

Memorandum



Mr. Marchese;

You can imagine how shocked I was to learn that you had not received this. It was mailed on Sept. 28; you should have received it before the end of that week.

I appreciate your offer to expedite this and process it today. If you need the documentation I will send it promptly. Please call & advise : 302-451-1176 (2271).

Thank you
Jeff E. Cicala
AAUP Del. Chap.
 grievance Officer

September 26, 1990

TO WHOM IT MAY CONCERN:

The University of Delaware Chapter of The American Association of University Professors requests binding arbitration regarding the policy, articulated by the President of the University of Delaware, to "neither solicit nor accept further financial support from the Pioneer Fund." Binding arbitration is requested solely with regard to contractual matters, specifically whether the afore-mentioned University policy violates faculty's contractual right to academic freedom. The complainants stipulate that they reserve all Constitutional and other rights.

Contractual Issue

The grievance against the University is brought under Article XVI (Maintenance of Practices) of the Collective Bargaining Agreement. Section 16.1 states that "[a]n administrative action not in accordance with the past application or interpretation of the above policies [specified or continued by this Agreement] shall be grievable." Section 16.2 states that [t]he Faculty Handbook shall contain a complete copy of each University-wide policy that governs the practices enumerated in section 16.1 of this Article."

Section III-B-1 (Academic Freedom) of the Faculty Handbook begins by stating that [i]t is recognized that if faculty members are to teach and carry on research effectively, academic freedom is necessary. Academic freedom is the freedom of the faculty to teach and speak out as the fruits of their research and scholarship dictate, even though their conclusions may be unpopular or contrary to public opinion." The specific statement passed by the University Faculty Senate and adopted by the University, and contained in Section II-B-1, is even more emphatic by stipulating that faculty are "entitled to full freedom in research and in the publication of results" (emphasis added).

Summary of Evidence of Violation of Academic Freedom

The University's decision to "neither seek nor accept further financial support from the Pioneer Fund," which includes not processing faculty grant applications to the Pioneer Fund, arose in the wake of numerous objections to the content of Linda Gottfredson's scholarly research. These objections were specific to that part of her scholarship which examines the societal dilemmas created by individual and group differences in mental ability, for example, in personnel selection. These objections erupted in the form of a highly publicized controversy over the source of her research support. Prior to this, there had been only a few complaints lodged officially and none had been acted upon or publicly acknowledged. Upon receiving an October 31,

1989 letter of complaint about the Pioneer Fund from a member of the faculty, the President first asked his assistant to investigate the charges against the Fund and then, on November 22, asked the Faculty Senate Committee on Research to consider the issues and formulate recommendations.

In its April 19, 1990 report to the President, the University Research Committee tacitly rejected the charges that had been levied against the Fund, by virtually ignoring all accusations. Its recommendation to ban Pioneer funds was based entirely on its own political objections. Stating first (and mistakenly) that "...[a] preponderant portion of the activities supported by the Fund either seek to demonstrate or start from the assumption that there are fundamental hereditary differences among people of different racial and cultural backgrounds...", the committee then leapt to the political conclusion that "[a]ccording to this view, which the activities supported by the Fund propagate, affirmative action plans are unjust and doomed to failure, and should be abandoned." This presumed political view, the committee concluded, was in sharp conflict with the University's commitment to racial and cultural diversity.

The President accepted the Research Committee's recommendations, and in a press release on April 30 announced his decision to ban Pioneer funds.

The Board of Trustees affirmed the President's decision and removed all pretense of concern for truth and academic freedom when its chair wrote:

No matter whether [a belief in genetic differences by race] is in fact the orientation of the Pioneer Fund or not, that is perceived as the orientation of the Fund by at least a material number of our faculty, staff, and students.

Without judging the merits of this perception, the Board's objective of increasing minority presence at the University could in the view of our Executive Committee be hampered if the University chose to seek funds from the Pioneer Fund at this time. This decision simply signifies that the University does not at present find its participation consistent with the University's overall interests.

On June 4, 1990 Professor Jan Blits applied to the Pioneer Fund for support for his research on the growing politicization of science. The University, however, refused to process the application and on July 3 it was returned to him on the ground that seeking Pioneer funds "is not in accordance with University policy."

Similarly, on July 11, 1990 Professor Gottfredson submitted a proposal to the Pioneer Fund to complete work in progress, specifically to edit a book based on a colloquium series organized by Gottfredson and sponsored by the College of Education. On July 18 the University returned the proposal to her, stating that seeking Pioneer monies "is not in accordance with University policy."

It is here contended that the President's ban on faculty-solicited Pioneer funds, and the University's actions against the funding applications of Blits and Gottfredson, rest on the ideological content of the research of the complainants, and they have and will adversely affect, both materially and substantially, their research activities, careers, and reputations.

