

SAFS Newsletter

Society for Academic Freedom and Scholarship

Maintaining freedom in teaching, research and scholarship
Maintaining standards of excellence in academic decisions about students and faculty

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A VICTORY FOR FREE SPEECH ON CAMPUS

The Canadian Constitution Foundation (CCF) today announced that the Alberta Crown Prosecutors' Office has decided to stay the trespassing charges which the University of Calgary had pressed against its own students.

The Alberta Provincial Court trial had been scheduled to take place on November 4, 2009.

Earlier this year, the University of Calgary charged its own students with trespassing when the students refused to comply with a University demand that they set up their Genocide Awareness Project signs in a circle facing inwards, such that no passersby could see the signs.

"The Crown's decision is good news for free speech," stated John Carpay, one of the lawyers representing the students, and Executive Director of the CCF.

"The Canadian Constitution Foundation takes no position on abortion, but we defend free speech for all Canadians, especially on the campus of a taxpayer-funded university," added Carpay.

Since 2006, the Campus Pro-Life students had set up their provocative signs on campus twice per year, in a circle facing outwards. Large colour photos of aborted fetuses were among the images used to generate discussion and heated debate. The University of Calgary took the initiative to post its own signs nearby, declaring that the display was permitted under the *Canadian Charter of Rights and Freedoms* Section 2 guarantee of free speech.

In 2008, after the Genocide Awareness Project had been displayed on campus without incident on several occasions, the University declared that "security concerns" necessitated censorship, and told the Calgary Police that the display "would trigger violence."

The University's lawyers warned the students that a failure to comply with this new demand to turn the signs inwards would result in trespassing charges, not to mention penalties of suspension or even expulsion for "non-academic misconduct."

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Editor: Dr. CLIVE SELIGMAN

E-mail: safs@safs.ca

Fax for newsletter submissions: (519) 661-3961

Mail for newsletter submissions:

Dr. Clive Seligman

Psychology Department

University of Western Ontario

London, Ontario, N6A 5C2

The students took the position that they were not in violation of any University rule, policy, bylaw or regulation. The students also argued that the University had no qualms about the display on campus of large colour photos showing the results of torture perpetrated by Chinese Communists on adherents of the Falun Gong religious movement. The students claim that the Falun Gong torture photos were merely one example of a myriad of obscene, offensive, and disturbing expression which the University tolerates on campus.

The University's own website promises that, as part of its respect for "the rich diversity of our learners," there will be no discrimination or harassment on the basis of various grounds including race, religion, and political beliefs.

Canadian Constitution Foundation, Press Release, November 2, 2009. □

SUBMISSIONS TO THE SAFS NEWSLETTER

The acting editor welcomes articles, case studies, news items, comments, readings, local chapter news, etc. Please send your submission by e-mail attachment.

Mailing Address:

Dr. Clive Seligman

Psychology Department
University of Western Ontario
London, Ontario, N6A 5C2

Fax: (519) 661-3961

E-mail: safs@safs.ca

Web: www.safs.ca

SAVING THE CANADIAN HUMAN RIGHTS COMMISSION THROUGH AMPUTATION

George Jonas

Richard Moon is the law professor retained last year by the Canadian Human Rights Commission to write a report about the regulation of "hate speech" on the Internet. He didn't strike people as a libertarian when he got his commission, so he surprised many when he recommended the repeal of Section 13, the controversial "hate speech" provision, from the Canadian Human Rights Act.

The other day, Moon outlined in the Saskatchewan Law Review Annual Lecture how he arrived at his recommendation, leaving little doubt he threw the dead ballast of s. 13 overboard to save the leaky vessel of the CHRC. He reasoned, he said, that speech should be prohibited only if it advocated, threatened or justified violence against an identifiable group, not if it merely defamed or stereotyped it, and that prohibition against preaching violence should come under the Criminal Code, not the Human Rights Act.

"I argued," the professor explained, "that a narrowly drawn ban on hate speech that focuses on expression that is tied to violence does not fit easily or simply into a human rights law that takes an expansive view of discrimination, emphasizes the effect of the action on the victim rather than the intention or misconduct of the actor and employs a process that is designed to engage the parties and facilitate a non-adjudicative resolution of the 'dispute' between them."

Professor Moon mentioned this almost in passing, to get it out of the way, before embarking on a spirited defence of the human rights industry against its critics. I'd like to dwell on his description of human rights law for a moment, though, because it illustrates perfectly why such laws don't fit easily or simply into a free society's system of laws and should be repealed altogether.

A law that takes an "expansive" view of discriminatory conduct based on the subjective feelings of groups selected to be immunized against existential trauma, then bases censure or sanctions against conduct that falls short of this standard, not on what the "actors" had actually done or intended to do, but on the effect their actions may have had on the most hostile or

sensitive or vulnerable member of an immunized group, and finally adds insult to injury by describing this arbitrary, coercive and iniquitous process as “a non-adjudicative resolution of a ‘dispute,’” turns society into a mixture between Orwell’s 1984 and a Monty Python skit.

Flaunting the insolence of office probably wasn’t Professor Moon’s intention, but many feel hurt and diminished by the process and philosophy the professor so matter-of-factly described. If a human rights tribunal were to assess what Professor Moon is advocating and justifying, not on the basis of his intentions but the feelings of Canadians who feel threatened and insulted by it, he could be found to have violated their human rights.

That is, if devotees of liberty were an identifiable and protected group under the Act. But of course they’re not.

When Canada’s statist left found it had bitten off more than it could chew last year, and could end up choking on it (as some think it ought to), the CHRC retained Professor Moon to organize an orderly disgorgement. He did. “I recommended the repeal of s. 13 of the [Canadian Human Rights Act],” Professor Moon explained in his lecture, “so that the CHRC and the Canadian Human Rights Tribunal would no longer deal with hate speech, and in particular hate speech on the Internet.”

One of his reasons, said Professor Moon, was that s. 13 “would require extraordinary intervention by the state and would dramatically compromise the public commitment to freedom of expression.” No doubt, except that would be more a classical liberal’s reason — say, my reason — for recommending s. 13’s repeal than Professor Moon’s. I suspect his recommendation had to do with the CHRC being an open whaling boat about to be swamped by big white whales, and Professor Moon not being Captain Ahab.

When Canada’s human rights industry, emboldened by its success with netting small fry — a teacher here, a preacher there — set its sights on the big fish swimming in the mainstream media, it opened itself to the risk of running into Moby Dick. As it happened, it ran into a whole school, from Ken Whyte’s harpoon-resistant Maclean’s magazine to a mix between a whale and a mongoose named Ezra Levant, and of

course the world’s only cetacean with a sense of humor, Mark Steyn. The biggest whale turned out to be the Internet itself, looming immense, committed solidly to the freedom of the seas. The good ship CHRC was no match against such fish.

Professor Moon quickly moved to cut bait, not to save an endangered species of free-swimming sea creatures but to secure the escape of the beleaguered whalers. Moon thinks he has done it, too. “While the critics of the CHRC have been successful in spreading their views, all they can hope for is a marginal win in a polarized debate,” he offered in his lecture. The pity is he may be right.

National Post, October 31, 2009. □

ALBERTA IS MORE FREE THANKS TO COURT RULING

John Carpay

Last week’s Alberta Court of Queen’s Bench ruling in *Boissoin vs. Lund* freed one man from the government’s censorship machine, and also diminished the machine’s ability to censor citizens’ opinions.

