of a college master at the University of Melbourne.

(All three of these books stand in contrast to J. M. Coetzee's *Disgrace* (1999), yet another tale of an eliminated professor, this one set in South Africa. Breaking with Western tradition, postmodernist Coetzee has written what Girard calls a naive persecution text. His novel defends not just the mob that humiliates the professor but the one that rapes the professor's daughter. Coetzee finds redemption in her surrender to the rapists' power.)

If, as most reviewers agree, these literary works accurately describe current realities of campus life, they hold an important lesson for individuals and organizations committed to the classic values of a university. Threats to these values in our time are rarely so overt and transparent as Premier David Peterson's instruction to the University of Western Ontario in 1989, that it fire Philippe Rushton for publishing the results of his research.

More often, the threats are heavily camouflaged

by accoutrements of due process and the highest ethical standards. Attacks are phrased in academic Newspeak, reflecting the "new level of cunning" Girard writes about. Because academic freedom is an entrenched value, defended by SAFS and similar bodies, administrators, colleagues, and students inflamed by eliminationist passion usually frame their campaigns in altogether different terms. "This has nothing to do with academic freedom," they say. They are sure of it. They are sure of themselves.

In none of the books discussed above is the professor condemned for what he lectured about or wrote in a scholarly journal. The silencing is for alleged ethical violations, for transgressions of what has come to be called political correctness.

Constructive action in today's academic workplace takes courage, but it also takes a quick and cultivated wit. *Blue Angel* and *The Human Stain* show how cleverly well educated minds can mask the eliminationist impulse, but they also show how gracefully a better educated mind can peel off the mask. Thereby these books give hope that we can understand and control the darker forces within us all, that we need not behave like savages and eat up our enemies. If we work at it, we can do without enemies and find ways to get along.

Is it foolish to think so? Is it Girard who is naive? Are the Swensons and Silks in our universities just roadkill on the drive away from patriarchy and Western hegemony? Will there always be someone to cast the first stone? Coetzee, I believe, would say yes.

References:

- Coetzee, J. M. (1999). *Disgrace*. London: Martin Secker & Warburg.
 Garner, H. (1995). *The First Stone*. New York: Free Press.
 Girard, R. (2001). *I See Satan Fall Like Lightning*. Ottawa: Novalis.
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 Roth, P. (2000). *The Human Stain*. Boston: Houghton Mifflin.

Westhues is author of *Eliminating Professors: a Guide to the Dismissal Process*. □

REPORT ON THE SAFS ANNUAL MEETING, MAY 19, 2001

Clive Seligman, President

The annual general meeting, held at the University of Western Ontario, was attended by 31 people, including a representative from the National Association of Scholars. Twenty-three members stayed for the business meeting. We thank Daniella Chirila, our SAFS secretary, for coordinating the conference, including arranging morning coffee and lunch, and booking the meeting rooms.

A) In my opening remarks, I noted that SAFS had a very good year. First, we received a grant from the Donner Canadian Foundation for a legal defence fund. Subsequently, we engaged Lerner and Associates, a London, Ontario law firm, to investigate the legal issues in pursuing cases involving preferential hiring. We hope that we will be able to bring a test case forward in the near future. We are grateful to the Donner Canadian Foundation for their support.

Second, we took action in six cases by writing to university presidents and other senior administrators, when we believed that an individual's academic freedom or the merit principle was violated. Copies of our letters, and responses to them, are posted on our website, and several of these have also been published in our Newsletters. It's always hard to gauge the effect of our involvement, but we do make our concerns known to university administrators and publicize the (possible) offenses on our website, Newsletter, and sometimes in the media.

Third, shortly before the annual meeting, the Ontario Human Rights Commission turned down my final appeal of their earlier decision not to hear my complaint against Wilfrid Laurier University for sex discrimination against men in faculty hiring. Recall that WLU's psychology department had advertised in July 1999 for a woman-only position. The Commission decided that I did not have legal standing to make the complaint. Their

ruling explicitly did not comment on the substance of my complaint that WLU had acted illegally. Though the WLU incident did not achieve the desired legal end, the publicity surrounding the case led to extensive media coverage throughout Canada, and WLU's psychology department voted to end woman-only advertising.

Fourth, we have completely revamped the SAFS website. Members are encouraged to examine the site for the latest information on our activities. We welcome your comments. We are considering developing the capability to allow new or renewing members to pay their dues by credit card on the website.