First, the President's decision is based on the recommendations of the Research Committee which justified its ban partly on the work of Professor Gottfredson, but obscured that fact. On February 20, 1990 the Research Committee wrote to request Professor Gottfredson's Pioneer Fund-related publications and other materials, claiming that their examination would be merely for understanding "the relationship of the Pioneer Fund with the University of Delaware." Compounding this violation of her academic freedom, the Committee's April 19 report cited some of Gottfredson's activities without reference to her. These citations were presented as examples of the sort of Pioneer-funded work that the Committee thought justified its recommended ban.

Second, the President's ban succeeded in doing by indirection what the University is prohibited from doing directly; it burdens and suppresses research for ideological reasons. The University is denying Professors Gottfredson and Blits access to grants on the basis of the supposed views of other researchers that there are genetic differences between races.

Third, the President banned Pioneer funds with full knowledge that the ban would directly affect the complainants, and only the complainants. They are the only faculty members at the University of Delaware who have been supported by the Pioneer Fund.

Finally, the adverse effect of the President's ban on Pioneer funds is and will continue to be material and substantial. While the Research Committee suggested that faculty members might receive Pioneer Funds outside of University auspices, this has been found, on examination, to be totally unworkable and a threat to the complainants' tenure. The President's ban has made inaccessible funds from a granting agency with which the complainants have a history of success in

obtaining research grants. Further, the politically sensitive nature of the research makes it virtually impossible to obtain funds from agencies which are under the scrutiny of an often misinformed public.

Relief Sought

1. Reversal of the ban on Pioneer monies and assurance that funding sources will not again be restricted on ideological or political grounds.
2. Public apology ^{to us} from the President in a manner that is fair and appropriate under the circumstances.
3. Release from all non-research duties for just and reasonable periods to be proven at arbitration and to be devoted to repairing damage and delay to the complainants' research programs.
4. Just and reasonable monetary awards, in amounts to be proven at arbitration, for financial expenses and damage to the complainants' reputations.
5. Assurance that the administration will not again selectively punish, stigmatize, or otherwise burden any past or future Pioneer Fund applicant.

Sincerely,

Barbara H. Settles/gac
Barbara H. Settles
President
University of Delaware Chapter
American Association of
University Professors

George L. Cicala
Grievance Officer
AAUP

April 19, 1990

Report of the Faculty Senate Committee on Research on the Issue of the
University of Delaware's Relationship with the Pioneer Fund

Abstract

The University of Delaware should neither seek nor accept any further financial support from the Pioneer Fund as long as the Fund remains committed to the intent of its original charter and to a pattern of activities incompatible with the University's mission. The President of the Pioneer Fund has explicitly asserted his belief that the Fund should continue to be guided by the intentions of its founders. A preponderant portion of the activities supported by the Fund either seek to demonstrate or start from the assumption that there are fundamental hereditary differences among people of different racial and cultural backgrounds, and the procedures of the Pioneer Fund offer no assurances that financial support is extended without prejudice and according to academic merit. Academic freedom does not require that the University approve and forward every application for external funding generated by members of the faculty. The University has a right to set its own priorities for support of scholarly activity. The University's commitment to racial and cultural diversity is an essential part of, not a rival principle in conflict with, the University's commitment to the right of all people to participate in an environment of free and open inquiry.

Report

On November 22, 1989 President Trabant asked the Faculty Senate Committee on Research to consider several questions concerning the University's receipt of money from the Pioneer Fund. The Committee has met many times over the intervening months to consider the complex and important issues, has solicited and received information and opinions from many individuals and organizations inside and outside the University, and has held a series of meetings with people involved or particularly interested in the matter. The Committee has reached the following conclusion:

The University of Delaware should neither seek nor accept any further financial support from the Pioneer Fund as long as the Fund remains committed to the intent of its original charter and to a pattern of activities incompatible with the University's mission.

The background and reasoning for this conclusion and for the Committee's recommendations are discussed under three headings:

- Academic freedom and support of faculty research through the University
- The University's commitment to support racial and cultural diversity
- The relationship of the Pioneer Fund to the University of Delaware

Before turning to these three central topics, as a preamble, the Committee wishes to make clear that Professor Linda Gottfredson, the principal investigator and recipient of Pioneer Fund support through the University, has not been the focus of this investigation. The University has established procedures for periodic peer review of the scholarship and other activities of its faculty, and this Committee would reject any charge to conduct an ad hoc inquiry into a faculty member's work. That work enjoys the full protection of academic freedom extended to all faculty members of this University. Furthermore, the Committee's review revealed that the principal investigator complied with University procedures and policies, and obtained the signatures and the approval of the department chair, of the college dean, of the University Provost and other relevant University officials. In the application for funding the principal investigator described the nature of the proposed work, and upon receipt of support fulfilled the funding requirements. The work performed under the grant, whether research or service activities, is not at issue. With this essential point having been stated we can turn to the three major areas considered by the Committee in formulating its recommendations.