The Alberta government’s censorship machine is paragraph 3(1)(b) of the Alberta Human Rights Act.

This law reduces our ability to speak frankly about issues of public concern if our opinion happens to touch on race, ancestry, colour, place of origin, gender, sexual orientation, religion, source of income, marital status, or family status. Anything that is “likely” to expose a person to “hatred or contempt” on the basis of one of these grounds can trigger a human rights complaint. Taxpayers fund the government’s censorship machine, but those prosecuted by it must foot their own legal bills.

Under paragraph 3(1)(b), Rev. Stephen Boissoin was subjected to a “human rights” prosecution after writing a letter to the editor of the *Red Deer Advocate* in 2002. His letter expressed opposition to presenting homosexuality in a positive light to schoolchildren.

Justice Earl Wilson reprinted the entire letter in his

judgment, posted at www.CanadianConstitutionFoundation.ca.

University of Calgary professor Darren Lund complained to the human rights tribunal about the letter, triggering more than seven years of stress for Rev. Boissain, not to mention huge legal costs, lost energy, and wasted time.

Justice Wilson set aside the Panel's Order which had required Rev. Boissain to pay \$5,000 to Prof. Lund, to refrain from ever again making "disparaging remarks about gays," and to ask the Red Deer Advocate to publish an apology.

Paragraph 3(1)(b) reaches far beyond disagreements between gays and Christians.

Write a letter to the editor calling for more frequent driver's testing for seniors, and you may be charged with exposing people to hatred or contempt on the basis of age.

Express your opinion about integrating fundamentalist Muslims into Canadian society, or limiting immigration from certain countries, and your comments might be found "hateful" on the basis of religion or place of origin. Argue that single mothers should not receive welfare benefits if they live with a boyfriend or common-law spouse, and a contempt complaint could be filed against you in respect of source of income, marital status, or family status. Criticize current aboriginal policy and you might find yourself accused of contemptuous speech on the basis of race or ancestry.

Even if the complaint is ultimately dismissed, Albertans live under the threat of having to defend themselves against prosecutions that can be triggered by the likes of Prof. Lund.

Supporters of paragraph 3(1)(b) are correct when they point out that there should be some restrictions on speech. And Canada's Criminal Code does place restrictions on speech. It's illegal to advocate genocide, utter threats, willfully promote hatred, and harass people through repeated unwelcome communications.

The Crown must prove its case beyond a reasonable doubt to convict a person of one of these offences.

The accused person has the right to a timely trial, and to have proper rules of evidence and procedure followed.

Not so with human rights proceedings, which can drag on for years, and which accept mere hearsay as reliable evidence. For example, Justice Wilson took the Human Rights Panel to task for having ruled that Rev. Boissain's letter had contributed to an assault on a gay teenager.

There was no evidence before the panel that an assault took place.

Further, there was no evidence that the person committing the assault (if one even took place) was influenced by the letter to the editor.

This is but one example of numerous errors in the panel's procedures and reasoning, by which the panel makes itself look like a kangaroo court.

Unfortunately, Justice Wilson did not strike down section 3(1)(b) as an unconstitutional violation of free speech.

He did, however, limit the circumstances in which speech prosecutions are likely to succeed.

He ruled that only words that demonstrate a real intention to discriminate in the provision of housing, employment, services, etc., or words that incite others to discriminate in such areas, are outlawed.

This court ruling is a positive development toward restoring freedom of speech in Alberta, because it establishes that political commentary on public policy issues -- even when expressed in polemical or offensive terms -- ought not to be prosecuted.

Nevertheless, Premier Ed Stelmach should dismantle his government's censorship machine entirely.

John Carpay is a lawyer and Executive Director of the Canadian Constitution Foundation, which intervened before the Alberta Court of Queen's Bench in Boissain vs. Lund.

The Calgary Herald, December 10, 2009. □

PAJAMAS MEDIA

America's Worst Colleges for Free Speech on Campus

Robert Shibley

With the beginning of the new school year, students and parents are flocking to newsstands to pick up the "America's Best Colleges" issue of *U.S. News & World Report* to see how their schools of interest stack up to the others. This year, they'll be getting another piece of information as well: a list of America's worst colleges for liberty on campus. Students who are planning to attend Brandeis University, Bucknell University, Colorado College, Johns Hopkins University, Michigan State University, and Tufts University should think twice before attending those schools if they care about their fundamental rights.

This is the second year in a row that FIRE, the Foundation for Individual Rights in Education (where I work), has placed a full-page ad right next to the *U.S. News* rankings to warn students about what can happen to their liberties on campus and the colleges where these travesties are most likely to occur.

The ad features the shocking story of Keith John Sampson, a student and employee at Indiana University – Purdue University Indianapolis (IUPUI), who was found guilty of racial harassment for reading a book that *celebrates* how University of Notre Dame students defeated the Ku Klux Klan in a 1924 street fight. The apparent basis for Sampson's offense? The book has a picture of a KKK rally on the cover, and he chose to read it while sitting at a table during work breaks, thereby offending other employees.

That's right. Administrators at an American public university actually judged a book by its cover. FIRE was able to help restore Sampson's good name, but the case remains a disturbing example of the out-of-control political correctness that is rife on too many campuses. While Sampson's story is appalling, IUPUI is not on FIRE's Red Alert list of the "worst of the worst" offenders against liberty in America because it did come around once FIRE and the ACLU got involved. Bucknell, Brandeis, Colorado College, Hopkins, Michigan State, and Tufts did not even do that — and the stories there are nearly as shameful.

For instance, Bucknell University the newest addition to the list, censored a conservative group's satire of President Obama's stimulus plan (the group passed out fake "stimulus dollars," which Bucknell apparently could not abide) and an "affirmative action bake sale" protest. After administrators shut down the affirmative action bake sale because — get this — the students were charging *less* than they said they would for doughnuts, the students reapplied to conduct the protest. However, they were told they could only discuss affirmative action in a debate format with the other side. Based on this principle, we can presumably expect President Obama to be surrendering the White House lectern to Michael Steele at his next press conference.

Brandeis University, which is now in its second year on the list, found a professor of nearly 50 years guilty of racial harassment for using the word "wetbacks" in his Latin American Politics class — in the context of criticizing the term. Colorado College, another offending institution two years running, found two male students guilty of sexually related "violence" simply for posting a flyer that satirized another flyer circulated by a student group. Their crime? The male students mentioned both sex and guns (separately) in their flyer making fun of the "Feminist and Gender Studies Interns" flyer.

Johns Hopkins suspended a student for what it deemed to be an "offensive" Halloween party invitation posted on Facebook and then passed a repressive "civility" code over the protests of student leaders. Michigan State, currently in its first year on the list, found a student government leader guilty of "spamming" after she e-mailed a whopping eight percent of the faculty (in total, not even in one message) to encourage them to express their views on a proposed shortening of the school calendar.

And Tufts University found an entire student newspaper guilty of "harassment" for publishing two pieces, one satirizing affirmative action and the other commenting on Islamic Awareness Week. The latter of these two pieces included only factually verifiable information about Islam, as well as quotes from the Koran.

That's right. At Tufts, quoting actual facts that some people would rather not know is considered "harassment," giving a whole new meaning to the

phrase “an inconvenient truth.”

