

29 March, 2001

By fax: (416) 971-1360

Dr. Robert Birgeneau
President
University of Toronto
27 King's College Circle
Toronto ON M5S 1A1

Dear President Birgeneau:

We would like to meet with you as soon as possible to discuss a very disturbing situation that has recently been brought to our attention. It appears that there has been a very serious violation of academic freedom at the University of Toronto that requires remedy.

In brief, the case is that of Dr. David Healy, a widely respected psychopharmacologist in Great Britain who was actively recruited for a position in the Department of Psychiatry and the Centre for Addiction and Mental Health (CAMH).

He was brought in for a three-day visit to CAMH and the Department in July 1999. Following his visit, Dr. Paul Garfinkel, Chair of the University's Department of Psychiatry, wrote Healy on August 4, 1999, a congratulatory letter in which he expressed hope that, during a future visit, they could "discuss more specifically the arrangements for you in Toronto." He also indicated a desire to arrange meetings for Healy's wife "so that she, too, might look forward to a good opportunity in Toronto."

On January 28, 2000, Dr. Sidney Kennedy, Professor of Psychiatry and Head, Mood & Anxiety Division, CAMH, wrote to Healy discussing details of an offer to be appointed a Professor of Psychiatry at the University of Toronto and Clinical Director for the Mood and Anxiety Disorders Program at CAMH. The letter described Healy's role as Clinical Director and as a Professor of Psychiatry. It also spelled out what Healy would earn. Kennedy noted that "this offer" is contingent on being licensed by the College of Physicians and Surgeons. Kennedy concluded: "I am extremely enthusiastic about your interest in this position and I believe that you will bring an important line of critical inquiry and clinical research acumen to this department." He asked for Healy's reply in writing as soon as possible.

On May 1, 2000, University of Toronto Vice-Provost David Cook sent Healy a memo confirming that "our offer of employment to you for the coming academic year has been approved by Human Resources Development Canada." Cook advised Healy to apply for immigrant visas for himself and his family and indicated that the University had engaged "at our expense Stanley B. Bush, Esq...as legal counsel on your behalf."

On August 17, 2000, Dr. David Goldbloom, Physician-in-Chief at CAMH and Professor of Psychiatry at U of T, and Georgina Veldhorst, Vice-President, Mental Health Programs, CAMH, wrote to Healy "to offer you formally the position of Clinical Director, Mood and Anxiety Disorders Program, CAMH." They indicated the position's reporting relationships and noted that "the term of the appointment is for 5 years and is renewable contingent upon successful external review of the program." They also indicated Healy's remuneration as a professor at the University of Toronto and his expected income from CAMH.

In November, Goldbloom gave Healy a handwritten note with the names of people he could contact in Toronto to find out about suitable schools for his children.

On November 30, Healy was one of a number of widely respected psychiatrists who spoke at a colloquium in Toronto: "Looking Back, Looking Ahead -- Psychiatry in the 21st Century: Mental Illness and Addiction."

Four days later, on December 4, Goldbloom sent Healy an email indicating it was "extremely important" that he and Kennedy speak with Healy by telephone. On December 5, Kennedy sent an email to Healy asking Healy to phone him at home and wishing him well in New York. (Healy was in New York giving a talk -- the same one he gave in Toronto -- to the Cornell Westchester Grand Rounds.) Later that day, Healy responded to Goldbloom indicating the best day would be the following Monday, December 11, 2000. Goldbloom replied that it would be better if they spoke directly "this week" because of "some urgency." If that was not possible, then his (Goldbloom's) second choice was email. Healy responded on December 7 indicating he was travelling, had been away from his email for two days, and was about to leave so he could not telephone him.

Goldbloom then emailed Healy on December 7 a devastating message. He advised Healy that "the Centre has decided to withdraw its offer of a position of Clinical Director of the Mood and Anxiety Disorders program." Goldbloom added that "the decision we have made to rescind the offer follows extensive discussion and consensus with the Centre and the University."

Goldbloom then gave the reason: "We believe that it is not a good fit between you and the role as leader of an academic program in mood and anxiety disorders at the Centre and in relation to the University. This view was solidified by your recent appearance at the Centre in the context of an academic lecture. While you are held in high regard as a scholar of the history of modern psychiatry, we do not feel your approach is compatible with the goals for development of the academic and clinical resource that we have." Goldbloom added that "this is a difficult piece of

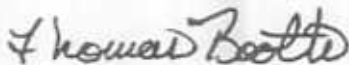
news to convey" but that "it is better to do so now than after you and your family would have made the significant upheaval of a move to Canada."

