

# York Centre for Practical Ethics

Centre Newsletter - April 2006

## Director's File

David Shugarman

This has been an eventful year for the Centre on a number of fronts. But before I get to that let me immediately express my appreciation on behalf of the Board to Shirley Katz for her stewardship as Acting Director in 04-05, and for the very impressive, high quality all-day workshop on conflict of interest that she organized just about one year ago. Panellists and audience participants were at one in viewing the workshop as a well-organized, stimulating and significant event. As a long-time member of our Executive, as one of Canada's leading experts on conflict of interest and in his role as Master of McLaughlin College, Ian Greene's contributions to planning the event and accommodating visiting speakers made things run that much more smoothly. We have had some first-rate workshops and conferences over the past decade. The idea of an annual conference or workshop is something the Centre should be working towards.

Shirley's year as Acting Director ended with her hosting a send-off party to honour the contributions of Robert Schwartz, our Visiting Associate, and with her agreement to take up duties as Deputy Director for 2006-2007. She will be focusing on developing our consulting services branch next year.

Now let me turn to a short summary of this year's activities. We suffered a bit of an organizational setback early in the fall as a result of a break-in that cost us our computers, printer and software. The difficulties were exacerbated by a long wait time to have the equipment replaced and properly set up again. With resource problems behind us, we have had a number of well-attended and informative sessions on a wide variety of topics, though most have tended to be in the area that is a particular strength of the Centre, namely public sector ethics. All our presentations have been supported and co-sponsored by the McLaughlin College Master's Office. In the fall, *Greg Levine*, a YCPE Associate member who teaches law and politics at Western, discussed the *Toronto Integrity Officer Model*; we then had a presentation by Brian Grainger, a leading ethics consultant and trainer, on failings in public and private sector ethics; that was followed by presentations by Ian Greene and yours truly on the Gomery Commission. In the second term we've had a session by Dalton Kehoe on the importance of ethical leadership to wellness in the workplace, a session on the ethics of proportional representation with Bob MacDermid and Dennis Pillon,



Director of the YCPE – Professor David Shugarman

another on reasonable public policy development by Shaun Young, and a special presentation by distinguished guest Deborah Poff on ethical leadership in the academy. The Centre was pleased to have the Sheldon Chumir Foundation for Ethics in Leadership, York's Office of the Vice President Academic and McLaughlin College as co-sponsors of Dr. Poff's visit. Dr. Poff has served as Dean and Vice President Academic at UNBC, and was a Sheldon Chumir Foundation Public Policy Fellow in 04-05. Deborah Poff's visit to York was at the initiative of the Chumir Foundation's President, Dr. Marsha Hanen. Dr Hanen recently announced her retirement from the Foundation's leadership. We wish her well and are looking forward to continuing collaborative ventures with her successor, Ms Janet Keeping.

Thanks to the initiative of our Graduate Assistants, Maggie MacIsaac and Stephanie Silverman and Work/Study undergraduate Elliot Pobjoy, the Centre will be hosting an Open House on the afternoon of April 5. All three assistants have served us well this year. Elliot has significantly redesigned our web site. Maggie has been reorganizing the resource office while assisting both with the Ethics of International Intervention research project's bibliography and its book project. Stephanie has done a fine job organizing and overseeing publicity for our events.

On the consulting side of our commitments, Shirley Katz and Alan Shefman are near completion of a further development with Citizenship and Immigration Canada of the Centre's case conferencing approach to ethical decision-making

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## Director's File

(a project largely developed by Dr. Katz with assistance from Mr. Shefman and various principals at CIC).

Recently, the Centre was asked to advise the Halton Board of Education with respect to some ethical governance issues and, as a result, Susan Dimock met with the Board at one of its open meetings in early March.

On the research side, the tri-Centre Ethics of International Intervention SSHRC-sponsored project and collaboration with the Key Centre at Griffith University (Nathan Campus) in Australia was very active in its final year of research. Workshops of project members and special guest participants were hosted by the Key Centre in Brisbane; and presentations based on investigators' research were given at International Studies Association Conventions in Hawaii and Istanbul. Work is now being focused on turning confer-

ence presentations and research studies into an edited volume. Added benefits of the project meant that several graduate students were financially supported as they became involved in the research and organizational efforts. To all of those students and especially to our current assistants I offer on behalf of my colleagues in the project and the Centre generally a large Thank You. And it goes without saying, but I'll say it anyway, that once again, our Coordinator Lilian Polsinelli and our part-time secretary Vicky Carnevale provided the kind of warm professional and administrative support that is crucial to the Centre's viability.

