

**COMMITTEE OF INQUIRY INTO THE CIRCUMSTANCES SURROUNDING THE
DECISION NOT TO APPOINT DR. ALEKSANDRA VINOGRADOV
IN THE DEPARTMENT OF CIVIL ENGINEERING AT THE UNIVERSITY OF CALGARY**

Preface

In the fall of 1985, Dr. Aleksandra Vinogradov contacted the Academic Freedom and Tenure Committee (AF&T), seeking its assistance in pursuing a complaint about her treatment as candidate for an appointment in the Department of Civil Engineering at the University of Calgary. She alleged that she had been unfairly treated in the appointment process.

As is its practice, the AF&T Committee began an investigation in accordance with #1.1 of the CAUT Policy Statement on Academic Appointments and Tenure. However, before this preliminary investigation was completed, Dr. Vinogradov resorted to the courts in Alberta. Although the Committee decided that it should the legal outcome before proceeding with any formal inquiry, it maintained a watching brief throughout.

In 1989, the AF&T Committee, believing that the central question of whether Dr. Vinogradov had been treated in accordance with the standards of fairness that should prevail in Canadian universities had not been answered, then proceeded to establish a Committee of Inquiry.

Although the University of Calgary has made some changes in the appointment process since 1985, which are designed to monitor the process as well as to ensure, in particular, that there are diligent attempts to increase the pool of female applicants for positions at the University, it has not proved possible to obtain any remedy for Dr. Vinogradov. Therefore, the Report of the Committee of Inquiry into the Vinogradov case is now being published. The members of the Committee of Inquiry were Paul Gaskin, Civil Engineering, Queen's University, and Jane Evans, Human Genetics, University of Manitoba. For the purposes of publication, revisions to the final report were made with assistance from the AF&T Committee.

26 September 1991

Introduction

Dr. Jane Evans, Department of Human Genetics, University of Manitoba and Dr. Paul Gaskin, Department of Civil Engineering, Queen's University are the members of the Committee of Inquiry into the circumstances surrounding the decision not to appoint Dr. Aleksandra Vinogradov in the Department of Civil Engineering at the University of Calgary. The terms of reference of the committee are given in Appendix 1.

The members of the committee visited the University of Calgary on the 30th and 31st of May 1990. We attempted to meet all the people who had been involved in the decision not to appoint Dr. Vinogradov, i.e. the members of the Geotechnical Appointment Advisory Committee, the University administrators involved in the proceedings, the University of Calgary Faculty Association officers who were involved in attempts to find a solution and Dr. Vinogradov. The staff at the University of Calgary Faculty Association organised the interviews for us. Unfortunately many of the people involved refused to meet us. In fact, all of the members of the Geotechnical Appointment Advisory Committee except one and all the administrators involved in the decision refused to meet us. In contrast, all the University of Calgary Faculty Association members involved allowed us to interview them. Those with whom we spoke are listed below.

Murray Fraser, President of the University of Calgary
Lorna Cammaert, Associate Vice-President (Academic),
University of Calgary

(President Murray and Vice-President Cammaert agreed to meet us and talk about the University of Calgary in general but refused to discuss the Vinogradov matter).

Pat Grassick, Past President of the University of Calgary Faculty Association

David Romney, Faculty Association Observer at the June 1985 meeting of the Geotechnical Appointment Advisory Committee

George Fritz, Past President of the University of Calgary Faculty Association (later, by telephone)

Roger Kuhlemeyer, Professor, Department of Civil Engineering, University of Calgary, and member of the Geotechnical Appointment Advisory Committee

Aleksandra Vinogradov

The following refused to meet the committee:

L.T. Bruton, Past Dean of the Faculty of Engineering

R. Loov, Past Head of the Department of Civil Engineering and Chair of the Geotechnical Appointment Advisory Committee

J.E. Gillott, Professor, Department of Civil Engineering and member of the Geotechnical Appointment Advisory Committee

S.C. Wirasinge, Professor, Department of Civil Engineering and member of the Geotechnical Appointment Advisory Committee

R.C. Joshi, Professor, Department of Civil Engineering and member of the Geotechnical Appointment Advisory Committee

No reply was received from the following who are all professors in the Civil Engineering Department and were members of the Geotechnical Appointment Advisory Committee and the committee was unable to contact them while at the University of Calgary:

A. Ghali

I. Musik

As we were unable to interview most of the people involved in the Vinogradov matter, we believed that using only the results of our interviews would have resulted in a very incomplete and unbalanced report. We were, however, fortunate in that extensive and detailed documentation was available to us. This documentation consisted mainly of sworn statements by those involved. We therefore based our report mainly on this documentation and used the interviews to corroborate what was recorded in the written documentation. The documentation is listed in Appendix 2.

In this report, the chronology of the events will be described first. This chronology was constructed from the documents in Appendix 2.

Following this, these events and the procedures used will be discussed and the conclusions of the committee will be summarised. The final section will consist of the recommendations of the committee.

Chronology

Late 1977 - Dr. Vinogradov was appointed as Research Associate and Sessional Instructor, Department of Mechanical Engineering, University of Calgary

Sep. 1980 - Dr. Vinogradov was appointed as NSERC University Research Fellow, Department of Civil Engineering

Dec. 1983 - NSERC Fellowship terminated

Jan. 1984 - Dr. Vinogradov was appointed as Adjunct Assistant Professor, Department of Civil Engineering

Jun. 1984 - Department of Civil Engineering advertised for a position at the Assistant or Associate Professor level in Geotechnical Engineering and Finite Elements

Aug. 1984 - Dr. Vinogradov applied for this position

Dec. 14/84 - Seminar given by other candidate as part of appointment procedure

Dec. 1984 - After the above seminar, the Appointment Committee voted 4-2 to offer the appointment to Dr. Vinogradov

Dec. 18/84 - Dr. Vinogradov was asked by Dr. Loov to give a seminar within two days and provide copies of her Russian papers

Jan. 11/85 - Dr. Vinogradov gave seminar

Jan. 14/85 - Dr. Loov informed Dr. Vinogradov that the position was now only that of Assistant Professor

Jan. 16/85 - Dr. Vinogradov agreed to accept an appointment at the Assistant Professor level

Jan. 18/85 - Appointment Committee voted 5-1 to offer position to Dr. Vinogradov

Jan. 24/85 - Dr. Loov indicated to Dr. Vinogradov that he could not proceed with the appointment because of a budget cut. Sometime shortly after this there was a departmental meeting in the Civil Engineering Department at which the majority wished to avoid cutting the Geotechnical position. Dr. Loov disagreed with this.