All six of these universities will be admitting freshmen this year, many of whom will have no idea that they are surrendering their fundamental rights to those who have shown absolutely no concern for them. Thanks to FIRE’s advertisement in *U.S. News*, however, at least some of them may know going in that administrators at their schools have decided that the fundamental rights that they thought they would find at an institution of higher education — fundamental rights for which men and women fought and died — are less important than making sure that those on campus who are fortunate enough to hold the most “popular” views feel as comfortable and unchallenged as possible.

Pajamasmedia.com, September 13, 2009. □

BLASPHEMY LAWS

Perhaps in an effort to rehabilitate the United States’ image in the Muslim world, the Obama administration has joined a U.N. effort to restrict religious speech. This country should never sacrifice freedom of expression on the altar of religion.

Jonathan Turley

Around the world, free speech is being sacrificed on the altar of religion. Whether defined as hate speech, discrimination or simple blasphemy, governments are declaring unlimited free speech as the enemy of freedom of religion. This growing movement has reached the United Nations, where religiously conservative countries received a boost in their campaign to pass an international blasphemy law. It came from the most unlikely of places: the United States.

While attracting surprisingly little attention, the Obama administration supported the effort of largely Muslim nations in the U.N. Human Rights Council to recognize exceptions to free speech for any “negative racial and religious stereotyping.” The exception was made as part of a resolution supporting free speech that passed this month, but it is the exception, not the rule that worries civil libertarians. Though the resolution

was passed unanimously, European and developing countries made it clear that they remain at odds on the issue of protecting religions from criticism. It is viewed as a transparent bid to appeal to the “Muslim street” and our Arab allies, with the administration seeking greater coexistence through the curtailment of objectionable speech. Though it has no direct enforcement (and is weaker than earlier versions), it is still viewed as a victory for those who sought to juxtapose and balance the rights of speech and religion.

In the resolution, the administration aligned itself with Egypt, which has long been criticized for prosecuting artists, activists and journalists for insulting Islam. For example, Egypt recently banned a journal that published respected poet Helmi Salem merely because one of his poems compared God to a villager who feeds ducks and milks cows. The Egyptian ambassador to the U.N., Hisham Badr, wasted no time in heralding the new consensus with the U.S. that “freedom of expression has been sometimes misused” and showing that the “true nature of this right” must yield to government limitations.

His U.S. counterpart, Douglas Griffiths, heralded “this joint project with Egypt” and supported the resolution to achieve “tolerance and the dignity of all human beings.” While not expressly endorsing blasphemy prosecutions, the administration departed from other Western allies in supporting efforts to balance free speech against the protecting of religious groups.

Thinly disguised blasphemy laws are often defended as necessary to protect the ideals of tolerance and pluralism. They ignore the fact that the laws achieve tolerance through the ultimate act of intolerance: criminalizing the ability of some individuals to denounce sacred or sensitive values. We do not need free speech to protect popular thoughts or popular people. It is designed to protect those who challenge the majority and its institutions. Criticism of religion is the very measure of the guarantee of free speech — the literal sacred institution of society.

Blasphemy prosecutions in the West appear to have increased after the riots by Muslims following the publication of cartoons disrespecting prophet Mohammed in Denmark in 2005. Rioters killed Christians, burned churches, and called for the execution of the cartoonists. While Western countries publicly defended free speech, some quietly moved to

deter those who'd cause further controversies through unpopular speech.

In Britain, it is a crime to "abuse" or "threaten" a religion under the Racial and Religious Hatred Act 2006. A 15-year-old boy was charged last year for holding up a sign outside a Scientology building declaring, "Scientology is not a religion, it is a dangerous cult." In France, famed actress Brigitte Bardot was convicted for saying in 2006 that Muslims were ruining France in a letter to then-Interior Minister (and now President) Nicolas Sarkozy. This year, Ireland joined this self-destructive trend with a blasphemy law that calls for the prosecution of anyone who writes or utters views deemed "grossly abusive or insulting in relation to matters held sacred by any religion, thereby causing outrage among a substantial number of the adherents of that religion; and he or she intends, by the publication of the matter concerned, to cause such outrage."

Consider just a few such Western "blasphemy" cases in the past two years:

- In Holland, Dutch prosecutors arrested cartoonist Gregorius Nekschot for insulting Christians and Muslims with cartoons, including one that caricatured a Christian fundamentalist and a Muslim fundamentalist as zombies who want to marry and attend gay rallies.
- In Canada, the Alberta human rights commission punished the Rev. Stephen Boission and the Concerned Christian Coalition for anti-gay speech, not only awarding damages but also censuring future speech that the commission deems inappropriate.
- In Italy, comedian Sabina Guzzanti was put under criminal investigation for joking at a rally that "in 20 years, the pope will be where he ought to be — in hell, tormented by great big poofter (gay) devils, and very active ones."
- In London, an aide to British Foreign Secretary David Miliband was arrested for "inciting religious hatred" at his gym by shouting obscenities about Jews while watching news reports of Israel's bombardment of Gaza. Also, Dutch politician Geert Wilders was barred from entering Britain as a "threat to public policy, public security or public health" because he made a movie describing the Quran as a "fascist" book

and Islam as a violent religion.

- In Poland, Catholic magazine *Gosc Niedzielny* was fined \$11,000 for inciting "contempt, hostility and malice" by comparing the abortion of a woman to the medical experiments at Auschwitz.

The "blasphemy" cases include the prosecution of writers for calling Mohammed a "pedophile" because of his marriage to 6-year-old Aisha (which was consummated when she was 9). A far-right legislator in Austria, a publisher in India and a city councilman in Finland have been prosecuted for repeating this view of the historical record.

In the flipside of the cartoon controversy, Dutch prosecutors this year have brought charges against the Arab European League for a cartoon questioning the Holocaust.

Private companies and institutions are following suit in what could be seen as responding to the Egyptian-U.S. call for greater "responsibility" in controlling speech. For example, in an act of unprecedented cowardice and self-censorship, Yale University Press published *The Cartoons That Shook the World*, a book by Jytte Klausen on the original Mohammed cartoons. Yale, however, (over Klausen's objections) cut the actual pictures of the cartoons. It was akin to publishing a book on the Sistine Chapel while barring any images of the paintings.

The public and private curtailment on religious criticism threatens religious and secular speakers alike. However, the fear is that, when speech becomes sacrilegious, only the religious will have true free speech. It is a danger that has become all the more real after the decision of the Obama administration to join in the effort to craft a new faith-based speech standard. It is now up to Congress and the public to be heard before the world leaves free speech with little more than a hope and a prayer.

Jonathan Turley is the Shapiro Professor of Public Interest Law at George Washington University and a member of USA Today's board of contributors

USA Today, October 19, 2009. □

FOR THE COMMON GOOD PRINCIPLES OF AMERICAN ACADEMIC FREEDOM

Matthew W. Finkin and Robert C. Post

Debates about academic freedom have become increasingly fierce and frequent. Legislative efforts to regulate American professors proliferate across the nation. Although most American scholars desire to protect academic freedom, they have only a vague and uncertain apprehension of its basic principles and structure. This book offers a concise explanation of the history and meaning of American academic freedom, and it attempts to intervene in contemporary debates by clarifying the fundamental functions and purposes of academic freedom in America.

Matthew W. Finkin and Robert C. Post trace how the American conception of academic freedom was first systematically articulated in 1915 by the American Association of University Professors (AAUP) and how this conception was in subsequent years elaborated and applied by Committee A of the AAUP. The authors discuss the four primary dimensions of academic freedom—research and publication, teaching, intramural speech, and extramural speech. They carefully distinguish academic freedom from the kind of individual free speech right that is created by the First Amendment. The authors strongly argue that academic freedom protects the capacity of faculty to pursue the scholar's profession according to the standards of that profession.