B) The winner of this year's Furedy Award for Academic Freedom was Julie Bosman, editor-in-chief of *The Badger Herald*, the student newspaper of the University of Wisconsin, Madison. Because Julie was graduating from university on the same day as our AGM, Doreen Kimura accepted the award for her. Christine Furedy made the presentation of the award. (See her remarks while presenting the award on page 6).

C) The formal morning session was a lively panel discussion entitled "SAFS' role in defending academic freedom" consisting of brief presentations by John Furedy, Clive Seligman, Murray Miles, and Chris Furedy, followed by comments and questions from the audience. The purpose of the panel session was to highlight the factors that board members consider (or ought to consider) in deciding whether SAFS should intervene in particular cases. Given that SAFS' resources of people, time, and money are limited, how can we best defend our principles, recognizing that we can't get involved with every potentially appropriate case?

In his presentation, John Furedy tried to categorize the types of reasons that board members offered when debating whether SAFS should intervene in a case. He suggested three classes of criteria were frequently mentioned, varying in persuasiveness

and legitimacy: 1) Absolute criteria, e.g., violation of one of SAFS' principles, and institutional wrongdoing; 2) Continua of considerations, e.g., clarity and understandability of the issue to laypeople, whether the case is Canadian, generality of implications, gravity of harm, and what other academic bodies are doing; 3) Irrelevant factors, e.g., validity of opinions being advanced, academic eminence of the individual seeking help, and whether the individual is active in his/her own defence.

Clive Seligman approached the problem from the opposite direction. Instead of setting out criteria for involvement ahead of time, he tried to infer, from the characteristics of the recent cases SAFS has taken on, what criteria seemed to be relevant. Two dimensions seemed plausible to describe the cases. The first dimension dealt with leadership. For some cases, SAFS was the first (or only) group to defend the individual, but at other times SAFS added its voice to the ongoing efforts of others. The second dimension dealt with justice. In some cases, it seemed that SAFS' actions could lead to a restoration of justice. However, in other cases, it seemed unlikely that SAFS could affect the individual's outcome, but that our efforts to publicize the case could have an educative function that might deter future abuses.

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Murray Miles then focused on two cases that the board discussed at length, one that was taken up and one that was not. The first case reviewed concerned Simon Fraser University, which ultimately turned down a recommendation from its Humanities Faculty to award a distinguished chair to David Noble. There were charges that the appointment was denied because of Dr. Noble's political views. The university denied the charge and claimed there were serious problems with the hiring process. The second case reviewed concerned Denise Reaume, a law professor at the University of Toronto, who was publicly named as a subject of an investigation by the Law School. The incident involved the presentation of inflated grades by some first year law students to law firms for potential summer employment. It was alleged that Professor Reaume might have played a role in the students' actions. Ultimately, the university exonerated, compensated, and apologized to her.

In both cases, opinion on the board was split as to whether we had enough information to make an informed decision on the main charges. In Reaume's case, we decided to wait for the outcome of the U of T investigation. However, we sent a letter to SFU expressing concern that agents of the university were inquiring of Noble's referees whether he could be counted on to represent the university's views. Clearly this was wrong, regardless of the main allegations.

Chris Furedy commented briefly on the panel discussion so far, and pointed out that SAFS does not involve itself in curriculum issues as does the National Association of Scholars, for example. We have tended to concern ourselves with abuses of scholarship that involve preferential hiring or questionable learning disability programs, but have not focused on the scholarly merit of particular courses or programs. Though several members of the audience felt we should address these latter issues, the position of the board has been that questions of academic content should be decided by experts in the relevant discipline and that SAFS' focus should remain on process. However, individuals with relevant expertise who

wanted to pursue projects relating to academic standards were encouraged to do so.

D) Nancy Innis introduced our featured speaker, Margaret Wentz, columnist for the *Globe and Mail*. Wentz gave an interesting talk on the media's role in fueling moral panics. She demonstrated her points by providing blow by blow descriptions of two specific incidents: The accusations of child abuse at the Shelbourne Boys School in Nova Scotia, and the Chun case at the University of Toronto. She was able to show how the media's interest in a 'good' story took precedent over critical examination of the truth of allegations. Though much of what she had to say was not a credit to journalism, in general, she did show that the media were also a force for good. For example, it was ultimately a journalist in Nova Scotia who demonstrated that the Shelbourne child abuse allegations were fiction, and it was Wentz herself who first wrote the Chun story from the perspective of members of the physics department.

E) The Annual Business Meeting was held at the end of the day. The minutes are circulated to the members with this issue. □

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.