Feb. 1985 - Dr. Loov conducted a student survey of teaching in the department

Feb. 27/85 - Dr. Loov informed Dr. Vinogradov of negative comments about her teaching

June 20/85 - The Appointment Committee met, interviewed Dr. Vinogradov and discussed the appointment. Voting on the appointment was in writing several days after this meeting. The vote was 3-2 against appointing Dr. Vinogradov with one abstention.

Jul. 9/85 - Dr. Loov informed Dr. Vinogradov that he was not recommending her appointment. After this, Dr. Vinogradov appealed to the Dean of Engineering and the President of the University.

Aug. 26/85 - Dr. Vinogradov filed a complaint of discrimination on grounds of sex, ancestry and place of origin against the University of Calgary with the Alberta Human Rights Commission.

Jan. 8/86 - Dr. Vinogradov started a legal complaint against the University of Calgary over her non-appointment in the Court of Queen's Bench of Alberta alleging that she was treated unfairly in the appointment procedure.

May 22/86 - The Court decided in favour of Dr. Vinogradov and instructed the university to start a fresh appointment procedure for the position.

Sep. 30/86 - Court of Appeal stayed the directions of Court of Queen's Bench

Dec. 31/86 - Alberta Human Rights Commission found evidence of discrimination and recommended a hearing before a Board of Inquiry.

Feb. 11/87 - Court of Appeal of Alberta set aside the May 22nd 1986 order of the Court of

Committee of Inquiry, Aleksandra Vinogradov, University of Calgary

Queen's Bench of Alberta on the grounds that not all possible appeal procedures at the University of Calgary had been used.

Nov. 16/87 - Dr. Vinogradov appealed to the Board of Governors of the University of Calgary.

Dec. 17/87 - The Board of Governors turned down Dr. Vinogradov's appeal.

Jul. 20/88 - Judgment of E.W.N. MacDonald dismissing Dr. Vinogradov's complaint of discrimination on the grounds of sex, ancestry and place of origin.

Aug. 1988 - The Alberta Human Rights Commission appealed the judgment of MacDonald to the Court of Queen's Bench of Alberta.

Mar. 1989 - The Appeal of the University of Calgary Faculty Association to the General Faculties Council.

The draft report of the CAUT Committee of Inquiry was circulated to the concerned parties in September, 1990. Many valuable comments were made and these have been incorporated into the final report.

We would also like to report here that we were well received at the University, even by those who refused to discuss the Vinogradov matter. It was however, very disappointing that so few of the people concerned agreed to talk to us. Although we were independent academics acting in good faith on behalf of Canada's largest organization of university teachers attempting to give our unbiased opinion and suggest ways of avoiding future problems, we felt that we were regarded by some as interfering outsiders whose aim was to tarnish the reputation of the University. This was somewhat disconcerting but we hope that our final report will be considered objectively and constructively.

Discussion

The documentation given to us concerning this matter is quite large and detailed. Rather than dwelling on the many details, we have deliberately chosen to focus on those events which we consider to be of major importance and central to the issue. In this discussion, we will comment on the events listed in the chronology in order.

In the period of Sep. 1980 to Dec. 1983, Dr. Vinogradov was an NSERC University Research Fellow in the Department of Civil Engineering. As such, 75 % of her salary was paid by NSERC and 25% by the University. The NSERC guidelines state that the teaching duties of Fellows should not occupy more than 25% of their time. In Engineering, professors would not be expected to teach more than four term length courses per year. Thus a Fellow could expect to teach one term length course per year to be within the NSERC guidelines. Dr. Vinogradov's teaching load for this period is described below, (Letter from Malik to Bruton, ref. 17).

1981-82 Fall	Engineering 203 Statistics (1 lecture, 3 tutorial sections per week)
Winter	Engineering 317 Mechanics and Properties of Solids (1 lecture, 2 labs, 1 tutorial section per week)
1982-83 Fall	Engineering 203 Statistics (1 lecture, 1 tutorial section per week) Civil Engineering 675 Interaction Problems in Foundation

	Engineering (Graduate course)
Winter	Engineering 317 Mechanics and Properties of Solids (1 lecture, 3 tutorial sections per week)
1983-84 Fall	Engineering 203 Statistics (1 tutorial section per week)
	Civil Engineering 471 Civil Engineering Systems (1 lecture, 3 tutorial sections per week)
Winter	Engineering 203 Statistics (1 lecture, 1 tutorial section per week)
	Civil Engineering 561 Introduction to Continuum Mechanics (1 lecture, 1 tutorial section per week)
Spring	Engineering 203 Statistics (1 lecture, 1 tutorial section per week)

This teaching load is clearly in excess of that specified in the NSERC guidelines. When Dr. Vinogradov's fellowship came up for renewal, it was turned down. According to Dr. Franklin, a member of NSERC, a significant factor in the decision not to renew was Dr. Vinogradov's teaching load (Factum of Vinogradov, ref. 38, p. 9). The University was clearly using Dr. Vinogradov to teach more courses than justified by the amount they were contributing to her salary. In effect, the University was abusing the idea of NSERC Fellowships and using the salary contribution from NSERC to subsidize their teaching budget. We consider that this excess teaching load constitutes unfair treatment of Dr. Vinogradov by the University.

In June 1984, the Civil Engineering Department advertised a position at the Assistant or Associate Professor level in Geotechnical Engineering and Finite Elements. Dr. Vinogradov applied for this position and was put on the short list. When invitations were made for selected applicants to present a seminar to the department, only one candidate other than Dr. Vinogradov was invited. This may appear unusual as most departments would ask two or three candidates to present seminars. We were told that this was not, in fact, unusual in the Civil Engineering department due to the cost of paying for candidates' expenses. After the seminar, it was decided by the appointment committee not to offer the position to the other candidate, and the committee voted 4-2 to offer the appointment to Dr. Vinogradov. Dr. Loov, Head of the Department, then asked Dr. Vinogradov to present a seminar and provide copies of her Russian papers within two days. This was very short notice, especially as it was known that engineers have great difficulty in bringing their technical papers with them when they emigrate from Russia. In the event, Dr. Vinogradov was unable to comply for health reasons and the seminar was postponed and given on January 11th.