Matthew W. Finkin is Albert J. Harno and Edward W. Cleary Chair in Law, The University of Illinois at Urbana-Champaign, College of Law. He lives in Champaign. Robert C. Post is David Boies Professor of Law, Yale Law School. He lives in New Haven, CT.

Yale University Press Announcement. □

Bequest to SAFS

Please consider remembering the Society in your will. Even small bequests can help us greatly in carrying on SAFS' work. In most cases, a bequest does not require rewriting your entire will, but can be done simply by adding a codicil. So please do give this some thought.

Thank you.

Clive Seligman, President

STUDENT SENATORS VOICE OPPOSITION TO NEW DRAFT OF RESEARCH POLICY

Two clauses regarding military research omitted

Matt Chesser

A new draft of the proposed Regulation on the Conduct of Research policy was met by vocal opposition from student senators at a McGill Senate meeting last Wednesday.

According to Vice-Principal (Research and International Relations) Denis Therien the policy is intended to "reinforce, modernize, and clarify" McGill's standards for research ethics. However, the newest draft omits two clauses regarding military research that exist in the current research ethics policy and adds an anonymity clause for research sponsors acting "legitimately and in good faith" - changes that some student senators view as a step backward for transparent and ethical research at McGill.

"This is a blatantly regressive step for McGill to take," said Arts Senator Sarah Woolf. "We had been working to make this research policy more progressive, and now it seems that we've taken two steps backwards. It's not just that the clauses regarding military-funded research have been removed ... it's that they've taken every mention of harmful research out of the entire document."

The first clause regarding military funding removed from the draft required any "applicants for contracts or grants whose source is a government military agency [to] indicate on the check list/approval form of the Office of Technology Transfer or the Research Grants Office whether this research has direct harmful consequences." The second clause required the VP research to report on research funded by government military agencies to the Executive Committee of the Board of Governors, who would have the final authority to approve or disallow such research.

At Senate, Therien claimed that the military-funding clauses evoked confusion over whether certain research had "direct harmful consequences," which he views a matter of opinion.

"This is probably why no university in Canada has

explicitly addressed military funding in their policies," said Therien. "If the research is legal and passes the various review and ethical boards that are applicable to the research then it would be very dangerous to try to prevent [research] on 'flavour of the day' criteria. It would be a very slippery slope."

The military-funding clauses were instituted in 1988 after students protested the development of explosives and other weaponry at McGill. According to the student group Demilitarize McGill, the university has been involved in developing lethal weapons since at least the 1960s and some professors have continued to contribute to weapons research over the past decade.

Rebecca Dooley, the Students' Society vice-president university affairs, expressed disappointment with the university's decision and vowed to fight for changes to the policy.

"The clauses that were removed do not really regulate military-sponsored research at McGill - they were more so clauses that promoted transparency," said Dooley. "And since military research is a divisive issue on which there is no common consensus, why not have an extra step to promote transparency in that area of research?"

"I think that if those two clauses had been removed and that similar measures surrounding research with potentially harmful effects had been included, along with a clearer review policy for such research, then that would have been a more understandable and logical step."

The addition of a clause mandating researchers to respect anonymity agreements between the university and certain research sponsors was also hotly debated at Senate. In response to criticism from senators, Therien said that the grant office, under his leadership, would be able to determine whether a research sponsor was making a legitimate and good faith request for anonymity.

"If the sponsor is trying to hide something then they do not have a legitimate reason to remain anonymous," said Therien.

When Post Graduate Students' Society President Daniel Simeone said that he could not think of a "possible legitimate reason for [a sponsor remaining

anonymous," Therien did not provide an example to refute Simeone's accusation.

The new research policy was discussed but not approved at Wednesday's Senate meeting, and will likely undergo further changes. Woolf said that she would be "very surprised" if the policy came forward for approval at the next Senate meeting, citing the "litany" of problems raised by senators during the meeting, and opposition from the McGill Association of University Teachers and student senators.

"These moves are about research dollars," Woolf said. "It's about [McGill] saying, 'We need to be as attractive and appealing to potential sponsors and donors as the other Group of 13 universities.' ... Sure, we're going through a period of economic turmoil, but when you're sacrificing ethics for research dollars then I think we have a real problem."

The McGill Tribune, November, 10, 2009. □

NORWAY UNIVERSITY WON'T BOYCOTT ISRAEL

Melanie Lidman

The Norwegian University of Science and Technology (NTNU) unanimously voted against an academic boycott of Israel at a meeting on Thursday.

Had the proposal passed, NTNU would have been the first Western university to sever ties with Israeli universities.

"As an academic institution, NTNU's mission is to stimulate the study of the causes of the conflict between Israel and the Palestinians and how it can be resolved. This means that the university is also dependent on being able to cooperate with Israeli academics and hear their views on the conflict," the 12 board members said in a statement released by the university.

The meeting was attended by almost 50 members of the university community, a rare departure from the usual five attendees of board of governors meetings. The journalists, mostly from Norwegian publications, outnumbered the board members.

Each voting member made a statement explaining their position during a discussion prior to the vote. While many statements were critical of Israel, they concluded that an academic boycott would not be appropriate.

The discussion took less than half an hour, since no one argued in favor of the proposal.

"It's always nice to have unanimous votes on a controversial issue, because you don't have a division in the board," said Trond Singaas, the head of administration at NTNU.

"I was surprised that no one defended it," said Agnes Bolsø, an associate professor of cultural studies and one of the original 34 authors of the boycott proposal. "I thought there would be one or two teachers defending it. They were very critical of the occupation, but the thing was there was so much weight on academic freedom, the institution didn't do anything to prevent that.

"I find it a bit sad. We all want academic freedom, but there is limited academic freedom for Palestinian academics and for Israelis who are critical of the occupation," Bolsø added. "They were only talking about our freedom, to have no restrictions on my freedom, but the other part's freedom wasn't mentioned... It was a bit narrow of perspective."

The boycott proposal was met with denunciation by organizations in Israel, Europe and North America who mobilized against it. International reaction was much more intense than the university had anticipated, Singaas said.

Professor Yossi Ben-Artzi, the rector of the University of Haifa who led the fight by Israeli academics to protest the proposal, welcomed the news from NTNU. "I am glad that justice has won over and welcome the decision that recognizes academic freedom and emphasizes the universal fundamentals of justice and integrity," he said in a statement.

The Jerusalem Post, November 12, 2009 . □

NOMINATION FOR SAFS BOARD OF DIRECTORS

2010-2011

The Nominations Committee consisted of Clive Seligman (President), Doreen Kimura (Past-President), and Albert Katz (UWO) and Natalie Allen (UWO) as two SAFS members not currently on the Board.

The current board is being re-nominated. The Directors are: **Rodney Clifton, Andrew Irvine, Tom Flanagan, Steve Lukper, Mark Mercer, John Mueller, Clive Seligman, and Peter Suedfeld.**

Any member of SAFS may nominate individuals for election as Director. These nominations must be received at the SAFS Office by April 16, 2010. Each member nomination shall contain the following information: (i) the signature of the person nominating and the signatures of two (2) seconders; (ii) the full name and address of the person nominated; (iii) a statement of the status and attributes of the person nominated, showing each person's qualifications to be a director; (iv) a written consent signed by the person nominated agreeing to be nominated for election and serve, if elected.