Next year we have an interim SCOR (Senate Committee on Research) review of our mission and mandate in relation to our response to the 6 year SCOR review and I'll be looking to all Board,



Executive and Affiliated members to help me put the Centre's best attributes forward. I'll also be looking forward to initiatives we can all bring to enhancing our research and consulting activities.

Some people are officially retiring from York but we expect they will still stay active and supportive of the

Centre. To that end, we applaud Wes Cragg and Tom Wilson for their contributions, past, present and future. Retirements signal a need to get newer faculty more involved in the Centre's life. That too will be a direction I'm hoping we can all work towards encouraging.

## Information on The Certificate in Practical Ethics

### Susan Dimock

Practical Ethics is an exciting area of multidisciplinary study and research. The area of practical ethics provides the opportunity to apply ethical concepts and principles to contemporary social issues. York University offers to undergraduate students an opportunity to develop expertise in the area of practical ethics through its General Certificate in Practical Ethics. York students may earn a General Certificate in

Practical Ethics while fulfilling the requirements for a Bachelor Degree (Ordinary or Honours) in any Faculty. The courses listed for the Practical Ethics Certificate enable students to address questions of applied ethics and public policy in the fields of anthropology, business, economics, environmental studies, humanities, philosophy, political science, social science and sociology.

2005 was the tenth anniversary of the Certificate in

Practical Ethics at York. Since 2001-02, 21 students have completed the Certificate requirements and been granted the Certificate when they graduated. Approximately 25 students are currently enrolled in the Certificate program.

The revised course list for the Practical Ethics Certificate has been finalized. The information sheet, application form and course list can be found on the YCPE website at:

<http://www.yorku.ca/ycpe/>

and in the YCPE office at 119 McLaughlin

More information about the Certificate in Practical Ethics can be obtained from the Centre for Practical Ethics (McLaughlin College 119), or from the Coordinator of the Certificate, Professor Susan Dimock (McLaughlin College 132 or [dimock@yorku.ca](mailto:dimock@yorku.ca)).

## YCPE welcomes...

### Greg Levine

Professor Greg Levine has been with the University of Western Ontario for almost two years; coincidentally, this is almost the same amount of time that he has been a member of the YCPE. His research interests fall broadly within the areas of government ethics law, and administrative law. More specifically, Professor Levine looks at topics within those larger categories that include conceptions of administrative justice; growth, development and effects of forms of ethics law including ombudsman, access and privacy,

conflict of interest, and others. As well, he is very involved in the Ontario Bar Association through its Administrative Law, Municipal and Constitutional sections. Professor Levine also enjoys reading, walking and traveling in his free time.

The Centre was lucky enough to host a lecture by Professor Levine in the first semester, and we welcome the opportunity to hear from him again. For his part, Professor Levine attests to the learning experience that being involved in the YCPE has provided for him in regards to different issues and approaches to ethics matters.

### Roger Rickwood

Dr. Roger Rickwood is a Fellow of McLaughlin College, and a Visiting Professor in the Department of Political Science and Faculty of Graduate Studies at York University. He is an administrative and human rights lawyer, as well as a recently retired Member of the Immigration and Refugee Board. His academic interests lie in the field of amending Canadian and international refugee law, particularly in establishing entitlement for environmental refugees. Dr. Rickwood wants to regularize the processes of administrative discretion in Canadian social policy programs, as well as maximize rights for children with fetal alcohol spectrum disorder. He joined the Centre in December 2005 to learn more on how to keep governments and administrative agencies accountable, fair and efficient. He brings to the Centre the pragmatic ideas of a seasoned decision-

maker with a strong sense of social justice. He strives to apply and communicate Master George Tatham's ten principles of inter-disciplinary learning and character development. He is eager to answer student inquiries in any of these fields.

In his spare time, Dr. Rickwood enjoys watching British detective shows such as Jack Frost and Rosemary and Thyme, and the British north country police soap Heartbeat. He counts collecting Toby jugs, old typewriters and vintage radios among his hobbies.

Dr. Rickwood recommends reading Madame Justice Louise Arbour's lecture to the Dominion Institute in March 2005 entitled from "From Charity to Entitlement" as the definitive action guide for all progressive minded people interested in social justice, democratic accountability and administrative fairness.