On January 14, 1985, Dr. Loov informed Dr. Vinogradov that the position would now only be offered at the Assistant Professor level instead of either the Assistant or Associate level and asked if she was still interested in the position. At this point in her career, Dr. Vinogradov had quite extensive experience. After gaining her Ph.D., she had had five years as a research engineer in Russia and eight years at the University of Calgary engaged in both teaching and research. One would normally expect an engineer with as much experience as that to be appointed as an Associate Professor. However, on January 16, 1985, Dr. Vinogradov said that she would accept the position at the Assistant Professor level.

On January 18, 1985, the appointment committee voted 5-1 in favour of offering the position to Dr. Vinogradov. At this point Dr. Loov did not submit the recommendation of the committee to

the Dean with his recommendation. In fact, the recommendation was not forwarded to the Dean until July after the committee had changed its recommendation. This delay is exceptional in procedures of this kind, and together with the events that took place between January and July, which will be described, constitute the major reasons why we feel that the treatment of Dr. Vinogradov was unfair and that she was denied natural justice.

On January 24, 1985, Dr. Loov informed Dr. Vinogradov that he could not proceed with the appointment because of a budget cut. The department, however, met and recommended against cutting the appointment. There was also a letter from the Dean on January 9th (Letter from Bruton to Loov, ref.9) recommending that Dr. Loov forward his recommendation as soon as possible as, otherwise, the appointment could be lost. Dr. Loov's decision thus seemed to be completely his own and went against the wishes of his department.

In February 1985, Dr. Loov conducted a student survey of teaching in the department. Some selected students were interviewed by Dr. Loov after he had checked the responses. On Feb. 20th, Dr. Loov informed Dr. Vinogradov that there had been negative comments about her teaching in the survey. He subsequently used this negative response as a reason for not offering Dr. Vinogradov the appointment.

It seems to us that surveys of this kind can be separated into two types. The first would be fairly casual with the results being used to assist a professor in improving his or her teaching effectiveness. The second would be fairly normal with the format, questions, method of delivery, collection and evaluation carefully controlled, with the procedures used agreed to by the administration and faculty association. The results of this formal survey could be used for promotion, tenure and merit increase assessments.

We suggest that Dr. Loov's survey was of the first type and the results should not have been used in any appointment procedures. The use of casual surveys for important decisions such as appointment, merit, tenure and promotion can lead to objections on the grounds of partiality, undue influence on responders, unbalanced assessment of results and selective reporting. In fact, the procedures used in Dr. Loov's survey violated the policy of the Faculty of Engineering for teaching evaluation of faculty members. The regular evaluation procedure is described in the Judgment of Lutz (ref. 10, p. 17, para 6) as:

- a) the Faculty of Engineering has adopted a questionnaire as the standard evaluation form and has encouraged its use for all courses in the Faculty;
- b) the questionnaire is to be administered during the 10th, 11th or 12th week of term;
- c) the questionnaire is to be administered by the staff from the Faculty Office;
- d) the results of the questionnaire are to be processed by the same staff;
- e) the evaluation is voluntary and must be authorized by the instructor by submitting a formal request to the Faculty.

The procedures used by Dr. Loov were also described by Patrick Grassick, then President of the University of Calgary Faculty Association as "improperly conducted", "in violation of norms accepted across the university" and "open to serious challenge on methodological grounds" (Judgement of Lutz, ref 10, p. 17, para 7).

Dr. Loov reported that Dr. Vinogradov received a very low score in teaching effectiveness in his survey (Affidavit of R. Loov, ref. 9, p. 12, para 34). We consider that this finding should not be considered because of the objections to the procedures used in the survey. Dr. Loov also brought

up two concerns about Dr. Vinogradov's teaching of ENCI 471 (Affidavit of R. Loov, ref. 9, p. 14, para 39). The first was that she had made up some class notes from a textbook without attributing authorship. Although not entirely appropriate, this is not uncommon practice. The second concern was that she had used questions from previous assignments and textbooks in the exam. We agree that this approach should be used with caution but, as Dr. Vinogradov was teaching this course for the first time, we do not consider it to be a critical fault. It should be pointed out that Dr. Vinogradov had taught eleven courses in the Faculty of Engineering prior to this survey and there had apparently been no criticism of her teaching. In fact, in 1983, she received the following assessment from the then Head of Civil Engineering, Dr. Ward (Letter of Dr. Ward 14/6/83 in Memo of Lo to Gundara, ref. 15, p.2, para 4):

“The Committee was unanimous in recommending that Dr. Vinogradov be awarded 1.0 increments. Her undergraduate teaching in two of our most demanding first and second year courses, ENGG 203 and ENGG 317 respectively was excellent. The graduate course was well attended by downtown engineers and reviews were very positive.”

Dr. Vinogradov also taught one course twice after the summer of 1985 after the survey and criticism of her teaching by Dr. Loov. She was presumably deemed a satisfactory teacher by the University in spite of Dr. Loov's opinion and her non-appointment to the position in the Department of Civil Engineering. This course was Engineering 203, Statics, which she had previously taught on behalf of the Department of Civil Engineering (letter from Malik to Bruton, ref 17), although this course, being given in the spring term, was administered by the Department of Continuing Education.

At least one other professor had a poor evaluation in Dr. Loov's teaching survey but had this negative review overturned on appeal (Lo to Gundara, ref. 15, p. 14, para 5). Presumably he had an avenue for appeal that was not available to Dr. Vinogradov. We conclude that the use of the results of Dr. Loov's survey in the appointment considerations for Dr. Vinogradov constitute unfair treatment.

About this time, Dr. Loov is also reported (Judgment of MacDonald, ref. 25, p. 35, para 9) as wanting the Appointment Committee to assess Dr. Vinogradov on the level of Associate Professor although the appointment was now only at the Assistant Professor level. This implies different tests being applied to different candidates and is clearly unfair.

On the 20th of June 1985, the Appointment Committee met and questioned Dr. Vinogradov about the negative teaching comments and other matters for three hours. A University of Calgary Faculty Association observer, David Romney, was present during the meeting. After Dr. Vinogradov left the meeting, discussion about her suitability for the appointment continued. At the end of the meeting, Dr. Loov said that he wished members to give him their votes a couple of days later in writing. David Romney indicated that such a procedure was unusual but his view had no appreciable impact. Before the votes were received, Dr. Loov contacted some members of the committee and circulated extra material that Dr. Vinogradov was unable to defend as she was not given the material (Judgment of Lutz, ref. 10, p. 14, para 46). The questioning of Dr. Vinogradov during the committee meeting was apparently fair and reasonable, according to David Romney. However, the postponing of the vote until some days after the meeting, the circulation of extra material unknown to Dr. Vinogradov and the contact between Dr. Loov and some members of the committee after the meeting but before the vote were all very irregular and unfair to Dr. Vinogradov. The effect was to deny her natural justice.