SAFS Board of Directors 2010-2011

Clive Seligman, Ph.D. (UWO) President
safs@safs.ca
Rodney Clifton, Ph.D. (U. Manitoba)
clifton@ms.umanitoba.ca
Andrew Irvine, Ph.D. (UBC)
andrew.irvine@ubc.ca
Tom Flanagan, Ph.D. FRSC (U. Calgary)
tflanaga@ucalgary.ca
Steve Lupker, Ph.D. (UWO)
lupker@uwo.ca
Mark Mercer, Ph.D. (Saint Mary's U.)
mark.mercer@smu.ca
John Mueller, Ph.D. (U. Calgary)
mueller@ucalgary.ca
Peter Suedfeld, Ph.D. FRSC (UBC)
psuedfeld@psych.ubc.ca

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UNIVERSITY OF MINNESOTA UNDER FIRE FOR TASK FORCE'S DISCRIMINATION- BASED TEACHER EDUCATION PLAN

Diane Macedo

A branch of the University of Minnesota may require all education students at the school to understand and accept that they are either privileged or oppressed and that they be well-versed in issues like "white privilege," "institutional racism" and the "myth of meritocracy in the United States."

Critics are condemning the Race, Culture, Class and Gender Task Group at the University of Minnesota Twin Cities, which proposes making race, class and gender issues the "overarching framework" of all teaching courses.

The task group, formed as part of the Teacher Education Redesign Initiative at the state university, aims to change how future teachers are trained, based on the assertion that the teachers' lack of "cultural competence" contributes to minority students' poor grades.

The group is one of seven task forces that university spokesman Dan Wolter says are examining "a whole range of issues dealing with how teachers are educated."

"This is a rather long-term comprehensive overhaul of our teaching education programs," Wolter told FoxNews.com.

But the Foundation for Individual Rights in Education (FIRE) says the Race, Culture, Class and Gender group is going beyond addressing how teachers are educated and is trying instead to mandate their beliefs and values.

"Unlike what many schools of education have in terms of cultural competence, this task group really wants to invade the minds of future teachers and demand that they hold the 'right' values, attitudes and beliefs about society, about themselves, and about race, class, culture, and gender, to a degree to which it really violates the freedom of conscience of future teachers," Adam Kissel, Director of FIRE's Individual Rights Defense Program, told FoxNews.com.

Kissel wrote a letter last week urging the university to

reject the group's proposal on the premise that "as a public university bound by the First Amendment to the United States Constitution, the university is both legally and morally obligated to uphold this fundamental right."

But Wolter said FIRE has it all wrong.

"It's not at all what they're suggesting — that it's some sort of litmus test — it's just making sure that teachers are prepared to deal with the different situations that they might have for each and every student — which has been a challenge in the past," he said. "Teachers obviously come from one perspective, so if they've got 15 other people of different backgrounds in their classrooms it's a completely different situation."

Some of the proposed curriculum requirements are:

- "Future teachers will be able to discuss their own histories and current thinking drawing on notions of white privilege, hegemonic masculinity, heteronormativity, and internalized oppression."
- Teachers will be able to articulate a "critical analysis of this story of America, for what it illuminates and what it hides or distorts" including:
 - "myth of meritocracy in the United States"
 - "historical connections between scientific racism, intelligence testing, and assumptions of fixed mental capacity"
 - "alternative explanations for mobility (and lack of it)"
 - "history of demands for assimilation to white, middle-class, Christian meanings and values"
 - "history of white racism, with special focus on current colorblind ideology"
- "Future teachers are able to explain how institutional racism works in schools" and recognize that "schools and classrooms are often structured in ways that advantage and disadvantage some groups but are also critical sites for social and cultural transformation."

But while some teachers might want to be instruments of "social and cultural transformation," Kissel says, "Some might just want to teach math."

"The idea is if you don't have the right views then we're going to give you remedial classes, and if we still can't turn you to the right views, then we're not going

to give you your credential," he said.

Kissel also took issue with some of the assignments students would have to complete.

"They must reveal a 'pervasive stereotype' they personally held about an identity group, and evidently must argue in a personal essay that this view has now been 'challenged' on the basis of their experiences with that identity group. So if you say, 'well, actually I don't have a pervasive stereotype' ... you're probably going to get a bad grade," he said.

As for how university professors will learn to assign those grades, the report proposes "required training/workshop for all supervisors."

"Every faculty member at our university that trains our teachers must comprehend and commit to the centrality of race, class, culture, and gender issues in teaching and learning, and consequently, frame their teaching and course foci accordingly," it says.

Constitutional attorney Steve Greenberg says that the task group's plan, if implemented as written, will violate student and teacher rights.

"They're telling people you have to look back on these feelings that you have, whether you have them or not — if you don't have them you better find them — and then you better address them this way, and then after going through step B, step C is that you have to look at the world through this viewpoint," Greenberg said.

"You can say it's not a litmus test, because if you say it's a litmus test you have a problem. But the truth of the matter is — it's a litmus test," he said.

Wolter, addressing those concerns, said: "I think this kind of discussion that the FIRE group and others have raised — we think they're helpful to this process, because this still is a dynamic process that's underway. So hearing people's thoughts is important to us as well, as the final product is being shaped."

For Kissel, that's not enough.

"What we're saying is that these plans are so in violation of freedom of conscience that the college should start reversing course now."

Wolter said the recommendations will be going through a deliberative process.

"In general, the college will focus discussion during spring term on the key elements of the program and will have components of the curriculum ready for review by the college Curriculum Council by late spring or at the beginning of next fall term," he said.

He said the University of Minnesota hopes to be ready to admit prospective students into its redesigned program by fall of 2011.

Foxnews.com, December 10, 2009. □

A 'DIVERSITY' SHAM

On a U.S. campus, intellect gives way to ritualized emotion

James Taranto

It has been 6-and-a-half years since the U.S. Supreme Court, in the case of *Grutter v. Bollinger*, upheld the legality of racial discrimination in university admissions for the purpose of realizing "the educational benefits that flow from a diverse student body." Long-standing precedent requires the court to apply "strict scrutiny" to any claim justifying discrimination on the basis of race. Writing for a 5-4 majority, Justice Sandra Day O'Connor asserted that the court's "deference" to the "expertise" of the defendant in this case was sufficiently strict to meet this test.

But there is reason to doubt whether "diversity," as practiced by American higher education today, has any educational benefits at all -- never mind whether those benefits are sufficient to justify discrimination. Whatever its benefits in theory, diversity in practice is often anti-intellectual, replacing reasoned debate with ritualized expressions of phony emotion.

A kerfuffle at New York University (NYU) is a case in point. Last week, Tunku Varadarajan of *Forbes.com* wrote a column meditating on the Fort Hood massacre, which, he noted, appears to have been a religiously motivated "act of messianic violence." (Disclosure: Varadarajan is a friend and former colleague of this

columnist.) In addition to his work in journalism, Varadarajan teaches at NYU's Stern School of Business, and his column set off predictable complaints from Muslim students and alumni. One alum, Haroon Moghul, wrote an essay at ReligionDispatches.org in which he accused Varadarajan of "hate-mongering." He wrote that Varadarajan's column had caused him "pain" and "feelings of marginalization," and the headline and subheadline described him as "shocked" by Varadarajan's writing. Eventually the university president, John Sexton, was compelled to respond. While he correctly noted that it would be wrong for the university "to punish faculty officially for expressing such ideas," he also issued a declaration of disapproval:

"A journalist and NYU clinical faculty member has written a piece for Forbes that many Muslims find offensive. I understand how they feel -- I found it offensive, too. I am teaching Muslim students now, and I have taught them in the past; the portrayal of Muslims in the Forbes piece bears no resemblance to my experience; I disagree with the Forbes piece and think it is wrong.