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PRESENTATION OF FUREDY ACADEMIC FREEDOM AWARD TO JULIE BOSMAN

Chris Furedy, Professor Emeritus, York University

May 19, 2001

SAFS is pleased to present the Furedy Academic Freedom Award to Julie Bosman who today is graduating at the University of Wisconsin at Madison with a diploma in journalism. You will all be familiar with Julie from her article in the *Wall Street Journal* (reprinted in the April SAFS newsletter) defending, as editor-in-chief, the student newspaper *The Badger Herald's* publication (in February this year) of David Horowitz' ad arguing against reparations for slavery in the United States.

Julie was nominated for the award by SAFS' board member Harvey Shulman, our inveterate and invaluable scanner of the web for news relating to academic freedom. Harvey immediately recognized the independence and courage represented by Julie's defence of freedom of speech and wrote congratulations to her before making his nomination to the Board.

In nominating Julie Bosman, Harvey said SAFS was heartened by her courageous and scrupulous actions in advocating free speech and a free press.

To quote from the Board's letter to her: "*Your steadfastness has precipitated a major debate in universities and the media, and we believe you have been a catalyst for reflection and consideration in the academy by those who have, regrettably, failed to distinguish between free and open discussion of ideas and those who defer to the 'politics of comfort' and countenance censorship.*"

Our certificate says: *In exercising her duties as editor-in-chief at the University of Wisconsin-Madison, Julie Bosman has demonstrated exemplary commitment to those core values of the academy that the Society for Academic Freedom and Scholarship seeks to uphold.*

We are particularly pleased to see a young student paper editor receive this award, at a time when we think that far too many such editors, to say nothing of faculty and university administrators, are caving in to pressure for political correctness on campuses. As we have seen in the case of the York University law school student paper *Obiter Dicta* recently, this pressure is a menacing presence in Canada.

The latest development in this issue on the University of Wisconsin-Madison campus is that 70 members of the Administration, including the Dean of Students, placed a counter-advertisement in *The Badger Herald* this month. It castigated the editors, called the publication of the ad 'destructive' of a welcoming climate in the university, said the First Amendment is an obstacle to education and warned students to be more careful in asserting their freedoms. This was an astounding and intimidating gesture. It provided the opportunity for the editors to again speak out: "*Universities should be places where students are exposed to a diversity of thought. What the Administration does not seem to understand is that ideas are meant to be debated, not indoctrinated.*"

Julie Bosman is remarkable for her clear-sighted understanding of freedom of speech, her calm resolve in defending her views, and her personal bravery (she was willing to face an angry mob but campus police intervened). We congratulate her and wish her well in her future career. □

"Think wrongly, if you please, but in all cases think for yourself".

Doris Lessing

Psychology 383... continued from page 1

True to feminist dogma, it was argued that the issues to be examined in my course are already ably analysed in a number of other courses (in the Women's Studies Program) and, further, that I as a patriarch could do it only in a biased, i. e., unfair manner. Twelve students enrolled in the course which was limited to third and fourth year honours psychology students. The majority of the students were white women. They all expressed great interest in the subject matter, were open-minded, and eager to learn the analytical skills necessary to intelligently read scientific reports and newspapers. There were no agents provocateurs or officious observers from other departments. The President and Vice-President of the Women's Caucus who claimed to be appalled by the putative one-sidedness of a course on PC were warmly invited to speak in class, however they declined to come.

Political Correctness was defined as a canon of orthodoxies and prohibitions, as a set of claims that society today does not readily allow to be questioned. Psychology is replete with such dogmas that are based in ideology rather than empirical research, regarding topics such as: learning disabilities, therapeutic touch, multiple personality, repressed memories, hypnosis, anorexia nervosa and bulimia, self-esteem, sexual and racial harassment, homosexuality. As well, feminist dogmas limit debate on topics such as glass-ceiling, chilly climate, equity, rape, battered-wife syndrome, etc.

Emphasis in the course was on the following topics: freedom of expression and scholarship and censorship; harassment codes as speech codes; hate legislation and the human rights commissions; violence against women research and advocacy research in general; feminism; racism (affirmative action, racial profiling, college admission policies, diversity).

The students were required to read and were examined on:

- D'Souza, D. (1995). *The End of Racism: Principles for a Multiracial Society*. New York: Free Press.
- Fekete, J. (1994). *Moral Panic: Biopolitics Rising*. Montreal: Davies.
- Klatt, H. (1997). *Death by the Atomic Bomb and its Educational Fallout*. UWO.
- Klatt, H. (Ed.) (2000). *Reader on Political Correctness*. UWO.
- Kors, A. & Silvergate, H. (1998). *The Shadow University: The Betrayal of Liberty on America's Campuses*. New York: Free Press.
- Special Issue: Political Correctness in Academia. (1997). *Canadian Psychology*, 38(4).