Academic Freedom

Academic freedom does not require that the University endorse and forward every application for external funding generated by members of the faculty. The University has a right to set its own priorities for support of scholarly activity.

In his letter charging the Faculty Senate Committee on Research President Trabant asked that we "recognize the fundamental right of a faculty member to pursue research in a field of the faculty member's choice, even if that research is unpopular." Some who have written to the Committee have perceived a threat to academic freedom. In considering the questions raised in relation to the Pioneer Fund the Committee has never directed its attention to the content or method of any faculty member's research or teaching, and would oppose any attempt to restrict a colleague's rights in these protected areas.

It is important to distinguish between a faculty member's right to pursue research and a faculty member's privilege to seek funding for that research through the University. Some have asserted an absolute right to

seek funding through the University from any source whatsoever. The Committee has found no basis for such an assertion in academic practice or in law. Many universities recognize, as does the University of Delaware (see the Faculty Handbook III-B-1), "the freedom of the faculty to teach and speak out as the fruits of their research and scholarship dictate, even though their conclusions may be unpopular or contrary to public opinion, . . . [and the] full freedom in research and in the publication of results . . . [and] in the classroom in discussing his or her subject."

The argument that the ability to pursue research is made meaningless if the financial support to do that research is denied deserves serious consideration. However, it is by no means an obvious and necessary corollary of academic freedom that the University must endorse and support that research. In fact, under current practice several policies already in effect at the University of Delaware restrict a faculty member's ability to secure funding in some circumstances. For example, for more than fifteen years University policy has prohibited the acceptance of funds to do classified research, on the grounds that such research is incompatible with the University's mission to pursue free and open inquiry. Also for a number of years it has been University policy that faculty "may not accept gifts, grants, or research contracts from private firms in which they have an equity interest," on the grounds of conflict of interest.

Therefore the University's right to restrict possible funding sources is already established. It is essential that such restrictions be applied in a fair, reasoned, and consistent manner. Members of the faculty must also recognize the University's right to establish its own priorities, interests and commitments. The fact that a faculty member may have the good fortune to find a donor willing to establish at the University a research center or program does not obligate the University to accept such a grant or establish such a center. Without such a right of refusal the University would have no control over its own destiny. The question before this Committee is whether the Pioneer Fund is a potential funding source to which faculty members may not apply under University auspices, and upon what grounds such proscription may be founded.

Racial and Cultural Diversity

The University's commitment to racial and cultural diversity is an essential part of, not a rival principle in conflict with, the University's commitment to the right of all people to participate in an environment of free and open inquiry.

The charge to the President's Commission to Promote Racial and Cultural Diversity reads in part: "The University of Delaware is committed to creating an educational community that is intellectually, culturally and socially diverse, enriched by the contributions and full participation of people from different backgrounds. Towards that end, the University is further committed to . . . creating a climate that

expects and encourages all members of the University community to respect and appreciate individual and cultural differences, promoting equity for people of different backgrounds throughout all areas of University life." This is a special commitment by the University, reflecting its effort to redress the results of generations of cultural, gender and especially racial discrimination. If the University decides that it does not wish to seek or accept financial support from organizations opposed to its policy on and commitment to racial and cultural diversity, no general precedent applicable to other potentially controversial issues is established.

It has been suggested to the Committee that although the University's commitment to racial and cultural diversity is important, the University has a more fundamental commitment to free and open inquiry, which constitutes a higher value to which the commitment to diversity must yield in the event of conflict. This contention fails for two reasons. First, as has already been stated, the refusal by the University to seek financial support from a particular source does not in and of itself deny free and open inquiry. Second, this contention fails to recognize that the University's commitment to racial and cultural diversity is intended precisely to allow access to free and open inquiry for all persons of whatever racial or cultural background. If the University agrees to act in partnership with any organization committed to the proposition that people of different racial and cultural backgrounds are inherently unequal, then that partnership restricts the ability of individuals from all backgrounds to be treated as fully equal participants in the University community.