This raises serious concerns. The gravest is that Healy's job offer was rescinded because of something he said in his talk on November 30 in Toronto. His critical remarks in the Toronto talk were not new and for them to result in retraction of a job offer suggests a fundamental attack on academic freedom.

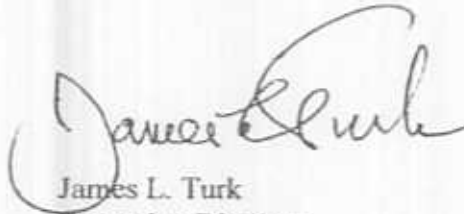
What intensifies our concern is the possibility that the retraction was linked to Healy's observation that Prozac can lead to an increased rate of suicide. Prozac's manufacturer, Eli Lilly, is one of the principal donors to CAMH - having given more than \$1.5 million in recent years to fund, among other things, the Eli Lilly Education Centre at CAMH. In light of this, we find Goldbloom's explanation of the action, namely, "we do not feel your approach is compatible with the goals for development of the academic and clinical resource that we have" to be particularly suggestive.

What happened to Dr. Healy appears to be an affront to academic freedom in Canada. We hope you share our concern. We do want an opportunity to meet with you to discuss this matter at your earliest convenience.

Yours truly,



Thomas Booth
President



James L. Turk
Executive Director

:ld

cc: Rhonda Love, President, University of Toronto Faculty Association

lcc: CAUT Executive
David Healy



UNIVERSITY OF TORONTO

OFFICE OF THE PRESIDENT

Simcoe Hall, Room 206, 27 King's College Circle
Toronto, Ontario M5S 1A1

Robert J. Burgineau

President
Professor of Physics

Telephone
(416) 978-2121
Telefax
(416) 972-1360
Email
president@utoronto.ca

April 18, 2001

Mr. Thomas Booth
President
Canadian Association of University Teachers
2675 Queensview Drive
Ottawa, ON K2B 8K2

Mr. James L. Turk
Executive Director
Canadian Association of University Teachers
2675 Queensview Drive
Ottawa, ON K2B 8K2

Dear Sirs:

I acknowledge receipt of your letter dated March 29, 2001.

You have written expressing concern about the rescission of an offer of employment by the Centre of Addiction and Mental Health ("the CAMH") to Dr. David Healy and subsequent withdrawal of his academic appointment at the University of Toronto.

The principal concern expressed by you in your letter is that the retraction of the CAMH appointment was linked in some way to Dr. Healy's comments on a drug manufactured by Eli Lilly. Since receiving your letter, I have contacted the President and the Chief Executive Officer of the CAMH, Dr. Paul Garfinkel, to discuss this issue. He has given me his assurances that the decision made by CAMH to rescind Dr. Healy's appointment was not influenced in any way by Eli Lilly or by any other pharmaceutical manufacturer. I am assured that there was no contact with Eli Lilly prior to the appointment and none relating to the withdrawal of Dr. Healy's offer of employment. Furthermore, Dr. Garfinkel has confirmed on behalf of the CAMH that no person involved in the decision to withdraw the offer of employment to Dr. Healy had any

knowledge of the alleged response by Eli Lilly to the contents of Dr. Healy's March 2000 Hastings Centre Report. You also suggest that Eli Lilly is one of the "principal donors" to CAMH. I am also advised by Dr. Garfinkel that this statement is factually incorrect. More importantly, it is disturbing in its innuendo. The biggest source of funding for CAMH is from peer-reviewed sources. I am satisfied, based on my inquiries, that neither the pharmaceutical industry in general nor any individual manufacturer played any role in the decision of CAMH to withdraw Dr. Healy's offer of employment.

Dr. Healy was offered a position as Clinical Director of the Mood and Anxiety Disorders program at the CAMH. This was principally a clinical appointment made by the CAMH and would have involved Dr. Healy in significant clinical work. As Clinical Director, Dr. Healy would have had four main clinical areas of responsibility: anxiety disorders, bipolar disorders, cognitive behavior therapy and depression. The CAMH was his principal employer and all funding of the position was to come from CAMH. In addition, the University did appoint him to the position of Professor in the Department of Psychiatry. Any University paymaster role was with funds from CAMH and intended to facilitate immigration. With very few exceptions, an appointment to the Faculty of Medicine of the University of Toronto is a requirement for clinicians in teaching hospitals. This flows directly from the affiliation agreements between the University and each teaching hospital.