"I say all this because as president I have not foresworn the rights I have as a member of the NYU faculty to challenge an idea that I believe is erroneous."

"This week, Rabbi Yehuda Sarna of NYU's Bronfman Center for Jewish Student Life sent an "URGENT Letter" to his email list:

"I am writing to urge you to join me today in 'A Campaign Against Hate' celebrating diversity at NYU, commemorating the victims of the massacre at Fort Hood and responding to a recent article in Forbes magazine entitled "Going Muslim." The event, dubbed "Harmony," is being spearheaded by the Islamic Center at NYU. In my opinion, the article, written by an NYU professor, does not deal sensitively enough with the role and place of Muslims in America."

How's that for diversity? NYU's Jews and Muslims are ganging up on a Hindu columnist and accusing him of promoting "hate" -- an inflammatory charge anywhere, but especially on a university campus. Yet it's clear that Rabbi Sarna knows the charge is unjustified, since his actual criticism of Varadarajan's work -- it "does

not deal sensitively enough" -- is so tepid.

Likewise, President Sexton's claim to have been offended by Varadarajan's article has no credibility. There's no doubt he was inconvenienced by it, and we expect he's none too happy with Varadarajan for that. But his statement "I found it offensive, too" is a ritualized expression of empathy, not to be mistaken for the real thing. And if you read the entire letter, you will find that in spite of Sexton's statement that he has "not foresworn" his right "to challenge an idea that I believe is erroneous," he offers no substantive argument to rebut Varadarajan's column.

This is how "diversity" works in practice: Intellectual contention is drowned out in a sea of emotion, much of it phony. Members of designated victim groups respond to a serious argument with "pain" and "shock" and accusations of "hate," and university administrators make a show of pretending to care.

At some campuses, administrators and faculty members actually do practice censorship. NYU, at least in this instance, is not the worst offender in this respect. But this sort of emotional frenzy is nonetheless inimical to the spirit of rational inquiry that universities are supposed to encourage.

Wall Street Journal, November 20, 2009. □

RACIAL PREFERENCES BY THE NUMBERS

Two researchers lay out the data on affirmative action in college admissions.

Robert VerBruggen

It's hard to get a straight answer as to how pervasive racial preferences are. On the one hand, many academics say preferences hardly even exist — they're just a tie-breaker that admissions officers use on rare occasions. On the other hand, the same academics often say preferences are crucial to diversity, and their elimination would wreak havoc on campuses nationwide. Perhaps nowhere has this bizarre contradiction been on starker display than in *No Longer Separate, Not Yet Equal* — a book that manages, despite this contradiction, to shed light on

various controversies in higher ed.

THE EXTENT OF PREFERENCES

Using the National Study of College Experience (NSCE) - a collection of information from eight anonymous elite colleges — authors Thomas J. Espenshade and Alexandria Walton Radford are able to calculate various applicants' odds of getting into a school. They discover some mildly interesting trends regarding social class (more on that later), but their results for race are truly stunning. After academic performance and demographic factors have been taken into account, black applicants are more than five times as likely as whites to be accepted at NSCE private schools, and 220 times as likely to be accepted at NSCE public schools. Asian applicants, meanwhile, are only about a third as likely as whites to get big envelopes from private institutions, and one-fifth as likely to gain admission to public ones.

Putting preferences in terms of test scores, at private schools, blacks get an advantage, compared to whites, worth 310 SAT points (out of 1600), Hispanics an advantage of 130, and Asians a disadvantage of 140. At public schools, the authors present the difference in ACT points: blacks 3.8 (out of 36), Hispanics 0.3, Asians -3.4.

If we look at students who actually matriculate, blacks are far more likely than whites to come from the bottom 80 percent of their high-school classes (27 percent versus 12 percent), have high-school GPAs of B+ or below (32 versus 18 percent), and have SAT scores below 1000 (21 versus 2 percent).

The logical conclusion from this mountain of evidence is obvious: Top-of-the-line schools use severe racial preferences. This shouldn't be all that shocking; although colleges usually keep quiet about the degree to which they prefer blacks and Hispanics over Asians and whites, anecdotes and numbers have been trickling out for years. Even when California banned racial preferences, its state universities didn't stop using them. Last year, a UCLA professor resigned from the school's admissions committee in protest of its flouting the law and issued an 89-page report explaining his reasons. Few schools outright deny using preferences, and the Supreme Court allows the practice. The Center for Equal Opportunity has calculated the extent of countless schools' preference

policies, usually concluding that black and Hispanic candidates get a significant advantage.

But the authors resist this conclusion. Espenshade told an interviewer for the *Inside Higher Ed* website that he doesn't have "smoking gun" evidence that Asians are discriminated against, claiming that factors he wasn't able to include in his analysis — letters of recommendation, etc. — might have been so much worse for Asians that they explained the gap. The book makes a similar argument about blacks and Hispanics, going so far as to bust out the old tie-breaker meme in this jawdroppingly absurd passage:

It would be a mistake to interpret the data . . . as meaning that elite college admissions officers are necessarily giving extra weight to black and Hispanic candidates just because they belong to underrepresented minority groups. This may occur from time to time, especially in situations where two applicants are otherwise equally well qualified. But in our judgment, it is more likely that a proper assessment of these data is that the labels "black" and "Hispanic" are proxies for a constellation of other factors in a candidate's application folder that we do not observe. These unobserved qualities — perhaps having overcome disadvantage and limited opportunities or experiencing challenging family or schooling circumstances — may be positively correlated with the chances of being admitted when a holistic review of an applicant's total materials is conducted.

In the very same chapter, however, the authors mention "the black advantage" and refer to the disparities as "weight" and "preference." They also note that at NSCE private institutions, students who are minority and poor get a sizable boost, whereas students who are white and poor actually get penalized — that's how much admissions officers care about helping those who have "overcome disadvantage," as opposed to engineering their schools' racial balance.

OTHER WAYS TO ACHIEVE DIVERSITY

Eventually, the mask comes off. The authors ask: What happens when you remove racial preferences, and what alternative policies are available to those who advocate diversity and/or the redressing of racial inequality?

It turns out the authors don't really believe their statements that race isn't a factor in admissions; if

officials stopped considering race, they predict, minority enrollment would decline precipitously. If NSCE private schools eliminated both the black/Hispanic advantage and the Asian disadvantage, blacks would go from 8 to 3 percent of these colleges' admittances, Hispanics from 8 to 5 percent, whites from 60 to 53 percent, and Asians from 24 to 39 percent.

Is there any way to have it both ways — to find a policy that uses legitimate, nonracial criteria, but that achieves results that liberal, race-obsessed admissions officers can live with? The authors consider an idea that has been around for a while and has gained some ground on the left recently: replacing race-based with class-based affirmative action.

What many advocates present as a panacea turns out to be of little help. While class-based affirmative action brings in more minorities than a race-neutral policy would, the numbers aren't impressive. If schools eliminated racial preferences, instead giving "lower-class" students the weight blacks currently get and "working-class" students the weight Hispanics currently get, black admittance would fall from 8 to 4 percent and Hispanic admittance from 8 to 6 percent. The only way to achieve current levels of diversity with this system is to completely eliminate test scores, GPA, and high-school class rank as considerations.