Twice I had guest speakers. Prof. Jeffrey Asher, formerly from Dawson College in Montreal and forced into early retirement by a feminist coup, spoke on the Deadly Hazards of Being Male in Canada. Prof. Richard Zeller, who had recently resigned from Bowling Green University in Ohio, spoke on Affirmative Action. Prof. Zeller, for seven consecutive years, had offered to teach a course on Political Correctness in the Sociology Department as well as in the Faculty of Education, even to large undergraduate sections and without remuneration, but was never allowed to do so. For both evenings all members of the university were invited; both sessions were very well attended and well received. One of the two guest lectures was particularly lively due to the very active participation of an instructor from UWO's Women's Studies Program. There was a frank and hardy exchange of ideas in an atmosphere of mutual respect. Unfortunately, due to lack of time I could not accept offers of other colleagues who were willing to contribute.

What were the major difficulties in teaching this course? The topics chosen for discussion were all fascinating and made the teaching easy. Further, it was easy to present opposing arguments because they have been clearly articulated over and over in the literature and the media. I never refrained from offering my own views and routinely ended debates by telling them that it was for them to choose. All exams were formulated in such a

fashion that the students had to show familiarity with the facts and interpretations without having to take sides.

However, what I found most difficult was to make them understand that all interpretations and opinions are not equal or equally meritorious. When I, for example, judged that genital mutilation of non-consenting girls is categorically wrong, I was judged as being as dogmatic as those who defend the practice. Many times it appeared to me that even among the more insightful students of this class, cultural relativism is in their blood and their every brain cell. The argument that opinions based on empirical facts are better than opinions based on tradition or superstition is very difficult for them to accept because for them all opinions have the same status. Even for students who are appalled by the reality of PC, the ultimate virtue is not to judge at all, but to be "tolerant"! How difficult have we made it for this generation to accept any moral principle besides to be "nice" and "non-judgmental"! □

PRESIDENT ATKINSONS' OPPOSITION TO THE USE OF SAT I

John Furedy

Department of Psychology, University of Toronto

Like Richard Atkinson, I am an experimental psychologist (though a far less distinguished one) rather than a differential psychologist who has specialized in psychological test theory. However, I recall enough from my undergraduate courses to recognize that the validity of a test is assessed not by speculating that it "can have a devastating impact on self-esteem and aspirations of young students" ("Use of SAT I 'Compromises Education System' Says UC President", *Observer*, April 2001), but by determining to what extent performance on the test is correlated with some defined criterion performance (here, academic success in a prestigious university).

Nor is this correlation with criterion performance expected to be perfect, so that there may well be

factors other than sheer cognitive ability in analogical reasoning (factors such as socio-economic class, home environment, and, of course, motivation – recall that living organisms and not computers are being tested) that contribute to test performance. In terms of this normal, scientific criterion of validity, the SAT I, to my knowledge, is a useful instrument, and specialists in psychological test construction have, over the years, improved its validity, though not to any level of perfect prediction. So from the perspective of psychological test theory, I see no rational grounds for Atkinson's recommendation to abandon the SAT I.

Atkinson also advances a more general, educational argument for dropping the SAT I. He avers that it "compromises the education system", and, besides the SAT II (which, he feels, is a better measure than the SAT I – to my knowledge he advances no systematic evidence for this comparative empirical claim about two psychological tests), he suggests that selectors should rely on "grade point average, activity records, and other more 'holistic' measures of students' achievement".

I cannot help noting that the latter two aspects appear to be more related to how well a student can get along with others, rather than to what extent s/he has been able to master various academic disciplines.

Moreover, the North American high school system lacks state-wide standard examinations as exist, for example, in Australia. Grade points, then, are at least partly determined by how much individual teachers *like* individual students, and hence, in more crude terms, may simply indicate sucking-up, rather than academic, ability. In my view, it is the use of these more subjective and "holistic" measures of student achievement (together with race- and sex-based quotas intended to produce 'diversity') that really "compromise the education system".

Letter published in American Psychological Society Observer, July-August, 2001, p.2. □

**SAFS LETTER TO DEAN CAIRNS,
FACULTY OF MEDICINE,
UNIVERSITY OF BRITISH COLUMBIA**

June 20, 2001

Dear Dean Cairns:

We are a national organization of scholars whose goals are to promote academic freedom in teaching, research, and scholarship and to uphold the merit principle as the basis of academic decision-making regarding students and faculty. For further information, please visit our website at www.safs.niagara.com.