The vote taken some days after the meeting was 3-2 against appointing Dr. Vinogradov with one abstention.

We would like to comment generally on the events between the January vote and the June vote of the Geotechnical Appointment Advisory Committee. In the normal course of an appointment procedure, a recommendation would have gone to the Dean after the January vote and a decision would have been made. Up to the January vote, Dr. Vinogradov had fulfilled all the usual requirements. She had given full details of her qualifications and experience, had given a seminar and had provided additional requested translations of her Russian papers. After the January vote, she was subjected to quite an unusual extra series of tests such as criticisms of her teaching ability and material used in one of her courses. Before the June vote, she was questioned for three hours before the committee. The reconvening of the committee after a positive vote and the additional examination and questioning extraordinary and we consider this additional process to be unfair to Dr. Vinogradov and to be bad practice in university appointment procedures.

On Jan. 8, 1986, Dr. Vinogradov started a legal complaint against the University of Calgary in the Court of Queen's Bench of Alberta over her non-appointment and unfair treatment. Judgment was given by Justice Lutz on the 22nd of May 1986 (ref. 10).

In the case, evidence was submitted that Dr. Loov had pressured one of the members of the appointment committee to change his vote of support for Dr. Vinogradov (Affidavit of P. Grassick, ref 5, pp. 3,4). Justice Lutz commented upon this allegation by a member of the Appointment Committee as follows (ref. 10, pp. 20,21).

"I have no difficulty in accepting his statement that he was intimidated and coerced by Dr. Loov into withdrawing his recommendation of the applicant for the position she sought. The coercion was reprehensible in nature in that Loov attained his apparent end by threatening (the faculty member's) career security and future even though he was a tenured professor." While this allegation is very disturbing to us as it threatens the whole concept of academic freedom and impartiality we were not able, in the circumstances, to reach any conclusion on it.

It is perhaps worth quoting part of Justice Lutz's judgment from pages 24 and 25 of reference 10.

"It is my perception in finding that Dr. Loov did not want the applicant in his department in that capacity, and while the procedure was not carefully or minutely spelled out, he engineered the three meetings' results, some of the members(sic), and failed to observe rules or procedures that were incumbent upon him to observe.....

Finally, I suspect that Dr. Loov wished to deny the applicant the opportunity to answer detrimental allegations made against her. In so doing, the applicant was denied Natural Justice."

Justice Lutz found in favour of Dr. Vinogradov and ordered the university to start a fresh appointment procedure for the position (Judgment of Lutz, ref. 10).

The University of Calgary subsequently appealed this ruling in October 1986 and on the 11th of February 1987 the decision of Justice Lutz was set aside on the grounds that Dr. Vinogradov had not exhausted the appeal procedures at the University. In setting aside Lutz's decision, the Court did not address the complaint of unfair treatment but focused on Section 18 of the Universities' Act.

In August 1985, Dr. Vinogradov complained to the Alberta Human Rights Commission of discrimination against her by the University of Calgary on the basis of sex, place of origin and ancestry. On the 31st of December 1986, the Alberta Human Rights Commission concluded in its initial investigation that there was merit to her complaint (Memorandum from Lo to Gundara, AHRC, ref. 15). Since the case was unresolved, it was recommended that the Alberta Human Rights

Commission should proceed to a Board of Inquiry. On the 20th of July, 1988, Mr. MacDonald gave his judgment of this complaint under the Individual's Rights Protection Act (ref. 25). He summarized his decision as follows:

“I do not on the whole of the evidence find any discrimination against Dr. Vinogradov because she was a woman, or that any one specific act was discriminatory against her because she was a woman under the Individual's Rights Protection Act”.

It should be pointed out that Mr. MacDonald was investigating whether any unfair treatment was due to discrimination because of sex, not whether unfair treatment was experienced by Dr. Vinogradov. Two points should be made. MacDonald did not find that the procedures used in the appointment process after January 1985 were unreasonable. However, he did say (pp. 5,6) “the University seemed to take advantage of this situation (i.e. NSERC Fellowship funding) both in relation to Dr. Vinogradov and other professors and instructors at the University, so that the extra teaching load was not discriminatory or unfair against only Dr. Vinogradov”. Mr. MacDonald's judgment was appealed in August 1988. We understand that this appeal was dismissed in the fall of 1990 and a further appeal to a higher court was being considered. In our consideration of the facts of this case, we examined the treatment of Dr. Vinogradov in the context of what we consider fair treatment in a university environment with its base on collegiality and fairness. We were not asked to reach and did not come to any conclusions about the cause of what we consider to be her unfair treatment.

On Nov. 16 of 1987, Dr. Vinogradov appealed to the Board of Governors of the University of Calgary. The Special Committee of the Board of Governors examined two matters, the duty of Dr. Loov to relay his own recommendation and that of the Geotechnical Appointment Advisory Committee to the Dean and the power of Dr. Loov to reconvene the Appointment Committee after the January 18, 1985 meeting. The University of Calgary Faculty Association stated its apprehension to this committee that, “in choosing to restrict its mandate to a consideration of the [two] questions, the Special Committee may not be able to satisfactorily resolve the issues in dispute in this affair.” (Faculty Association Submission to the Special Committee, ref. 19, p.4). The Association in its letter to the Special Committee made the following objections to the procedures followed:

- “1. The Department Head had a clear duty to forward the committee's recommendations and his own opinion to the Dean following the vote of the committee not just following the January 1985 meeting of the committee but in December 1984. He did not do so. The relevant university-wide regulations and the regulations of the Faculty of Engineering are clear and unequivocal.
2. ...The Association maintains that in the present case there were several instances of deviations from acceptable practice. In particular, the Association maintains that
 - Such tests as are imposed upon candidates must be equitably applied. It is unfair to apply some tests to some candidates, and other more stringent tests to others, as has occurred in the present case.
 - Such tests that are applied must be conducted in accordance with university and faculty regulations. The results of an improperly conducted evaluation of teaching should not have been entertained in the present case...
 - The Chair of an Advisory Appointments Committee is not empowered to conduct private tests of candidates without the authority of the Appointments Committee. Nor is the Chair empowered to conduct further tests once the Appointments Committee has pronounced its opinion with respect

to the candidates.

—In reaching a final decision an Appointment Committee should vote either by a show of hands or by secret ballot immediately after deliberating and before adjourning its meeting...