The Relationship of the Pioneer Fund to the University of Delaware

The Committee's conclusions concerning the Pioneer Fund are based upon the materials provided by the Pioneer Fund and by other individuals and organizations. Of central importance are the current charter, procedures, and activities of the Pioneer Fund, and the statements and activities directly attributable to the Pioneer Fund and organizations to which it has extended financial support. Is the Pioneer Fund committed to views and activities incompatible with the University of Delaware's mission to promote free and unbiased inquiry and its commitment to racial and cultural diversity? In addressing this question the Committee considered the Pioneer Fund's charter, its pattern of funding activities, and its procedures.

1) Charter

While two words of the Pioneer Fund's 1937 charter were altered in 1985, the Fund's activities continue to be consistent with the original intent of that charter, and the President of the Fund has explicitly asserted his belief that the Fund should continue to be guided by the intentions of its founders.

The Pioneer Fund was founded in 1937, and its original charter dates from that year. The charter was amended in 1985 through the deletion of

one word and the addition of one other. The charter has two operating clauses describing the proposed activities of the organization. These must be quoted at some length, with the deletion and addition indicated in brackets. The charter states that the Fund was established as follows:

A. To provide or aid in providing for the education of children of parents deemed to have such qualities and traits of character as to make such parents of unusual value as citizens, and, in the case of children of such parents whose means are inadequate therefore, to provide financial aid for the support, training, and start in life of such children. The children selected for such aid shall be children of parents who are citizens of the United States, and in selecting such children, unless the directors deem it inadvisable, consideration shall be especially given to children who are deemed to be descended predominantly from white [in 1985 "white" was deleted] persons who settled in the original thirteen states prior to the adoption of the constitution of the United States and/or from related stocks. . . . B. To conduct or aid in conducting study and research into the problems of heredity and eugenics in the human race generally and such study and such research in respect to animals and plants as may throw light upon heredity in man, and to conduct or aid in conducting research and study into the problems of [in 1985 "human" was added] race betterment with special reference to the people of the United States, and for the advance of knowledge and the dissemination of information with respect to any studies so made or in general with respect to heredity and eugenics.

The 1937 Pioneer Fund charter was explicitly a "for whites only" document. In both oral and written communications to the Committee Mr. Harry Weyher, President of the Pioneer Fund, has indicated that such a "whites only" policy was common in 1937, and indeed observed that the University of Delaware was at that time a racially segregated "for whites only" institution. Yet it must be recognized that the University has made great efforts to change. Years ago the University was desegregated. An affirmative action policy has been established. The President's Commission to Promote Racial and Cultural Diversity was established to redress the University's earlier failure to allow individuals of all ethnic, racial and cultural backgrounds to participate in University life.

Has the Pioneer Fund also changed? The Pioneer Fund has not repudiated the original intent of its charter, which discriminates against people who were not "white" descendants of settlers of the original thirteen states prior to 1776. The deletion of the word "white" in 1985, thirty-one years after Brown v. Board of Education, twenty-one years after the Civil Rights Act of 1964, occurred only when the Pioneer Fund came under public criticism. According to Mr. Weyher the change was made "because of the fact that Mehler and these other people have been making tabloid newspaper stories." When asked during his March 20 meeting with the Committee to comment upon the University of Delaware

having dramatically changed in its attitudes to racial and cultural diversity since 1937 while the Pioneer Fund appeared to have changed very little, Mr. Weyher responded "I didn't think it was up to me to try to change a thing like that [i.e. the organization's charter] that somebody else had written and they had put their money in it. I don't believe in changing somebody else's objectives or somebody else's targets if he is the one who paid for the whole thing."

It is the view of the President of the Pioneer Fund, who has been a director of the Fund since 1958, that the Fund still respects the objectives and intentions of the original 1937 charter. In response to several separate questions Mr. Weyher repeated this sentiment in different forms. The Pioneer Fund as a private organization has a right to maintain such views, and the First Amendment protects the Fund's right to hold and broadcast such views. The University of Delaware has an obligation to recognize that such views are clearly and unambiguously in conflict with the University's commitment to racial and cultural diversity.

2) Pattern of Funding

A substantial, even a preponderant portion of the activities supported by the Pioneer Fund either seek to demonstrate or start from the assumption that there are fundamental hereditary differences among people of different racial and cultural backgrounds. On the basis of this premise the Fund seeks to influence public policy according to a eugenic program.