I am writing to you, because it has come to our attention that your medical school is proposing to set aside up to 5% of places in the entering class for aboriginal students. Our understanding is that this proposal is part of a program to address the health status of aboriginal people in British Columbia, as well as diversity issues generally. Though the intent of your proposal may be well intentioned, we believe that the establishment of quotas is unwise and dangerous for the following reasons:

The creation of a quota system is an admission that applying the normal academic admission procedures to all applicants equally would not lead to as many aboriginal students being admitted as you would like. Thus it follows that to meet your quota you will be admitting less qualified aboriginal students while rejecting more qualified non-aboriginal students. Our evaluation is supported by a recent study of affirmative action in five US public medical schools (see enclosed report in the Chronicle of Higher Education). The study found that minority students were admitted with lower grades and MCAT scores, and subsequently performed more poorly on US medical licensing examinations. The study also reported that 3,500 non-minority students were rejected although they had better qualifications than the minority students accepted.

Furthermore, your proposed quota system is based on the following mistaken beliefs (some might say

demeaning stereotypes): (1) that aboriginal doctors will choose medical specialities in which aboriginals would be the major beneficiaries, (2) that non-aboriginal doctors are less likely than aboriginal doctors to treat aboriginal patients, and (3) that aboriginal patients would not seek or accept, or would be less willing to seek or accept, medical attention from non-aboriginal doctors. Given that those admitted under the quota system may be expected to perform more poorly after graduation, it also implies that aboriginal patients should be satisfied with less than the best qualified physicians.

There is no reason to admit students into medical school on the basis of race. Indeed, there are very strong reasons to ignore race as an admission criterion: fairness to all applicants, competence of future doctors, and respect for aboriginal people who deserve to be held to the same standards of performance as others and who deserve the same high standards of competence in their physicians as do other Canadians.

Our objection is not to your desire to address health problems in the aboriginal community, but to your use of a quota system. More imaginative potential solutions such as providing incentives to physicians to work in areas where there are a shortage of doctors, or developing programs to identify promising aboriginal students earlier in their education should be considered. Preferential admission policies are discriminatory, full stop. If we want to rid society of the problems caused by discrimination, then the first step should be to stop discriminating.

We would be grateful for your reaction to our concerns. We will post our letter and your response on our website.

Sincerely,
Clive Seligman, President
cc: Dr. Martha C. Piper, President, UBC.

RESPONSE TO SAFS BY DEAN JOHN A. CAIRNS

August 2, 2001

Dear Dr. Seligman:

I am replying to your letter of June 20, 2001 in which you expressed concern on behalf of the Society for Academic Freedom and Scholarship of the movement of the Faculty of Medicine at UBC to increase aboriginal enrollment. We thank you for your interest in our processes.

The developing policy for the selection of aboriginal applicants sets target enrollments and enhanced or facilitated access in accordance with the UBC Senate Admissions policy. In line with other faculties at UBC (Faculty of Law, Faculty of Education) the Faculty of Medicine has a responsibility to provide equal access to training in medicine to people of British Columbia. The Faculty of Medicine, in line with policies and procedures in other faculties at UBC, has chosen to orient the selection processes for aboriginal students towards our understanding of the systemic issues that exist for aboriginal students in accessing post-secondary education.

The UBC Faculty of Medicine currently has 11 aboriginal students enrolled in the undergraduate program. These students meet all requirements of the MD degree, and are not seen as being "expected to perform more poorly after graduation". The policies of the Faculty of Medicine do not involve a belief that aboriginal physicians will necessarily return to their communities to treat aboriginal patients. On the contrary, we would support aboriginal physicians to access further training and deliver service in the areas most appropriate to their skills and abilities. The intention is to increase the capacity for aboriginal people to participate in the delivery of health services to the Canadian people.

Yours sincerely,
John A. Cairns, Dean
cc. Dr. Martha Piper, President, UBC. □

**SAFS LETTER TO PRESIDENT LAURA
MARSDEN, YORK UNIVERSITY, AND
DEAN PETER W. HOGG,
OSGOODE HALL LAW SCHOOL**

May 2, 2001

Dear President Marsden and Dean Hogg:

I am writing on behalf of the Society for Academic Freedom and Scholarship concerning a report in yesterday's *National Post*, headlined "Osgoode Hall apologizes for anti-Islam article." Our society is committed to defending academic freedom in research and teaching and the merit principle in decisions about faculty and students. You can learn more about our organization at our website: www.safs.niagara.com.