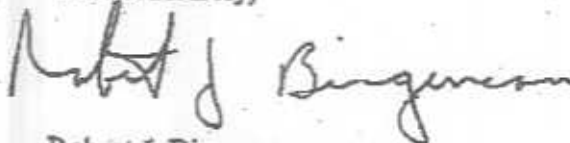
The CAMH came to the conclusion that Dr. Healy was not the right person to occupy the position of Clinical Director which has been outlined above. Given this view, the Chair of the Department of Psychiatry was not in a position to maintain a meaningful academic appointment for Dr. Healy. The CAMH appointment was integral to ensuring that Dr. Healy could earn a livelihood. His total earnings would have been dependent on monies received from the CAMH and also from clinical billings through OHIP. An appointment in the Department of Psychiatry in the Faculty of Medicine, in itself, would not have provided any financial support for Dr. Healy and his family.

Although the CAMH was his principal employer, the University of Toronto was pleased to do what it could to help Dr. Healy come to Toronto. The University of Toronto helped Dr. Healy with his Employment Authorization from Citizenship and Immigration Canada.

In short, the Faculty of Medicine at the University of Toronto did what it could to facilitate Dr. Healy's appointment as Clinical Director at the CAMH. The underpinnings for Dr. Healy's academic appointment collapsed when the CAMH rescinded his clinical appointment.

Your assertions that the University of Toronto abridged academic freedom are groundless and offensive. The University of Toronto vigorously rejects any suggestion that Dr. Healy's appointment at the University of Toronto was rescinded because of any concerns expressed by him about a drug manufactured by Eli Lilly or by any other pharmaceutical manufacturer. To be sure, the incident is regrettable. It is unfortunate that Dr. Healy was given an offer as a Clinical Director by the CAMH if in fact he was not a good fit. How and whether this reflects on their hiring process is for them to determine. However, based on my own inquiries, I am completely satisfied that the relationship with the CAMH to any pharmaceutical company played absolutely no role in the CAMH's decision to rescind this offer of employment.

Yours sincerely,



Robert J. Birgeneau

cc

Rhonda Love, President
University of Toronto Faculty Association

RJB/mt



July 5, 2001

By fax: 416-971-1360

Dr. Robert Birgeneau
President
University of Toronto
Room 206, Simcoe Hall
27 King's College Circle
Toronto, ON M5S 1A1

Dear President Birgeneau:

We would like to ask a third time for an opportunity to meet with you to discuss the treatment of Dr. David Healy by the University of Toronto and the Centre for Addition and Mental Health.

CAUT views the actions of the University and its affiliated teaching hospital to be one of the gravest violations of academic freedom we have encountered in the history of our organization. Since we first wrote to you in March, you have had considerable time to review what has happened. We have done the same. Everything we have learned only intensifies our concerns about the actions of University and CAMH officials.

We would like to have a frank discussion with you about what happened and whether the University and CAMH are determined to maintain their position that nothing inappropriate occurred. A number of very serious issues are at stake: the University's commitment to academic freedom, the University's obligations to assure that academic freedom is respected by its affiliated institutions, the University's policy and procedure for revoking contracts and its obligation to assure that its affiliated institutions respect appropriate appointment and dismissal procedures.

Whether we conclude by agreeing or disagreeing, we believe that it would be mutually beneficial to have an opportunity to discuss what happened to Dr. Healy. Please advise us whether or not you are willing to meet, and, if so, what dates would be convenient.

Yours truly,

Thomas Booth
President

James L. Turk
Executive Director

:ld

cc: Prof. Rhonda Love, President, University of Toronto Faculty Association
bcc: David Healy, CAUT Executive, Rosemary Morgan, David Robinson, Marion Perrin

2575 promenade Queensview Drive, Ottawa, Ontario K2B 5K2
Tel: 613/820-2270 Fax: 613/820-7266 Email: acppu@caut.ca Web: www.caut.ca





UNIVERSITY OF TORONTO

OFFICE OF THE PRESIDENT

Simcoe Hall, Room 206, 27 King's College Circle
Toronto, Ontario M5S 1A1

Robert J. Birgeneau

President
Professor of Physics

Telephone
(416) 978-2121
Telefax
(416) 971-1360
Email
president@utoronto.ca

July 16, 2001

Mr. Thomas Booth
President
Canadian Association of University Teachers
2675 promenade Queensview Drive
Ottawa, Ontario
K2B 8K2

Mr. James L. Turk
Executive Director
Canadian Association of University Teachers
2675 promenade Queensview Drive
Ottawa, Ontario
K2B 8K2



Dear Messrs. Thomas and Turk:

I am replying to your letter of July 5, 2001 in which you request a meeting to discuss the treatment of Dr. David Healy by the University of Toronto and the Centre for Addiction and Mental Health.