—Due process requires that if information damaging to a candidate is introduced then that information should be introduced to the entire committee prior to the conclusions of its deliberations. Also the candidate ought to be provided with the opportunity to make full answer to that material. In this regard, we believe that written information was improperly circulated to the committee following the conclusion of its June meeting.”

The Association also indicated that it was opposed to the reconvening of the Appointment Committee. We agree with the above statements by the University of Calgary Faculty Association and believe that the Special Committee failed to address all the issues raised in this case and did little to resolve the question of fairness and natural justice.

On December 17, 1987, the Board of Governors turned down Dr. Vinogradov’s appeal.

In March 1989, the University of Calgary Faculty Association represented by its President, G. Fritz, appealed to the General Faculties Council that it examine the fairness of the appointment procedures followed in the Vinogradov case (TUCFA Response to the Draft Report of the CAUT Committee of Inquiry, ref.42). Fritz pointed out that the Vinogradov complaint had not been examined by any internal academic committee, and said that the “General Faculties Council had a legal and moral obligation to examine the matter to determine if the procedures followed were fair nor not.” The General Faculties Council turned down this appeal.

Finally, we would like to express our disappointment with the behaviour of the administration of the University of Calgary. Throughout this matter, they seem to have consistently supported the decision of Dr. Loov. At no time did they put the question of unfair treatment before any university body or committee. The University of Calgary Faculty Association attempted to facilitate resolution of the dispute between the two sides but seems to have met with little response. The administration did not seem to consider using them as a helpful third party in resolving the matter. This is very disappointing as it contradicts the very concept of a collegial university system.

At one point, the lawyers for the university argued that the University had no requirement to act fairly in appointment matters (Brief of Counsel for the University of Calgary et al, ref. 8, pp. 9, 10). In a second instance, the University lawyers argued that Article B5 in the Engineering Faculty Manual governing appointment procedures had no legal status even though it had been the past and usual practice in the Faculty (Submission of the Faculty Association to the Special Committee of the Board of Governors, ref. 19, p5). If attitudes of this kind actually represent the thinking of the administration, it seems to us that it is going to need a change in attitude to come to any satisfactory way of dealing with problems such as this that may arise in the future.

During our visit to the University, only one member of the Geotechnical Appointment Advisory Committee and no members of the Administration would discuss the Vinogradov matter with us. It is unfortunate that university members felt constrained in discussing a case such as this with independent academics.

In accordance with the Policy Statement on CAUT Investigational Procedures our first draft of this report was circulated to the parties “to supply corrections of any errors of fact and ... comment upon the conclusions reached.” The University’s response to the opportunity for comment

and correction was disappointing. After making some legalistic objections to the CAUT Committee of Inquiry the lawyers threatened both CAUT and its Committee of Inquiry as follows (Response of Bennett Jones Verchere to the Draft Report of the CAUT Committee of Inquiry, ref. 41):

“In the circumstances therefore, if CAUT and its Committee members persist in publishing the report in its present form, our client will look to them for all damages sustained by the University as a result of the publication including all damages for defamation of character.”

We conclude that Dr. Vinogradov was treated unfairly in the appointment procedure and was denied natural justice. The unfair treatment of Dr. Vinogradov was

1. An excessive teaching load while she was an NSERC Fellow.
2. A casually conducted teaching survey the results of which were used against Dr. Vinogradov improperly in her appointment application procedure.
3. Unusual procedures before and in the June meeting of the Geotechnical Appointment Advisory Committee.
4. An inappropriate voting procedure after the June 1985 meeting of the appointment committee.
5. An inadequate investigation of Dr. Vinogradov’s complaint to the Board of Governors.

Appendix 1

Terms of Reference for the Committee of Inquiry into the circumstances surrounding the decision not to appoint Dr. Aleksandra Vinogradov in the Department of Civil Engineering at the University of Calgary.

The Committee of Inquiry was asked:

1. To inquire into the sequence of events which culminated in Dr. Vinogradov not being appointed in 1985 to a position in Civil Engineering and, in particular, in light of CAUT policies and the practices then in force at the University of Calgary and at other Canadian universities to determine whether
 - a) the procedures were regular
 - b) the procedures were fair and provide natural justice.
2. To determine whether the decision reached was fair and reasonable.
3. To inquire into the procedures at the University of Calgary to deal with the dispute relating to Dr. Vinogradov’s appointment difficulties and whether those procedures were adequate and provided a reasonable mechanism for the resolution of that dispute.
4. If appropriate, to make confidential recommendations to the Academic Freedom and Tenure Committee on what resolution of the dispute would be appropriate in the circumstances and what changes, if any, are required in the University of Calgary procedures.

April 1989

Appendix 2

List of documents provided to the CAUT Committee of Inquiry (Aleksandra Vinogradov)

1. 8 May 1985 - Letter from Vinogradov to TUCFA Grievance Committee
2. 4 November 1985 - Statement of Claim, Vinogradov and University of Calgary
3. 28 November 1985 - Notice of Motion, Vinogradov and University of Calgary