### Joel Lexchin

Joel Lexchin has been affiliated with York University since 2001 but has worked at the University of Toronto since 1988. He joined the YCPE under the auspices of other members' recommendations in 2005. He hopes to gain a broader understanding of how ethical issues impact the health care community through his involvement in the Centre. With his breadth of knowledge on ethics related to pharmaceutical policy issues, Professor Lexchin will prove to be a valuable resource to anyone working on related issues.

Professor Lexchin has been working with organizations around the world (primarily Europe and Australia) on international aspects of drug policy since the late 1980s. His academic interests lie in the field of pharmaceutical policy for both research and teaching. He also enjoys canoe trips and traveling, and has recently taken in and recommends kd Lang's "Hymns of the 49th Parallel" and the movie, C.R.A.Z.Y.

### Shaun Young

Shaun P. Young is relatively new to York University and definitely new to the YCPE. Associated with York for approximately a year and a half, Professor Young hopes to find in the Centre a community of individuals interested in his broad fields of political theory and public policy. His research has always engaged issues of practical ethics, particularly with respect to public policy development and political behaviour. Professor Young is particularly interested in the development of empirically informed theories of justice that purposely seek to assist in the design of public policy.

Professor Young is looking forward to drawing upon the knowledge of the YCPE community members in order to both improve his understanding of the issues and enhance the scope and quality

of his research. He also looks forward to presenting his research in seminar format, perhaps through an YCPE lunchtime talk. He considers it a distinct privilege and honour to be invited to become a member of such a respected organization and community.

When not pursuing his academic goals, Professor Young could be found playing guitar, singing and writing original songs. Aside from these hobbies, he has also found time to read *The Truth of Power: Intellectual Affairs in the Clinton White House* by Benjamin Barber; as well as *The Simpsons and Philosophy*, edited by Irwin, Conard and Skoble – both of which he recommends as great reading for leisure time.



## Update from David Wiesenthal

### David Wiesenthal

As you may know, I am currently the Chair of the Human Participants Review Committee (HPRC), which is York's research ethics board. Canada has initiated a national set of standards for the evaluation of research practices to ensure that they meet high ethical standards. The three federal funding agencies (the Canadian Institute of Health Research, the Natural Sciences and Engineering Research Council and the Social Science and Humanities Research Council) established a series of guidelines (termed the Tri-Council Policy Statement) that established a uniform set of standards and procedures that

dramatically extended ethical screening to a wide variety of scholarly endeavours that previously had not been subject to review or only were informally evaluated according to codes established by professional associations. All faculty research, whether funded or not, must now be reviewed by research ethics boards, along with graduate students' theses and dissertations. Undergraduate research is reviewed at the departmental while other graduate research is subject to review at the programme level. Research with human participants conducted by York faculty abroad must also be reviewed as are projects conducted at York by visiting faculty from other universi-

ties. While the Tri-Council has not explained the reason for implementing this code, it is reasonable to assume that Canada felt pressure to establish parallel procedures that have been implemented in the United States and other countries which would facilitate international collaborative endeavours. The Canadian ethical code seems heavily influenced by the concern with protecting participants from possible risks during the conduct of clinical trials in biomedical research and has been criticized on that account. York is largely a university where behavioural and social science research is performed where the risks and benefits to research participants are of a differ-

ent sort and are usually minimal.

There are various plans, discussed at a national level, for the training and certification of faculty serving on these ethics review boards, along with an accrediting procedure for the boards to allow them to function more efficiently in reviewing multi-centre studies. York's Centre for Practical Ethics has the opportunity to become actively engaged in research and development of these emerging ethical review standards and in the provision of ethics education for members of research ethics boards in Ontario hospitals, colleges and universities.

## Report on a Case Conferencing Model for Citizenship and Immigration Canada (CIC)

### Shirley Katz

In February 2001, the York Centre for Practical Ethics, under the directorship of Professor David Shugarman, organized and presented an education workshop that we called "Baker and Beyond." The "Baker" referred to a 1999 Supreme Court of Canada decision concerning one Mavis Baker, a woman originally from Jamaica, with Canadian-born dependent children. Ms. Baker had arrived in Canada as a visitor, had never received permanent resident status, and had supported herself illegally for over eleven years as a live-in domestic worker. She was ordered de-

ported. She then applied for an exemption, based on humanitarian and compassionate considerations under the relevant section of the *Immigration Act* (now the *Immigration and Refugee Protection Act*), from the requirement that an application for permanent residence be made outside of Canada. Her application cited concerns about the availability of medical aid in her country of origin (she had been diagnosed with paranoid schizophrenia), and the effect of her possible departure on her Canadian-born children. A senior officer of CIC found that there were insufficient humanitarian and compassionate reasons to warrant processing her application for per-

manent residence in Canada. He gave no reasons for his decision.