As you are aware, the University considers this to be a purely internal matter and it would therefore be inappropriate to meet with an external body such as the CAUT on a matter internal to the University. It is now quite clear that Dr. Healy's situation has

...2/

nothing to do with academic freedom or with any perceived "corporatization." At the core of the matter are two issues: patient care for which CAMH has direct responsibility; and, the way in which the search was conducted. The Dean of Medicine has gone on record to indicate that this was a "less-than-ideal search and assessment process" and has taken action to clarify the recruitment process for status-only clinical appointments. At the same time, he has emphasized our overriding obligation to protect the most vulnerable participants in this whole matter – the patients at CAMH. I am currently awaiting a formal report from the Dean, but it appears quite clear that this will remain an internal matter.

I would also like to take this opportunity to indicate to you that I am very disappointed in CAUT's approach to faculty recruitment. I believe that CAUT's position is both anti-excellence and anti-equity and specifically, could seriously handicap progress in increasing the diversity of our faculties in Canadian Universities. Frankly, I had hoped for a more progressive approach from CAUT.

Yours sincerely,



Robert J. Birgeneau

cc: Adel Sedra
David Naylor
Rhonda Love

RJB/ct

August 20, 2001

Dr. Robert J. Birgeneau
President
University of Toronto
Simcoe Hall, Room 206
27 King's College Circle
Toronto ON M5S 1A1

Dear Dr. Birgeneau:


It is with considerable disappointment that we read your letter of July 16, 2001, refusing to meet with CAUT regarding the University's treatment of Dr. David Healy. We find it strange that you characterize the matter to be a purely internal one. Significant issues for faculty across the country are raised when one of Canada's leading universities decides to abrogate a faculty member's contract based on remarks he made in one public lecture. Even if it were an "internal" matter, the University of Toronto Faculty Association (UTFA) is a member of CAUT and has asked for our involvement. We were quite surprised that you could make the claim that this has "nothing to do with academic freedom". We feel it has everything to do with academic freedom.

We are equally dismayed by your suggestion that the problem was "a less than ideal search and assessment process". We have detailed records about the search process, and it was anything but haphazard and cursory. In July 1999, during his three-day visit to the University, Dr. Healy met with about 30 officials from the University and the Centre for Addiction and Mental Health including the Anxiety Disorders Group, the Vice-Chair for Research, the Head of the Neuroscience Program, the current and past Chair of the Department of Psychiatry, the Cognitive Therapy Group, the Anxiety Disorders Search Committee, the Depression Group, the Bipolar Group, and others. He also gave a public lecture. In addition, his lengthy list of publications was well known to the people in his field at CAMH and the Department of Psychiatry. There is every indication that the decision to offer him a position was made after thorough and careful scrutiny by both CAMH and the University of Toronto.

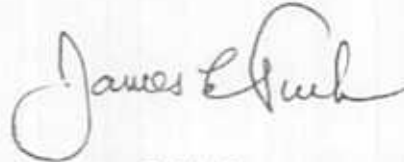
Your comment that causes us the greatest concern is the suggestion that hiring Dr. Healy would compromise patient care. This statement borders on libel. Dr. Healy is an internationally recognized researcher who has had for many years a very significant clinical practice. Your appeal to protecting

"the most vulnerable participants in the whole matter - the patients at CAMH" is an argument not worthy of you. We continue to view the treatment of Dr. Healy by the University of Toronto and CAMH as a great academic injustice and one of the most serious violations of academic freedom our organization has encountered. We would have preferred to discuss this matter with you and see if there could be a satisfactory resolve. Unfortunately, you leave us no option but to pursue fairness for Dr. Healy in other fora.

Yours truly,



Thomas Booth
President



James L. Turk
Executive Director

:ld

cc: Rhonda Love, President, UTFA
CAUT Executive
Adel Sedra, Provost, University of Toronto
David Naylor, Dean of Medicine, University of Toronto

bcc: David Healy ✓