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4. 8 January 1986 - Vinogradov Affidavit, Vinogradov and University of Calgary
5. 8 January 1986 - Grassick Affidavit, Vinogradov and University of Calgary
6. 9 January 1986 - Notice of Motion, Vinogradov and University of Calgary
7. 31 January 1986 - Cammaert Affidavit, Vinogradov and University of Calgary
8. 3 February 1986 - Brief of Counsel for Defendants, Vinogradov and University of Calgary
9. 8 April 1986 - Letter from Grassick to Sim attaching Loov Affidavit of 26 March 1986
10. 22 May 1986 - Reasons for Judgment of the Honourable Mr. Justice Lutz, Vinogradov and University of Calgary
11. 9 October 1986 - Order from Court of Appeal of Alberta staying the Order of Justice A.M. Lutz, Vinogradov and University of Calgary
12. 23 October 1986 - Vinogradov Affidavit, Vinogradov and University of Calgary
13. November 1986 - Factum of the Appellants, Court of Appeal, Vinogradov and University of Calgary
14. 17 December 1986 - Letter from Fritz to Thompson attaching Grassick Affidavit, Court of Appeal
15. 31 December 1986 - Memo from J. Lo, Human Rights Officer, Alberta Human Rights Commission, to P.S. Gundara, re: Vinogradov and University of Calgary
16. 11 February 1987 - Memorandum of Judgment, Court of Appeal, Vinogradov and University of Calgary
17. 7 July 1987 - Letter from Malik to Bruton
18. 21, 26, 27 October 1987 - Correspondence between MacKimmie Matthews (Special Committee) and Bryan Mahoney (Vinogradov's solicitor)
19. 16 November 1987 - Submission of TUCFA to Special Committee
20. 16 November 1987 - Submission of Vinogradov to Special Committee
21. 17 December 1987 - Letter from Board of Governors to Vinogradov re: Report of Special Committee
22. 1 January 1988 - Open letter from Vinogradov to Chairman of Board of Governors
23. 6 June 1988 - Vinogradov Affidavit, Court of Queen's Bench, Vinogradov and University of Calgary
24. 7 June 1988 - Originating Notice of Motion, Court of Queen's Bench, Vinogradov and University of Calgary; re: Special Committee
25. 20 July 1988 - Judgment of E.W.N. MacDonald, Chairman, Board of Inquiry, Individual's Rights Protection Act, Vinogradov and University of Calgary
26. 15 August 1988 - Originating Notice, Court of Queen's Bench, Alberta Human Rights Commission and University of Calgary, Loov, Vinogradov
27. 15 August 1988 - Originating Notice of Motion, Court of Queen's Bench, Vinogradov and Alberta Human Rights Commission, University of Calgary, Loov
28. 2 November 1988 - Letter from Vinogradov to King attaching material related to Special Committee
29. Undated - Brief of the Appellant, Court of Queen's Bench, Vinogradov and University of Calgary, Loov, Human Rights Commission
30. 30 November 1988 - Letter from Vinogradov to Smith attaching article for *Bulletin*
31. 3 January 1989 - Two letters from Savage to Curtis
32. 4 January 1989 - Letter from Fritz to Andrews re: General Faculties Council proposal
33. 5 January 1989 - Letter from Curtis to Savage

34. 9 January 1989 - Letter from Vinogradov to Snow
35. 13 March 1989 - Letter from Fritz to Andrews
36. 3 April 1989 - Letter from Vinogradov to Snow attaching a number of documents, including the minutes of the General Faculties Council re: TUCFA proposal
37. 4 July 1989 - Letter from Cahoon to Andrews
38. 12 April 1990 - Factum of Vinogradov, Court of Appeal of Alberta
39. 24 September 1990 - Vinogradov Response to Draft Report
40. 24 September 1990 - Romney Response to Draft Report
41. 26 October 1990 - Bennertt Jones Verchere Response to Draft Report
42. 29 October 1990 - TUCFA Response to Draft Report of CAUT Committee of Inquiry
43. 31 October 1990 - Fraser Response to Draft Report
44. 6 November 1990 - Additional Fraser Response to Draft Report
45. 8 November 1990 - Letter from Snow to Bennett Jones Verchere
46. 14 November 1990 - Additional Vinogradov Response to Draft Report
47. 15 November 1990 - Additional TUCFA Response to Draft Report
48. 19 November 1990 - Additional Vinogradov Response to Draft Report
49. 3 December 1990 - CAUT Response to Draft Report

RESPONSES TO THE COMMITTEE OF INQUIRY REPORT

The University of Calgary Response to the Committee of Inquiry Report

This response is written as a result of the opportunity provided by Mr. Howard Snow, Secretary, CAUT Academic Freedom and Tenure Committee.

CAUT has established committees of inquiry to inquire into situations which are allegedly unfair, to seek a remedy for the individual(s) involved, and to make recommendations

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regarding changes. In my response let me address these three issues.

The report of the CAUT Committee of Inquiry — Vinogradov is inaccurate, its assembly of information selective, and its conclusions unjustified. The report has unfairly criticized the conduct of administrators and governors at The University of Calgary. After seven years of litigation initiated by Dr. Vinogradov, the fairness of the procedures used in the hiring process have been examined extensively in a variety of investigations, hearings, and court actions. All have upheld the procedures as being fair, and the University and Dr. Loov, former department head, have been exonerated.

The most extensive hearing about the fairness of the procedures used and whether or not discrimination on the basis of gender occurred was that of the Human Rights Board of Inquiry held before Mr. E.W.N. MacDonald, Q.C. The hearing took 30 days with approximately 280 exhibits being entered and 40 witnesses, including all the faculty members involved and Dr. Vinogradov testifying under oath. Mr. MacDonald held that there were legitimate reasons that Dr. Vinogradov was not granted the appointment and that the actions of the University were fair and reasonable. Dr. Vinogradov has sought leave to appeal at every level but ultimately even the Supreme Court of Canada rejected her application.

In terms of remedy for the individual, the following facts should be noted. Dr. Aleksandra Vinogradov continues to hold an adjunct position in the Faculty of Engineering at The University of Calgary which enables her to continue her research. An assistant professor position was advertised recently within an appropriate Engineering department but Dr. Vinogradov did not apply.

The University of Calgary, like most Canadian universities, is attempting to create a facilitative, positive working environment for all faculty, staff and students.

Since 1984, the University of Calgary has implemented a variety of policies and procedures to facilitate an equitable environment for women:

- appointment of an Advisor to the President on Women's Issues,
- establishment of an Employment Equity Office and Program which has garnered praise for its thorough report and innovative approaches,
- appointment of a Sexual Harassment Advisor,
- development of a minor in Women's Studies,
- development of a handbook to guide the appointment process which includes a procedural review checklist, and
- alteration in the selection process to include a member who represents the Vice-President (Academic) as a monitor to ensure fair process.

Of necessity, this is a very brief summary and members of CAUT may wish to review a more comprehensive review contained in two reports made recently by the University of Calgary Status of Women Committee about our progress in implementing recommendations about the status of women and new recommendations that require further action. The percentage of newly hired professors who are female has been steadily increasing.

Thus it appears that the three usual requirements of a CAUT Committee of Inquiry have been met:

- several internal and external hearings have concluded that the procedures used were fair,
- an individual remedy has been available, and
- many procedural changes have been implemented to improve the situation.

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The University of Calgary regrets the publication of this Report of Inquiry because:

1. the conclusions in the report are drawn on erroneous data and are completely opposite to the findings of fairness in all other investigations and hearings, and
2. the University of Calgary has taken steps to improve the appointment process and is undertaking serious efforts to maintain and enhance an equitable educational environment for women who are faculty, staff, and students.

Joy Calkin
Vice-President (Academic)

Response to the Committee of Inquiry Report by Aleksandra Vinogradov

This response has been prepared following an invitation of the Academic Freedom and Tenure Committee to comment on the report of the CAUT Committee of Inquiry. I intend to offer a few remarks.