There's still a good case to be made for the class-based approach: If we're going to use our college-admissions practices to try to combat economic inequality, we should base our preferences on actual economic disadvantage rather than on skin color. But those who advocate ethnic diversity, and those concerned with racial economic inequality as opposed to economic inequality in general, will not be happy with a class-based approach.

The authors also consider "10 percent plans," in which schools would automatically admit students who ranked in the top 10 percent of their high-school classes. However, that doesn't work either: Under these plans Hispanic enrollment would stay constant, but black enrollment would fall from 8 to 4 percent.

The only realistic way to keep diversity without preferences, the authors say, is to eliminate the achievement gap at lower levels of education. In an article for *Inside Higher Ed*, they suggest a "New

Manhattan Project" toward this end. Good luck to them, but the notion that we can dramatically increase kids' test scores by improving their schools warrants skepticism.

One important thing to bear in mind is that the authors' sample — the elite schools in the NSCE — is not representative. Without affirmative action, the minority students who failed to get into NSCE schools would likely go to lower-tier schools rather than skipping college entirely. It's hard to tell what would happen at those lower-tier schools. After California banned preferences, black enrollment at its elite schools dropped significantly, but black enrollment at other schools didn't change much. (Of course, the caveat here is that California administrators didn't fully comply with the law.)

Still, the conclusion is inescapable: We cannot reconcile high-end colleges' desire to enroll substantial numbers of blacks and Hispanics with the public's opinion that racial preferences should be illegal. One side must win, and the other must lose.

MISMATCH

The question of which side should win is, of course, a highly contentious one. Perhaps the most powerful argument against affirmative action was put forth by UCLA School of Law professor Richard Sander in his study of law schools. Sander found that affirmative action brings students into schools that are too demanding for them. As a result, they're more likely to achieve poorly and eventually drop out. In the end, affirmative action actually decreases the number of black lawyers that law schools produce. If this is true, and if a similar process unfolds at the undergraduate level, it essentially ends the debate. Even if admissions departments really believe what they say about the benefits of diversity, they'll have trouble convincing anyone that achieving it is worth hurting minorities.

Unfortunately, the NSCE data do not provide a good chance to test this theory, because the study includes only elite schools. To perform the same kind of analysis that Sander did with law schools, one would need to compare similar students who went to very different institutions.

Nonetheless, the authors are able to divide their universities into three tiers: those whose students have

an average total SAT score of above 1400, those with an average score between 1300 and 1400, and those with an average score below 1300. The nationwide average for a college-bound high-school senior is just above 1000, so these categories don't reflect the full range of colleges, but they do allow the researchers to figure out whether comparable students fare worse at the more demanding schools. Looking at graduation rates, they find the opposite: Students who go to more selective NSCE schools are actually more likely to get diplomas.

This is certainly notable, but the authors also find good evidence that affirmative-action students perform differently from their peers. Compared with whites, blacks and Hispanics are more likely to choose social-science majors and less likely to choose natural-science ones, while Asian students are overrepresented in natural sciences and engineering. As for time needed to graduate, 57 percent of blacks and 71 percent of Hispanics finished college in four years, compared to 80 percent of Asians and 75 percent of whites. Even after six years, 22 percent of blacks have not graduated, as compared to about 10 percent each of Hispanics, Asians, and whites. When they do graduate, half of blacks and a third of Hispanics rank in the bottom 20 percent of their classes; the authors estimate that they'd have ranked higher had they gone to less selective schools.

So, while affirmative-action students may not be hurt by going to NSCE schools — their likelihood of graduating seems to get higher as they attend more demanding schools, at least within the NSCE, and their classy degrees presumably help them in the job market more than their lower GPAs hurt them — they don't perform as well as non-affirmative-action students. This must be counted amongst the costs of affirmative action at elite schools: The students admitted out of preference will need more time to earn their degrees, and will achieve less in doing so, than students admitted on merit alone.

This is a big book, exhaustively researched and packed full of facts, numbers, and prose. The authors weigh in on a number of additional topics, giving statistical snapshots of NSCE schools' applicants, accepted students, and matriculants and discussing how students pay for school and how often they interact with peers of different races. Whatever its problems, *No Longer Separate, Not Yet Equal* is a must-have reference for

everyone who pays attention to race and class controversies in higher education.

Robert VerBruggen, a NR associate editor, runs the Phi Beta Cons. He is a 2009 Phillips Foundation alumni-fund journalism fellow.

National Review Online, November 30, 2009. □

EDUCATION IF YOU'RE A NEW CANADIAN, 'YOU GO TO UNIVERSITY'

Elizabeth Church

Patricia Jura's journey to university was long and complicated, but her destination was never in doubt. Born in Zimbabwe, Ms. Jura arrived in Canada at age 11, living in Toronto's Rexdale neighbourhood while her parents gained Canadian training, then moving to Steinbach, Man., where her mother, a chemist, got a job.

Now in her second year at the University of Toronto's Scarborough campus, Ms. Jura, 18, says higher education was always the goal. "In my family you go to university," she explained. "I guess it was a choice, but it didn't feel like that."

Ms. Jura's story is a common one. First- and second-generation Canadians are arriving on Canadian university campuses at a rate that far exceeds that of non-immigrant children. It's a trend that offers some important clues to the importance of social factors in decisions about education.

Getting more young Canadians to go to university may be as much about making it a goal early in life and supporting them to get there as it is about removing barriers such as cost or even marks, researchers say.

"They just go," said Ross Finnie, a University of Ottawa economics professor who has crunched the numbers. "There is something going on here that goes beyond all we can measure.

"It may be about the desire to go and getting that desire in a person early enough so that they are prepared to go."

For anyone who has visited a campus in recent years, the growing presence of new Canadians will come as no surprise. Canada is becoming increasingly diverse and nowhere is that diversity more evident than in the youngest members of the population, a rising number of whom are drawn to higher education. Still, even researchers such as Prof. Finnie, who have studied trends in enrolment and access to postsecondary education for some time, say new figures reveal some unexpected trends.

Researchers have long known, for example, that there are several factors that influence a young person's decision about higher education. How far their parents went in school, family income, where they live and academic achievement are key. But even when all these factors are taken into account, new research, based on numbers collected by Statistics Canada over several years, shows young people who came to Canada as children or are the offspring of immigrants are still far more likely than other Canadians to enroll in university.

This gap is even greater when students are divided by country of origin. A study, conducted by Prof. Finnie and Richard Mueller from the University of Lethbridge, shows that while roughly 38 per cent of non-immigrant Canadians go to university, those who came as children or have parents who came from China, Africa or other Asian countries such as India, Pakistan and Sri Lanka have participation rates that in some cases approach 90 per cent. The study is based on numbers from Statscan's Youth in Transition project, which has been tracking a group of young Canadians since 2000.

“These numbers point to groups in our society who absolutely have no problem in attending university,” Prof. Finnie said. “They also point to the importance of background factors such as family and cultural factors in determining who goes and who doesn't.”

Only one group of immigrants, those from the Americas, excluding the United States, go to university at lower rates than all other Canadians.

All this is not news to Tom Nowers, dean of student affairs for more than a decade at U of T's Scarborough campus. He's all too familiar with the family and cultural ties that exist for many of the students on his campus who are first- or second-generation Canadians.