According to its charter, the Pioneer Fund supports research and the dissemination of information with reference to "the problems of heredity and eugenics in the human race." According to its description of its own activities dated November 1, 1989, the Pioneer Fund makes grants in a number of areas. Specifically mentioned are projects involving the study of twins, human abilities and disabilities, and genetic diseases. For the latter category a detailed list of "Some Diseases Studied under Pioneer Fund Grants" was provided, listing AIDS, heart disease, hemophilia, nutritional deficiencies [and their] impact on intelligence, periodontal disease, pregnancy problems, psychoses, schizophrenia, sickle cell anemia, Tay-Sacks disease and Tourette's syndrome. This list is presented as if to suggest a sympathetic response to diseases that exclusively or predominantly affect a wide range of racial and ethnic groups. Such suggested balance of activities is in fact seriously misleading when the amounts and numbers of the grants involved are considered. Since 1982, the first year for which the Pioneer Fund made its list of grants available, only one of the organizations involved with study or treatment of the diseases associated with ethnic communities which the Pioneer Fund states it has supported, the Tay-Sacks Prevention Program of the Shriver Center for Mental Retardation, has received any financial support, and that support was one single grant for the sum of \$1,000, in 1984.

Over the last five years the Pioneer Fund made an average of eighteen grants per year, grants averaging \$38,642 over that period. As the figures themselves show, and as Mr. Weyher stated in his meeting with the Committee, it is the Pioneer Fund's common practice to make repeated grants to the same organizations. Between 1985 and 1989 the following organizations received Pioneer Fund support as indicated:

University of Minnesota - 3 grants totalling \$332,000

Institute for the Study of Educational Differences - 6 grants totalling \$337,500

Foundation for American Immigration Reform - 8 grants totalling \$295,000

Institute for the Study of Man - 5 grants totalling \$132,300

Coalition for Freedom - 3 grants for \$130,000

Johns Hopkins University - 2 grants for \$124,000

American Immigration Control Reform - 3 grants totalling \$80,000

Foundation for Human Understanding - 3 grants totalling \$25,000

Most of these activities supported by the Pioneer Fund have to do with racial and ethnic differences as a function of heredity and eugenics, and had the purpose of shaping public policy. Some examples of activities undertaken by recent and current recipients of Pioneer Fund support need to be cited, only a few among many others that have been brought to the Committee's attention.

Research, publications and distribution of materials supported by the Pioneer Fund include the work of Arthur Jensen, who has argued repeatedly for the existence of what he calls a "g factor," which is an inherited "general intelligence" that he finds to be eighteen percent lower in blacks than in whites.

Drawing upon Jensen's arguments, J. Philippe Rushton, recipient through the University of Western Ontario of grants from the Pioneer Fund totalling \$206,550 since 1984, has, according to extensive quotations from a 1988 article supplied to the Committee, found hereditary racial correlations not only in intelligence but also in such factors as sexual restraint, personality, and social organizations, "all of which show whites between Orientals and blacks. The efficient unit of analysis, therefore, is the higher order concept of race, within which cluster the different ethnic groups and, ultimately, individuals."

Robert Gordon, recipient of Pioneer Fund support through the Johns Hopkins University, has extended the analysis of hereditary racial

differences in intelligence into the area of crime: "the consequences of differences in g can be quite pervasive; crime, after all, often represents a kind of occupation."

Two of the largest recipients of Pioneer Fund support are the Foundation for American Immigration Reform (FAIR), and American Immigration Control Foundation (AICF), both of which focus their attention upon immigration questions, especially focusing upon illegal immigration. Grants made to these organizations since 1985 have been described by the Pioneer Fund as being in support of "study of various illegal immigration problems," "purchase of computer system," and "printing and distribution of monographs on population questions." When asked to explain how these activities related to the Pioneer Fund's charter, which calls for support of "study and research into the problems of heredity and genetics in the human race," Mr. Weyher stated that this is "because illegal immigrants are a big part of our demography in this country, the demographics of the country now have to include about six million illegal Hispanics." When questioned further, Mr. Weyher characterized these major Pioneer Fund activities as related to the study of eugenics.

In January 1982 the Foundation for Human Understanding, recipient of Pioneer Fund grants totalling \$81,000 since 1982, placed an advertisement in The Citizen for a book by John R. Baker entitled Race. The text of the advertisement reads in part: "For almost half a century, largely because of the negative reaction to Hitlerism, the West has paid so little attention to the all-important science of race that the man in the street has had to become his own physical anthropologist, has had to devise his own ad hoc system of racial identification. Now, in layman's language, Dr. John R. Baker puts us straight on race. . . . How to tell a Nordic from an Alpine, an Alpine from a Mediterranean, a Jew from a Gentile? How does one race compare with another in intelligence, work concentration, inventiveness, stamina? Which of the various racial traits, both physical and mental, are inherited, and which are not? . . . History depends to a great extent on race . . . [and] surely it is time to have a book that may well provide the master key."

3) Procedures

The procedures of the Pioneer Fund offer no assurances that financial support is extended without prejudice and according to academic merit.