The task before the CAUT Committee of Inquiry has been enormous. The inquiry has dealt with a protracted history of events and a large volume of related documents. In addition, the committee has overcome many obstacles. It is remarkable that under such conditions the committee has been successful in producing a comprehensive, clear and concise report.

The report illuminated not only the events but also the attitudes behind the problem. It reflects upon the lack of cooperation encountered by the Committee of Inquiry, the refusal of the administration to discuss the case and the administration's perception of the committee members as "interfering outsiders whose aim was to tarnish the reputation of the University." The committee is highly critical regarding the methods used by the U of C administration to discourage the publication of the report.

The report also outlines the role of the University of Calgary Faculty Association (TUCFA). Initially, TUCFA was genuinely concerned with the violations of the appointment procedure. At that stage, TUCFA attempted many times to restore fairness and resolve the dispute internally. However, as the position of the U of C administration regarding the dispute has crystallized, the executive of TUCFA has adopted an increasingly conservative attitude. A small group of TUCFA officers has made consistent efforts to stall and mislead the CAUT inquiry. The actions of this group have been termed by the TUCFA president as "damage control to the University."

The report provides some examples of the tactics used by the administration to defend its position in the courts. It is solely these tactics and not the merits of the case that has allowed the lawyers for the university to achieve a legal "victory" and has led the U of C president to state publicly that the court "vindicates the position the university has taken all along on this matter."

Currently, the administration claims certain progress in terms of modifying the appointment procedures and taking steps to improve the status of women. The facts, however, speak to the contrary. A review by TUCFA president published in the June 1991 issue of *TUCFA Newsletter* shows that the percentage of full-time female academic staff in many faculties has decreased since 1986. The climate on campus is described by the newsletter as follows:

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“A male bias permeates decisions about how, where and when positions are advertised, and the nature of these advertisements. The inappropriate “model” for recruitment is based on and “old boy network” of contacts, schools and programs. The bias is further compounded by decisions about who does the recruiting and who conducts recruitment interviews....The nature of the interview process, the questions and format of the interviews, the decisions about how applicants are screened, and the criteria used to evaluate them, all tend to be androcentric, although under the guise of “professional” or “normal.”

The report states that the administration “...is going to need a change in attitude to come to any satisfactory way of dealing with problems such as this that may arise in the future.” At this point, with a great deal of pain I observe that old attitudes prevail, the problem persists and requires a major surgery.

The Role of The University of Calgary Faculty Association in the Case of Dr. Aleksandra Vinogradov

October 24, 1991

Response of the Association to the Committee of Inquiry Report

The CAUT Terms of Reference for the Committee of Inquiry established two significant mandates — the investigation of the specific allegations in the case being investigated and the evaluation of the policies and practices in place at the university at the time the case arose. Having completed its investigation, the Committee of Inquiry was then required to make a finding with respect to the specifics of the complaint and the context in which it occurred. Regarding the findings of the Committee of Inquiry on Dr. Vinogradov, the Association wished to provide the following response.

The University of Calgary Faculty Association has been involved in the Vinogradov case since its inception, although Dr. Vinogradov was not a member of the association at the time she applied for a position in the Department of Civil Engineering. The Association could not represent her formally in any of her efforts to obtain an appointment because we are excluded from involvement in appointment procedures by virtue of the Universities Act of Alberta which grants such responsibility to the General Faculties Council (in Alberta, the equivalent of the University Senate). Nor has the Association taken a position as to the suitability of the candidate for employment.

We have, however, since 1984, acting on the advice of three successive grievance chairs, used our good offices to assist in the internal resolution of the conflict. For over seven years, we have met with various university administrators in attempts to facilitate a settlement of the controversy within the university. We have publicly stated our objections to the hiring procedures followed in many forums, and in November 1987 we outlined these objections to a special Committee of the Board of Governors, urging them to deal with the issue of fairness. In March 1989, the Association appealed to the General Faculties Council to establish a special academic committee to investigate the case of Dr. Vinogradov, but although our motion generated considerable debate, the final vote went against it. Some members of the Association executive also made submissions to the Alberta Human Rights Commission supporting Dr. Vinogradov’s allegations of unfairness.

In addition, several informational articles appeared in the Faculty Association Newsletter,

(eg. ongoing information regarding her trust fund), and we held an Information Meeting at the request of a number of Association members. The Association also intervened in the Appeal of the ruling of Justice Lutz in so far as the University's appeal sought to prevent any member of the academic staff from having access to the Courts to seek redress from any university action.

In October 1987, the Alberta Human Rights Commission Board of Inquiry issued an order to the President of the University to produce a variety of personnel documents relating to six faculty members in the Department of Civil Engineering. The order demanded the production of Department Head's annual assessment forms since 1980, the individual's Annual Reports to the President since 1980 and the most recent C.V.'s of the six professors. The subpoena was issued pursuant to a request filed on behalf of Dr. Vinogradov in relation to her complaint against the University. The view of the Association was that confidential personnel records of its members ought not to be subject to public scrutiny in the Courts. An agreement was achieved with the Board which granted Dr. Vinogradov and her counsel the information they required while protecting the confidentiality of the documents.

The Association supported the CAUT Executives recommendation not to intervene in Dr. Vinogradov's appeal to the Supreme Court in May 1990 during the time of its Committee of Inquiry investigation. In spite of CAUT Council's rejection of this recommendation, we continued to provide information and assistance to the Committee of Inquiry investigation.

Throughout these seven years, the Association's efforts have been severely hampered by the fact that Dr. Vinogradov was simultaneously seeking resolution through the courts, normally the final recourse when internal collegial processes have failed to bring the desired outcome. In this case, the matter was taken to the courts early, and thus academic and collegial processes were preempted. The futility of an academic approach toward a remedy in the face of on-going legal proceedings was brought home during the debate we initiated in General Faculties Council. Our request was overwhelmingly defeated because members of faculty felt resigned to a legal remedy that would supersede any academically determined resolution. The strong consensus of the meeting was that only the courts could provide a final remedy.

Confusion also arose as a result of different issues being addressed by different investigative bodies: questions of discrimination on the grounds of gender, discrimination on the basis of ethnic origin; questions of the irregularity of procedures, questions of exceeding authority, questions of fairness and due process, and questions regarding the reasonableness and appropriateness of the decision.

The conclusion of the 1988 Status of Women's Conference that the actions of the University of Calgary demonstrated obvious institutional discrimination, and the wide publicity this decision received, promoted the AF&T to establish its Committee of Inquiry.