The report in the *National Post* stated a) that officials at York University have apologized for the article, b) that they have initiated an investigation because of complaints about the article, c) that President Marsden has written to the Council on American-Islamic Relations, a lobby group based in Washington, D.C., to "inform them proceedings against the student have begun," and d) that Dean Hogg said "the university is investigating complaints that the article breached the school's code of non-academic conduct that prohibits hatemongering."

Our Society defends freedom of speech. It is our belief that the free exchange of ideas is essential to the proper mission of a university, which is the pursuit of truth. Censorship, intimidation, and the threat of sanctions for undesired speech are almost always wrong in concept and frequently ineffective and counterproductive in practice.

We have read the article in question by Mr. Papasortiriou in the *Obiter Dicta* (March 12, 2001), as well as his follow-up article on March 19. We have also read the article (March 19) written by Mr. Shahidsaless criticizing Mr. Papasortiriou, and the letter to the editor by Dean Hogg, dated March 19.

Though Mr. Papasortiriou's article may have been offensive to many Muslims, it appears it was written essentially to express displeasure at life in an Islamic state, and not to incite violence or hatred toward anyone. While we understand the concern for individuals who may have been offended by the reasoning or language in the article, the proper response is to reply with considered arguments explaining why Mr. Papasortiriou is wrong in reason or tone. The published criticism by Mr. Shahidsaless and Dean Hogg serves that purpose. The launching of an investigation, with the threat of a disciplinary tribunal that might impose a penalty of expulsion from the university is, in our view, a reaction that reflects poorly on Osgoode Hall's and the University's commitment to reasoned debate in a free society. Mr. Papasortiriou's comments fall clearly within the bounds of academic freedom. If speech is protected only when no one is offended then speech is not protected. The adult students who read the pro and con arguments in this debate will make up their own minds as to who is right or wrong. Osgoode Hall and the University should not condescend to them by having senior administrators dictate what is appropriate speech or argument.

As a consequence of your actions, we are gravely concerned about the freedom of speech and debate at Osgoode Hall. We wonder how many students at York University will now be second-guessing whether their remarks conform to the administration's view of acceptable speech. Instead of apologizing for your students' remarks, you should be encouraging them to express themselves clearly, and to think critically about the opinions of others.

We urge you to stop your investigation of this matter.

Sincerely,
Clive Seligman, President

Note: A slightly different version was published in the Letters section of the National Post, May 3, 2001.

**RESPONSE TO SAFS BY DEAN
PETER W. HOGG**

May 11, 2001

Dear Dr. Seligman,

The President of the University has asked me to reply to your letter to her and me of May 2. The substance of your letter appeared in the *National Post* some time ago, and I wrote a reply which was also published in the *National Post*. In this letter, I am essentially repeating (with minor embellishments) the essence of the letter to the *National Post*.

I fully agree with your Society that the best defence to offensive speech is more speech, allowing readers to form their own views of the validity of each point of view. However, in a university with a diverse student body, members of religious and racial minorities are entitled to be treated with respect. That is why York University requires its students to refrain from speech that amounts to harassment or discrimination contrary to the principles of the Ontario Human Rights Code. This may be the point at which your Society and the University differ, and of course the issue is a difficult one, but you will know that many public and private institutions have adopted such policies to make sure that behaviour (including speech) in the workplace or educational setting is compatible with the Human Rights Code.

In the case of the anti-Islamic article that appeared in the Osgoode Hall Law School's student newspaper, a student has filed a complaint that the article offended the York University standards of conduct. Under the rules, Osgoode's Associate Dean is obliged to investigate the complaint, and, if she believes that it is one to which the University's regulations apply, to refer it to a university body for an informal resolution or a formal determination. The Associate Dean is now conducting that investigation. Neither I nor the President of the University have any control or influence over the proceedings, but I am confident

that a result will be reached that is properly respectful of freedom of speech and is fair to both sides.

Yours sincerely,

Peter W. Hogg, Dean
c.c. Dr. Lorna Marsden, President

Note: A slightly different version was published in the Letters section of the National Post, May 4, 2001. □

STUDENTS WITH DISABILITIES

As the new fall term begins, many of us will be receiving forms from university councillors requesting that we grant special consideration to students with "disabilities." This has continued to be a controversial issue on many university campuses. SAFS's member Richard Harshman proposes some principles to consider when we make these decisions. He hopes that these might serve as a starting point for the development of a set of guidelines, ones that SAFS can offer to university faculty and administration, hopefully for adoption in university policy and in printed explanatory materials distributed by the university to students and faculty. We invite you to comment on his proposals and/or to offer your own ideas on the issue.