The procedures of the Pioneer Fund in making grants and administering financial support are not in and of themselves either singly or even taken all together sufficient grounds for the University to refuse to accept funds from that organization. On the other hand it must be recognized that these procedures are unusual for such a large organization, now making annual disbursements in excess of one-half million dollars, and that these unusual procedures certainly raise questions concerning the openness and impartiality of the Pioneer Fund.

The Pioneer Fund claims that it is careful to exert no control over the outcome of activities that it supports, yet its procedures assure that only applicants introduced to the organization by previous grantees are likely to seek and secure financial support. Procedures such as peer review and outside expert evaluation are employed by large organizations that exist to support research precisely so as to assure that financial support is extended without manipulation or prejudice and according to academic merit. The procedures of the Pioneer Fund offer no such assurances.

Application Review Procedures.

According to the most recent tax return made available to us by the Pioneer Fund, for the year 1987, the Pioneer Fund had assets whose fair market value was assessed at \$5,757,522, and disbursed \$739,776 in grants to various organizations. The Pioneer Fund distributes no descriptive brochures, advertisements or other materials that might bring the Fund to the attention of scholars working in the field of its interest or to encourage applications. There is no application form for grant proposals made to the Pioneer Fund. The applicant simply writes a brief letter to the Fund, one copy, at any time of the year, and the five-member Board considers it, sometimes rendering a decision in only one day, according to Mr. Weyher. There is no provision for peer review, and none whatsoever for independent scholarly assessment. The members of the Board are at the present time an investment banker, two engineers, and two attorneys. When asked to name some individuals contacted for expert advice on matters of scholarship, Mr. Weyher named two of the largest recipients of Pioneer Fund support. The Fund requires no interim or final reports from its grantees, and does not ask for copies of work carried out with its support.

Acknowledgement of Funding.

The Pioneer Fund does not ask for acknowledgement of its financial support in published materials or in any other form, and most recipients of Pioneer Fund support do not acknowledge that support.

In fact none of the materials prepared or distributed at the University of Delaware mentions in any way that all direct costs or indeed any costs were borne by the Pioneer Fund. According to Mr. Weyher, although the Fund neither encourages nor discourages acknowledgement, no more than 10-20% of its grantees acknowledge the Fund's support. It is difficult to understand how such a pattern of non-acknowledgement, a clear deviation from normal academic expectations and practice, and also an action running against a scholar's normal pride in the receipt of financial support for his or her work, could be purely coincidental. Such an unusual pattern on the part of grantees also seems at variance with the Pioneer Fund's repeated insistence that its unusually unstructured procedures are designed to maintain distance between the Fund and its grantees so as "to insure the impartiality of the research." Indeed, the pattern of non-acknowledgement of Pioneer Fund support characteristic of the Fund's grantees has the further effect

that when materials are distributed under grants made by the Pioneer Fund, the impression is created that the activity is being carried on by the University acting alone, since the materials bear the University's coat of arms but make no mention of the Pioneer Fund. Such an impression is misleading.

As a matter of policy the Pioneer Fund will not make grants to individuals but only to universities and other organizations.

According to Mr. Weyher this restriction is self-imposed, and if it wished to do so, the Fund could prepare documents that would enable it to make grants directly to individuals. Thus if the University decides not to allow application to the Pioneer Fund under its auspices, such a decision amounts to a total denial of access to the Fund for members of its faculty only because of the Pioneer Fund's own restrictions, not because of the University's actions. In any event, a faculty member may seek permission to establish a center or program independently of the University, subject to the restriction that University commitments to research, teaching, and service continue to be met, and could seek financial support from the Pioneer Fund through that program without directly involving the University. The restriction imposed by the Pioneer Fund upon its grantees has the effect of funneling funding through the University. In this way the University of Delaware lends its prestige and credibility, and is made to appear to have supported the Pioneer Fund's activities. The name of the University of Delaware is also added to the list of Pioneer Fund grant recipients, a list distributed to grantees as an indication that the Fund is a legitimate research organization that does business with prestigious institutions, without mentioning that its programs are operated by individual faculty members, usually only one faculty member.

Requirement of University Support.

The Pioneer Fund declines to pay indirect costs of grants made to organizations, indirect costs calculated at the University at the rate of approximately 30%. As a result, the total of \$174,000 given to the University in three gifts made in 1988 and 1989 by the Pioneer Fund has been matched by \$52,200 in involuntary University of Delaware contributions.