Confusion seemed to extend to the AF&T's Committee of Inquiry whose delay in acting on Dr. Vinogradov's complaint reflected its uncertainty over how best to deal with the complaint, whether this would indicate a need to review the policies and practices of The University of Calgary, if they were found to be discriminatory.

The confusion is further exemplified in the terms of reference and actions of the Committee of Inquiry. Rather than focusing on allegations of institutional discrimination outlined in Dr. Vinogradov's complaint, the committee's terms of reference included the charge to look at the academic merits of the case, the reasons for the decision, and the appropriateness of the decision. None of these matters is actually addressed in the report. The Faculty Association has also expressed its concern about the independence of the Committee to the

CAUT executive; delays in visiting the campus, visits on short notice at a time when many relevant faculty were away, reference only to legal decisions which supported Vinogradov's concerns and omissions of those that did not, and CAUT's application for intervenor status in the Supreme Court case all cast doubt on the balance and objectivity of the inquiry process.

It is genuinely regrettable that the extensive and protracted efforts of both CAUT and the Faculty Association have been unable to resolve this complex situation satisfactorily for Dr. Vinogradov. The desired remedy, an offer of employment by The University of Calgary, is not within the power of CAUT or the Association to impose. Under the Universities Act, the Board of Governors can only hire academic staff on the recommendation of the President who must receive recommendation from the Dean. Thus the remedy sought by AF&T violates the Universities Act and is seen as intruding on the academic freedom of the institution.

Dr. Vinogradov has, however, continued to hold an Adjunct Appointment at the University of Calgary which has been renewed twice since her legal action and has been allowed to supervise a graduate student and continue her research. As well, at the urging of CAUT, the Association did secure a promise from the President of the University that any application from Dr. Vinogradov for a currently advertised position in the Department of Mechanical Engineering would be considered carefully, fairly and in accordance with the policies and procedures currently in place for appointments (procedures which have been significantly modified since her first application).

With regard to the second aspect of the mandate of the Committee of Inquiry (a review and analysis of the policies and practices in place in the institution at the time of the complaint to ascertain whether they were the cause of the complaint), the Report finds that the procedures were unfair. Implicit in such a finding is an identification of those policies and procedures which are in need of correction to prevent a recurrence of the events under investigation. The Committee of Inquiry has not made specific recommendations for any changes in these policies. In particular, they have not commented upon the significant changes and improvements in current policies with regard to the matters under study in the Vinogradov case.

Of long term value are changes the Association and the Administration have worked together to make since the Association's initial involvement in the case, changes to improve opportunities for women at the University and changes to make the selection processes used by the various selection committees fair to all.

The Association has taken a variety of actions over the past number of years to work towards the improvement of the campus environment. These actions include the following:

Actions Initiated by the Faculty Association

1. The negotiation of an agreement to appoint a third party observer from outside the department or faculty to all selection committees; the observer's responsibility is to attest to the fairness and equity of the selection procedures.
2. The negotiation of a parental leave clause which allows for child care sharing and/or extended part-time maternity leave.
3. The negotiation of a policy for continuing part-time appointments which allows for tenured part-time appointments and job sharing.
4. The negotiation of policy for continuing part-time appointments which will include protection of appointment, benefit and pension support and the establishment of priorities

- for the conversion of part-time positions to regular positions.
5. The negotiation of the extensions of part-time sessional instructor contracts to include time for initial course preparation and grading time as required.
(Note: over 80 per cent of part-time sessionals holding continuous appointments are female.)

Actions Initiated by the Administration

6. The development and support of a Women's Studies Program.
7. Support for the establishment of a Gender Institute.
8. The appointment of an Advisor to the President on Women's Issues.
9. The establishment of an Employment Equity Office.
10. The appointment of a Sexual Harassment Officer responsible for investigating allegations of sexual harassment as well as to undertake campus-wide education on sexual harassment.
11. The development of a selection procedure checklist and policy manual for all departmental and faculty selection committees which requires gender awareness and indications of efforts of the committee to solicit applications from women and minorities.
12. The appointment of women as Vice-President (Academic), Associate Vice-President (Student Affairs), Assistant Vice President (Finance), and as Deans in two faculties.
13. The implementation of a Dual Career Employment Assistance Programme which seeks to help the spouses of new faculty members identify and secure a suitable career on or off campus.

Collaborative Administrative and Faculty Association Actions

14. The establishment of a Presidential Committee on Sexual Harassment and the development of a strong and enlightened sexual harassment policy and guidelines.
15. The elimination of some traditionally discriminatory appointment policies, such as those which prohibit the university from hiring its own graduates, or from appointing spouses to the same departments and prohibiting them from holding administrative responsibilities.

As a result, the situation at the University of Calgary has changed dramatically since Dr. Vinogradov made her application for a position in Geotechnical Engineering in the fall of 1984. While these changes have not been addressed to obtaining a personal remedy for Dr. Vinogradov, they go a long way towards changing the climate of the institution. In the coming months, we trust that our colleagues across Canada will not lose sight of these positive advances.

Addendum

The response of the University of Calgary Faculty Association to the Report of the CAUT Committee of Inquiry into the case of Dr. Aleksandra Vinogradov contains two statements which may create some misunderstanding of the role played by the Academic Freedom & Tenure Committee.

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The first of these concerns the circumstances surrounding the establishment of the Committee of Inquiry by the AF&T Committee which TUCFA says was prompted by the conclusion of the 1988 Status of Women Conference held in October. The AF&T Committee decided to establish a Committee of Inquiry in April 1989, and this was after the General Faculties Council at the University of Calgary had refused to hold an investigation into the case. While the Committee of Inquiry was established after the Status of Women Conference it was not, in my view, prompted by it.

Secondly, with respect to resolving the case, TUCFA says that the AF&T Committee has sought as the remedy an offer of employment at the University of Calgary for Dr. Vinogradov. I made two visits to the University of Calgary to attempt to explore possible avenues of remedy which might produce a resolution, in December in 1990 accompanied by Howard Snow, and in June of 1991 accompanied by Donald Savage. While I do not doubt that an offer of employment to Dr. Vinogradov would probably resolve the matter, on neither occasion was this sought as the remedy. The AF&T Committee has sought fair treatment for Dr. Vinogradov. The AF&T Committee believes that fair treatment of her candidacy might lead to an offer of employment. If TUCFA simply accepts that any fair treatment in effect means an offer of employment then I have no difficulty, but stated as it is I believe the comment may mislead.

Alan Andrews

Person chairing AF&T Committee, 1988/1991