**PROPOSED PRINCIPLES TO GUIDE
ACCOMMODATION OF STUDENT
DISABILITIES**

*Richard Harshman
Department of Psychology, UWO*

1) Principles

I. The central goals of academic accommodation are:

1. Equal learning opportunities for disabled students.
2. Accurate academic assessment of disabled students.

II. The central principles guiding selection of appropriate academic accommodation are:

1. That it will not compromise the University's primary missions of quality teaching, valid assessment of students, free intellectual exchange, and discovery of new knowledge;
2. That it will be fair to all students; it will not give competitive advantages to either disabled or non-disabled students;
3. That it will use a method suitable for the specific disability and the specific academic characteristics of the course.

III. Consequently:

1. It is *appropriate* to accommodate limitations in any abilities that are incidental to course performance goals and that seriously interfere with equality of learning opportunity and/or chance for accurate assessment of the disabled student.
2. It is *inappropriate* to accommodate limitations in those abilities that are integral to evaluated course performance goals and/or that legitimately play a significant role in determining differences in evaluated performance of non-disabled students.
3. The decision of whether it is appropriate to accommodate a particular student's disability, and, if so, how best to do so consistent with the academic objectives of a course, can only be determined by fully informed consultation between the student and the course instructor.

2) Issues that arise when applying these principles

The learning stage vs. the assessment stage of accommodation

1. Accommodation to remove obstacles to *learning* by disabled students is at least as important as (and perhaps more important than) accommodation to ensure valid academic assessment. ('Learning-stage' accommodation of disabilities is also relatively uncontroversial, because facilitation of learning is part of the university's overall teaching mission and because it does not usually raise issues of fairness to other students, or questions about maintenance of

academic standards. But it can be difficult to carry out. Perhaps for this reason, it is often neglected and "replaced" with adjustments of testing conditions, etc. This is to be avoided.)

2. Accommodation to remove obstacles to *valid academic assessment* of disabled students (by changing conditions of testing, or essay requirements, etc.) should be of a kind that would *increase* validity of the assessment. It is important to try to remove obstacles that would otherwise lower the student's mark below that reflecting her/his true knowledge and ability. It is quite inappropriate to *reduce* validity of the test score by establishing conditions that inflate marks of accommodated students above what their actual abilities and achievements in the course would warrant.

The purpose of "assessment-stage" accommodation is not to raise a student's mark from the true level of accomplishment and ability attained in the course up to some hypothetical level that might have been obtained without a disability. Such a counterfeit improvement is neither an adequate nor a fair replacement for aid that should have been given (when possible) to produce a real improvement at the learning stage.

Relationship between the disability and the course

3. The source of a disability (whether inherited or acquired through trauma, whether due to medical problems or of natural origin) is less relevant to issues of accommodation than (a) how seriously the disability impacts the student's learning and performance in the course, and (b) the relationship between the nature of the disability and the nature of the course. In this regard, it is important to distinguish course-integral and course-incidental abilities.

(a) Course-integral abilities are either evaluated abilities or components of evaluated abilities. Examples might include spatial or mathematical ability as part of problem solving ability for students in a physics course, or verbal fluency for students in a law or creative writing course. These abilities are part of "what a course is about," part of what is evaluated when student performance is assessed, and are part of what is implicitly

'certified' when a student gets a high mark in a course.

Individual differences in the level of course-integral abilities contribute naturally to differences in evaluated achievement of non-disabled as well as disabled students. It would therefore be unfair to provide accommodation for very low levels of such abilities and not also provide accommodation to students who are in the lower part of the normal range of individual differences in these same abilities. Both groups are at a natural disadvantage when competing with students at the higher end of the range.

Accommodation of differences in course-integral abilities also undermines academic standards. It attenuates the degree to which differences in marks reflect differences in level of achievement in a course. For example, recently a UWO student was granted extra time on a statistics exam in part to accommodate for a spatial and numerical disability. Such accommodation might make it possible for this or some other student to pass a statistics course and yet be unable to understand and properly use any statistical information presented in subsequent courses. Such 'accommodation' is actually a disservice to the student. It is also a disservice to the University and to the community of people who depend on valid assessment of students by universities (such as admissions committees for graduate school, potential employers, future medical patients of clinically trained students, etc.).