The Pioneer Fund is not by any means the only organization that refuses to pay indirect costs, and such a practice is certainly not in itself grounds for refusing to accept outside financial support. The University can and sometimes does waive the payment of such indirect costs. Surely, however, no one can maintain that the University must assume any or all of the indirect costs of any grant for which a faculty member wishes to apply, and is prohibited by the doctrine of academic freedom from deciding that it wishes to allocate its limited resources in a different way. Faculty members might wish to have the right to compel the University to make matching grants, but no one would seriously claim to have such a right. Indirect costs which support the provision of

facilities are real costs, and must be borne by the University if an outside agency declines to pay. The assumption of such costs can be avoided if the agency makes its grants directly to the individual applicant. The fact that a funding agency or organization declines to make a grant to an individual and also declines to assume the indirect costs incurred by the institution through which the individual receives the grant does not create an institutional obligation to assume the indirect costs of the grant.

Conclusion

The evidence of its charter, its procedures and its pattern of funding indicate to the committee that the Pioneer Fund is committed to the proposition that people of different ethnic and cultural backgrounds are on the basis of their heredity inherently unequal and can never be expected to behave or perform equally. According to this view, which the activities supported by the Fund propagate, affirmative action plans are unjust and doomed to failure, and should be abandoned. The University of Delaware's express commitment to the equal treatment and consideration due to people of whatsoever ethnic and cultural background, and its commitment to affirmative action policies, is in sharp conflict with the position embraced and supported by the Pioneer Fund. Certainly the University should not prohibit faculty from conducting research related to questions of race, or seek to prevent individual faculty members from seeking outside financial support for their research. However, the University has the right and the obligation to insure that its commitment as an institution to multi-cultural and multi-racial diversity is put into action as well as words. Application to a funding organization under University auspices and through University procedures, and the administration of received funds through University offices, involve the University as a partner with the external funding agency, and the University has a right to decide against undertaking such a partnership.

The University of Delaware should neither seek nor accept any further financial support from the Pioneer Fund as long as the Fund remains committed to the intent of its original charter and to a pattern of activities incompatible with the University's mission. It was a mistake for the University to have solicited financial support from the Pioneer Fund on three occasions in the past. We accept that those officials of the University who allowed the application to be signed and sent forward did so with limited knowledge of the Pioneer Fund. We see no need for the establishment of any new form of research-funding oversight process designed to determine in advance whether outside funding sources to be solicited by the University are incompatible with the University's mission. We urge that University officials who review applications for external funding be reminded of their responsibility to consider the compatibility of applications and funding sources with the University mission.

It would be improper at this time for the University to seek in any way to prevent the completion of the activities for which financial support from the Pioneer Fund has already been received. No good end would be served by stripping funds from the University's other programs in order to return money to the Pioneer Fund for eventual redistribution to other organizations that it chooses to support. The university made a mistake in seeking financial support from the Pioneer Fund, but a mistake cannot be undone. The challenge before us as individuals and as a University is to recognize the error, to acknowledge that error clearly and forthrightly, to convey our regrets to those who may have been hurt, and then to act more wisely in the future, building an academic environment in which all individuals of whatsoever ethnic or cultural background are encouraged and expected to participate equally in the free and open inquiry that is the fundamental reason for the University's existence.

Lawrence Nees, Chair
Jack Gelb
Michael Klein
Fadil Santosa
Barbara Settles
Jonathan Sharp
Richard Sylves
Robert Varrin



University of Delaware

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OFFICE OF THE PRESIDENT
NEWARK, DELAWARE 19716

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November 22, 1989

Dr. Lawrence P. Nees, Jr., Chair
Faculty Senate Committee on Research

Dear Dr. Nees:

One of our faculty members, Dr. William J. Frawley, Linguistics Department, has written to me to express his concern about the University's acceptance of money from the Pioneer Fund in support of a research project in the College of Education. In his letter of October 31, 1989 (attached), Dr. Frawley charges that the Pioneer Fund is "an organization with a long and continuous history of supporting racism, anti-Semitism, and other discriminatory practices." Dr. Frawley takes the position that the association between the University and the Pioneer Fund "flatly contradicts the expressed educational policy of the University" as one of "the explicit goals of the University of Delaware is the promotion of multi-ethnic, multi-racial, and multi-cultural awareness and sensitivity, but the Pioneer Fund is devoted to - precisely the opposite: prejudice."

The faculty member whose research has been supported by the Pioneer Fund, Dr. Linda Gottfredson, Educational Studies Department, has responded in a letter to me dated November 14, 1989 (attached). Dr. Gottfredson's position is that "the Pioneer Fund is a legitimate research foundation concerned with the study of heredity." Dr. Gottfredson states that "In recent years the fund has supported a range of studies on heredity and health, including research on twins...and more generally on human abilities and disabilities...."

