



UNIVERSITY OF TORONTO
FACULTY OF LAW

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Professors Will Durfee (Chair), Rebecca Ropers-Huilman (co-chair) Faculty Consultative Committee, Gary Engstrand, Secretary to the Faculty Senate & Professor Eva von Dassow
University of Minnesota
427 Morrill Hall
100 Church St SE
Minneapolis, MN 55455

November 14, 2013,

Re: Request for an Independent Inquiry Dan Markingson Suicide

Dear Colleagues and Members of the Senate,

We have read the minutes of the Faculty Consultative Committee's meeting discussion of our letter that were posted online. We also received the attached letter (dated November 12, 2013) from the General Counsel of the University. We want to respond to issues raised at your meeting, and to the arguments made by the General Counsel about the fact that the case has been sufficiently investigated. We note that a response from the legal counsel's office seems to confirm, unfortunately, that the administration treats this as a strictly legal issue.

In attachment, you will find a table with a clear overview of what the University argues has been undertaken with respect to the Markingson case (in its latest letter or at other occasions), and our assessment of the limitations of these alleged reviews. The table gives you also a good sense of the available evidence we looked at (with relevant links) and why we firmly believe that an independent inquiry is still needed. Our letter of October 21 already identified in general terms these points, and should have made it clear that our initiative is based on a detailed and thorough assessment of the available evidence and follows careful consideration.

We want to point out that in our communication with the other colleagues who signed our letter, we shared various sources to allow our colleagues to form their own informed opinion before signing our letter. Many of our signatories were already very informed about the case. Many conveyed to us why they were willing to sign what they considered a balanced and careful letter, which raised explicit concerns and, while not make a final determination, provided strong and sufficient reasons explaining why we argue for an independent inquiry. It is frankly insulting towards academic colleagues to insinuate they drafted or signed the October 21 letter without making an effort to be sufficiently informed.

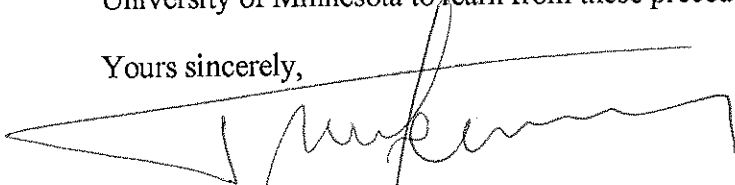
You will also find in attachment a new signatories list. We now have 175 co-signatories, in addition to the 6 main drafters of the letter. One of the recent signers, Professor Krinsky, suggested in his confirmation e-mail that the University of Minnesota should draw inspiration from the University of California, Berkeley, which set up an independent inquiry in 2004 to investigate a controversial funding contract between the College of Natural Resources and Novartis, a funding arrangement that had been widely criticized and that was subsequently adjusted.

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In Canada, the Canadian Association of University Teachers has also set up several Independent Inquiries into academic controversies, some of which also raised concerns about the protection of human research subjects. There are clear precedents, which have allowed several institutions to identify where action was needed, and to ultimately restore public trust by learning from identified problems.

For the reasons identified in our earlier letter, in the attached table, and above, we urge the University of Minnesota to learn from these precedents and to set up an inquiry.

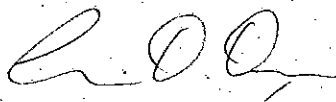
Yours sincerely,



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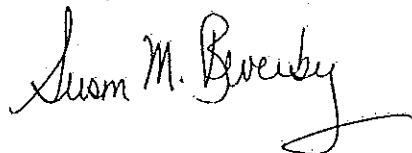
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Susan M. Reverby, PhD
Marion Butler McLean Professor in the History of Ideas and Professor of Women's and Gender
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3 Attachments: Table Overview 'Reviews' of Markingson Case (dated November 14, 2013);
Copy Letter University Counsel dated November 12, 2013; and new signatories list (November
9, 2013).