(b) Course-incidental abilities are unrelated to the abilities and accomplishments that are the evaluated achievement goals in a course. Course-incidental abilities might include verbal fluency in a physics course or spatial and mathematical ability in a law or creative writing course. Incident disabilities that interfere with learning or assessment (e.g., coordination difficulties) should be accommodated whenever feasible. (However, some course-incidental disabilities may be impossible to accommodate, e.g., blindness for a student in certain visual arts courses, or deafness for a student in certain music appreciation courses.)

The broad principle underlying these distinctions is that the disability accommodated and the method of accommodation should not compromise the main missions of the university. Consider, as an analogy, a request for accommodation of serious vision disability by an applicant for a job as bus driver. The potential employer should not, and would not, be required to modify assessment methods to accommodate such applicants, because to do so would compromise one of the essential missions of that organization: safe transport of customers.

The instructor's role, and the need for fully informed consultation between instructor and student

5. Because of the potentially complex and subtle considerations involved in determining appropriateness of accommodation in a specific class, and in designing the best method of accommodation, it is essential that the instructor be fully informed of the nature of any student disability offered as grounds for a request for accommodation. This may require entrusting the instructor with confidential information concerning the student's disability, in which case, he or she will be held responsible for protecting that confidentiality.

6. In the accommodation process, it is the role of the instructor to (a) contribute expertise on the nature of the course objectives, exam properties, etc. and thus on which abilities are course-integral vs. course-incidental, (b) speak for and defend any academic values that may need to be considered, (c) if needed, raise any issues of fairness to other students that may need to be considered, and (d) act as a key participant in any balancing of values that may be necessary. For this reason, the instructor should have *primary authority* in the decision of determining appropriate academic accommodation.

3) Some examples of difficult cases

Difficult borderline cases such as 'learning disabilities' challenge us to make fair and reasonable decisions about what is course-integral

and what is course-incident in what is often a gray area. Furthermore, there are many different kinds of 'learning disability' to be distinguished.

Consider dyslexia, a specific difficulty in reading resulting from subtle perceptual/processing problems. Although reading plays an important role in transmission of information in almost all university courses, the actual course content and learning or performance objectives are seldom, at the university level, about a student's ability to read; reading is not "an essential and integral part of evaluated student excellence and accomplishment in the course." Consequently, learning-stage accommodation of this type of disability would be quite appropriate. In addition, some assessment-stage accommodation could be needed in order to be sure that an exam accurately measured the student's knowledge and course-integral abilities.

On the other hand, limitations in the ability to pay attention and concentrate, and/or to remember certain kinds of material, might not be incidental to evaluated achievement in a course. Significant differences in these abilities are arguably part of the natural individual differences that non-disabled students also have to acknowledge and live with. Great care must be exercised when deciding whether or not, and if so how, to accommodate such learning disabilities.

There are also difficult questions concerning effectiveness and appropriateness of specific *methods* of accommodation. A key one concerns the currently standard practice of allowing more time on exams. When is extra exam time an appropriate accommodation, and when is it inappropriate because either it is not effective, or is not adequately related to the nature of the disability? When would a certain increment in time be too much, and thus provide such a strong "accommodation" that it is unfair to other students?

Some initial thoughts might be as follows. Such accommodation would seem uncontroversial when the test is relatively 'unspeeded,' so that added time would not substantially enhance the scores of non-disabled students. However, on a highly

'speeded' exam, where added time would make a substantial difference in the scores of non-disabled as well as disabled students, the granting of 50% more time might seriously overcompensate for a particular disability and give the disabled student an unfair advantage. Often, it is only the instructor who is able to adequately judge whether an exam is highly speeded or not based on knowledge of the nature of the exam and the ability level of students in the course.

Added exam time would seem appropriate when the resulting improvement in the disabled student's score is due to removal of incidental obstacles that slow the student down (e.g., poor motor coordination and hence difficulty writing). However, problems of fairness and academic standards may arise when the request for extra time is because of a student's difficulty in concentration or inability to effectively "focus" his or her attention (perhaps as a result of brain injury). The ability to concentrate and marshal one's thoughts so as to solve problems effectively or state arguments clearly is often an integral part of evaluated student performance at any university.

(A final note: some recent court decisions may invoke principles similar to those raised above, in particular the distinction between what are here called integral vs. incidental (dis)abilities). □

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Please consider remembering the society in your will. Even small bequests can help us greatly in carrying on SAFS's 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

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

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