The question at issue in this matter is "has the University compromised its stated position of supporting a multi-cultural and multi-racial environment by acceptance of funding from the Pioneer Fund in support of research by a faculty person?" As a corollary, should the University refuse to accept research funding from the Pioneer Fund in the future? Our efforts to resolve these questions must, of course, recognize the fundamental right of a faculty member to pursue research in a field of the faculty member's choice, even if that research is unpopular.

I believe that the questions posed above should be addressed by a faculty body. I ask that the Senate Committee on Research consider these questions and advise me of the committee's recommendations.

In reviewing this matter in the President's Office, I have collected various items of written material that may be of help in your study. This material is itemized on the attached page and a copy of the various documents is attached.

Also, as you investigate this matter, you might find the need for some support funds. If this need arises, please advise me.

I request your advice on this matter at the earliest date consistent with a thorough study.

Thank you for your assistance in this important matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "E. A. Trabant", with a long horizontal flourish extending to the right.

E. A. Trabant
President

EAT:g
Attachments

cc: Frank B. Dilley, President, Faculty Senate
Richard B. Murray, Acting Provost and Vice President for Academic Affairs
Robert D. Varrin, Associate Provost for Research
Ronald F. Whittington, The Assistant to the President



University of Delaware

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OFFICE OF THE PRESIDENT
NEWARK, DELAWARE 19716

(302) 451-2111

April 24, 1990

Professor Lawrence Nees
Art History

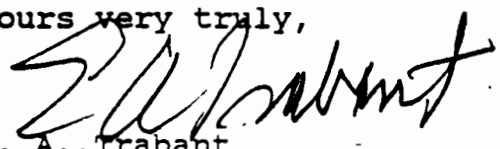
Dear Professor Nees:

I have read and studied the Faculty Senate Committee on Research Report on the issue of the University of Delaware's relationship with the Pioneer Fund. It is an excellent report. I am pleased with the thoughtfulness and thoroughness of the work of you and your committee.

I accept the report. In particular I note your statements that academic freedom does not require that the University approve and forward every application of external funding generated by members of the faculty. Furthermore, the University has a right to set its own priorities for support of scholarly activity.

Therefore, by copy of this letter it will be University policy as stated in your report. The University of Delaware should neither seek nor accept any further financial support from the Pioneer Fund as long as the Fund remains committed to intent of its original charter and to a pattern of activities incompatible with the University's mission.

Yours very truly,


E. A. Trabant
President

EAT:ems

cc: Richard B. Murray
Robert D. Varrin✓



University of Delaware

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ANDREW B. KIRKPATRICK, JR., CHAIRMAN
BOARD OF TRUSTEES
P.O. BOX 1347
WILMINGTON, DELAWARE 19899

July 2, 1990

Harry F. Weyher, Esquire
President, The Pioneer Fund, Inc.
c/o Olwine, Connelly, Chase,
O'Donnell & Weyher
299 Park Avenue
New York, New York 10171

Dear Mr. Weyher:

The Executive Committee of our Board of Trustees recently met to discuss your letter of May 21, 1990, on behalf of The Pioneer Fund, Inc., concerning the April 19, 1990 "Report of the Faculty Senate Committee on Research on the Issue of the University of Delaware's Relationship with the Pioneer Fund," which was accepted for the University administration by the April 24, 1990 letter of then-President E. A. Trabant. Incidentally, our Executive Committee is authorized to act for the Board between its meetings, and the Board itself regularly meets only twice a year, next in December.

As a result of the Executive Committee meeting, I can report that the Committee is not disposed to override the conclusion of the Faculty Senate Committee and the University administration. The conclusion to which the Committee refers is that presently the University should neither seek nor accept further financial support from the Pioneer Fund.

As background, let me explain that our Board has, as an important objective, that the University administration and faculty enhance the racial and cultural diversity of faculty, staff, and students. As a result of diligent efforts in this regard, much has been accomplished, and it is intended to continue such efforts.

An important finding of the Faculty Senate Committee's Report is that "[a] preponderant portion of the activities supported by the [Pioneer] Fund either seek

Harry F. Weyher, Esquire
July 2, 1990
Page Two

to demonstrate or start from the assumption that there are fundamental hereditary differences among people of different racial and cultural backgrounds, . . ." (e.g., pp. 1 & 6). No matter whether that is in fact the orientation of Pioneer Fund or not, that is perceived as the orientation of the Fund by at least a material number of our faculty, staff, and students.

Without judging the merits of this perception, the Board's objective of increasing minority presence at the University could in the view of our Executive Committee be hampered if the University chose to seek funds from the Pioneer Fund at this time. This decision simply signifies that the University does not at present find its participation consistent with the University's overall interests.

Sincerely yours,



Andrew B. Kirkpatrick, Jr.

ABK:sct

cc: Edmund N. Carpenter, II, Esquire