The Supreme Court of Canada sided with Ms. Baker. The Court said that in the exercise of their discretion, the immigration officers involved in the case did not make their decision "in a manner which was alive, attentive, or sensitive to the interests of the appellant's children." This case created great concern for all immigration officers who were responsible for making decisions on humanitarian and compassionate grounds ("H & C officers"). The officers who were responsible for the Baker decision were named in the Supreme Court judgment, and CIC management person-

nel thought it was time to review various administrative, legal and ethical components of H & C decision-making.

I was a presenter at the "Baker and Beyond" conference and dealt with the ethical components of discretionary decision-making. Apparently what I had to say struck a responsive chord, and I was asked to develop a case conferencing model for the H & C decision-makers.

One of the aspects that we had stressed at the conference was that a more consultative process for developing a case analysis would benefit H & C decision-makers. Their

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## Report on a Case Conferencing Model - Continued..

powers are delegated powers, delegated by the Minister, and as such cannot be delegated further. Their discretion cannot be fettered. The challenge was to develop a case conferencing model that would not fetter the discretion of these discretionary decision-makers.

Another challenge was to effect a cultural change within the CIC infrastructure. While formal case conferencing occurs in many case based disciplines like medicine and social work, this form of interchange was not part of the mainstream culture of CIC. The challenge was to introduce what we in the academic world take for granted: "brainstorming."

In this endeavour, I was ably assisted by an Associate Member of the Centre for Practical Ethics and a York graduate, Alan Shefman. Together we arrived at a model that we tested at two CIC sites: one port-of-entry site, CIC Niagara, and one inland site, CIC Mississauga. The model at these two sites worked to perfection, largely because at each site the person who had carriage of the project was a gifted manager and leader.

I was then asked to extend the model to two other GTA sites, CIC Etobicoke and CIC Scarborough. At these sites, the model did not get fully implemented because of a variety of factors, including

labour disruptions in the civil service. We are pursuing the implementation of the model this year at CIC Scarborough.

In addition to developing the case conferencing model for H & C decision-makers, I was also asked to fine tune the model for a different group of CIC officers: the pre-removal risk assessment officers ("PPRA"). These officers assess the risks (e.g., of torture and death) that applicants who have been ordered removed from Canada might face in their country of origin. The model worked wonderfully well with the PPRA unit, again in large part because of the leadership role played by the PPRA manager.

This case conferencing model has, by all accounts, changed the culture of the CIC offices where it has been successfully implemented. Mr. Shefman and I have presented the model to provincial and national meetings of CIC personnel, and the hope and expectation is that the model might be extended to H & C decision-makers in CIC offices throughout Ontario, and then in the rest of Canada.

*Shirley Katz is an Associate Professor in the Division of Humanities, a founding member of the York Centre for Practical Ethics, and a lawyer (of the Bar of Ontario).*

### New Titles in the YCPE Library!

We have 11 new titles to add to the YCPE Catalogue, courtesy of Professor Esteve Morera. Many thanks!

The YCPE graciously accepts donations of any Ethics books so please think of us next time you're spring cleaning or "re-gifting".

### YCPE's New Website

Since September, YCPE's website has been under massive reconstruction. While some of its content is still being updated, the site is now close to being finished.

Please have a look and tell us what you think.

[Http://www.yorku.ca/ycpe](http://www.yorku.ca/ycpe)



YCPE Members enjoying conversation at this month's' lunch panel session

## This Month at the Centre...

The YCPE welcomed Robert MacDermid (York) and Dennis Pilon (Trent) to York's McLaughlin College for a panel discussion on proportional representation.

Both speakers addressed questions around proportional representation, including: Would a voting system that is at least partly based on the principle of proportional representation (PR), and not the current "first past the post" system, be a fairer system? Is PR a better way of including disparate views and voices of minorities? Or might it skew public debate in the direction of single-issue groups and zealotry? Might PR make minority governments more prevalent and weaken our governmental system? Would elected representatives under a PR system lose touch with constituents? Because of the complexity of PR, would young people remain just as cynical as they seem to be when it comes to electing government officials?



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