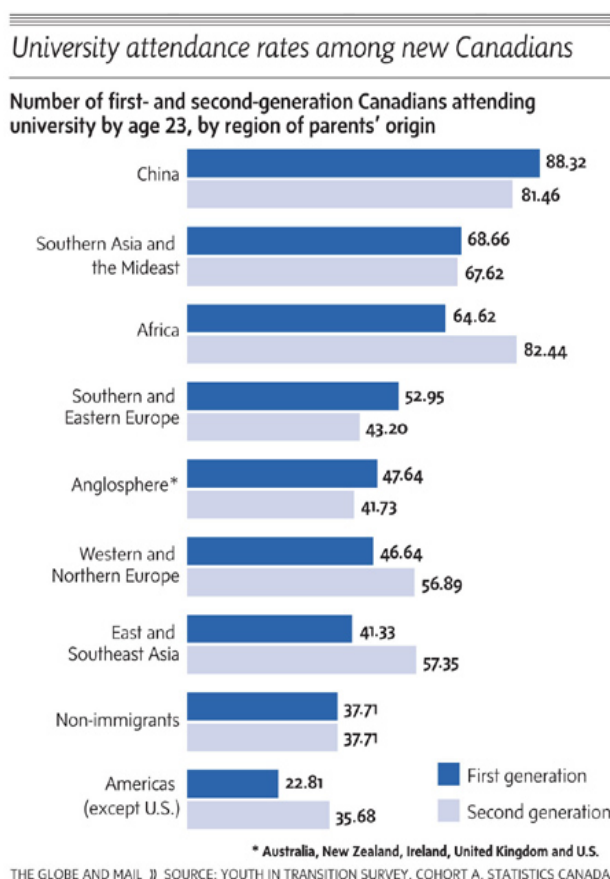
“They have very strong family bonds,” he said. “It keeps them on track.”

He also has seen the downside. “Some struggle to navigate their own way, others go to extraordinary lengths to live up to expectations,” he said.

Beyond family, Mr. Nowers also sees students from various backgrounds supporting each other and forming communities and clubs on campus. That network, he believes, helps students deal with pressures to achieve.

For Ms. Jura, who once dreamed of a singing career, going to university was something she did for her parents, but now feels was the right choice. She'd like to go into pharmacy and perhaps later get a business degree.

“My mom said, ‘Do whatever what you want, just make sure you bring a degree home,’” she remembers. “I came for my mom; I'm here now for me.”



Globe and Mail, Monday, Oct. 12, 2009. □

CATCHING UP TO CANADA

Doug Lederman

VANCOUVER, B.C. -- Caveats about the data aside – and there are plenty, admittedly – the Organization for Economic Cooperation and Development's heavily used rankings on countries' college outcomes place Canada at the top of the list for the proportion of citizens with a postsecondary credential.

So when President Obama, in a speech to Congress in February, set a goal of having the United States get back to the top of that ranking by 2020, "that means that you're trying to bump us off," Noel Baldwin, a policy and research officer at the Canada Millennium Scholarship Fund, told a group of mostly American researchers during the annual meeting of the Association for the Study of Higher Education.

Baldwin and the fund's associate executive director, Andrew Parkin, dubbed their presentation "Canada: An Easy Target? What American Educators Need to Know to Overtake Canada as the OECD's Most Educated Country, and What Canadian Educators Need to Know to Prevent It." The title was a joke, sort of, but it provoked some fascinating, and very sobering, discussion about the impediments that stand in the way of efforts to ramp up the number of Americans with college degrees – and, among other things, about what kinds of degrees they should be.

First, those pesky numbers. Forty-seven percent of Canadians have a postsecondary degree of some kind, compared to 39 percent of Americans, and the numbers look worse (or better, if you're Canadian) when you look at citizens aged 25 to 34, as 55 percent of Canadians and 39 percent of Americans in that group have degrees (placing the U.S. 10th).

Why is that so? Several reasons, structural, societal and otherwise, the Canadian researchers asserted.

- The mix of institutions is different, with much greater proportions of Canadians going to what the country calls "colleges" (which are two-year and career institutions) than to universities. Of the 55 percent of Canadians with degrees, nearly half, 26 percent, have sub-baccalaureate degrees from colleges, while in America, only 5 percent, out of the 39 percent of all those with postsecondary

degrees, have the sub-baccalaureate degrees.

- Tuitions are lower (in Quebec, college -- as opposed to university -- is free).
- There is less income inequality in Canada, and also more equality in the academic preparation of young people by socioeconomic status. So while it's a much-bemoaned fact in the United States that wealthy students with poor academic credentials are more likely to go on to higher education than are high-achieving poor students, that's not true of Canada, Parkin said.
- Significantly greater proportions of second generation immigrants graduate from high school and go on to postsecondary education in Canada than in the United States.

So what might the United States do to catch up to Canada? Or, as Parkin put it, "We're giving you our pointers so that you can help President Obama meet his goal."

Of course, two of the three suggestions aren't exactly going to be quick fixes: ensure a "more equitable distribution of income" across the population (a worthy goal, but "the extent to which you can work on that may be a different matter," Baldwin acknowledged), and ensure better educational outcomes for immigrants, another major challenge.

But the third was interesting: develop a "more flexible [postsecondary education] system with better non-university options," particularly for low-achieving students. In Canada, the colleges are seen as not only a viable option, but in many ways the option of choice, for many young people. In the United States, meanwhile, Baldwin said it seemed as if there is a "tendency to push four-year degree attainment," often making sub-baccalaureate degrees seem like a second-rate option.

Still, the idea that the U.S. lacked "non-university options" seemed to perplex many in the audience. Aren't there *already* significant non-four-year options in the United States -- where close to half of all students enroll at some point in a community college, and the proportion of Americans enrolling in for-profit colleges is approaching 10 percent, many of them in sub-baccalaureate programs?

Dewayne Matthews, vice president for policy and

strategy at the Lumina Foundation for Education, the designated "respondent" to the Canadian researchers, noted that some policy experts in the United States have argued that the way the federal government and the OECD currently count the completion data significantly undercount the American numbers, by omitting community college students who transfer without an associate degree but never get a bachelor's, for instance, or take a six-month certificate program in body shop work and then get a job paying \$40,000 a year.

Matthews said he wasn't sure that even counting such people would significantly change the overall picture, and an additional slide of data that the Canadian researchers presented seemed to offer a clearer -- and potentially more troubling -- explanation for the gap. About two-thirds of Canadians who enter "college" (remember, we're talking two-year public and private career institutions) graduate within four years, and only 19 percent have given up on postsecondary education entirely. The proportion of graduates rises to 73 percent after five years.

By comparison, U.S. federal data show, fewer than half of first-time freshmen who enrolled at two-year institutions in 1995-96 had either transferred to a four-year institution or earned a degree or other academic credential within six years. While some of those students may not be seeking a degree, the much lower success rates of American community college students seems like an inarguable problem, Matthews said.

While it might have seemed like a ploy to make the mostly American audience feel better, Baldwin said that his country was "stealing things" from American higher education all the time, because "we're going to try to stay ahead of you on those [rankings] tables."

American colleges are doing a much better job with early intervention efforts to get low-income young people prepared for college, for instance, and much more effectively using institutional financial aid, he said.

Inside Higher Ed, November 6, 2009. □

HARVARD SAYS IT LOST \$1.8 BILLION IN CASH INVESTMENTS, ON TOP OF ENDOWMENT LOSS

CAMBRIDGE, Mass. (AP) -- Harvard University said Friday it lost \$1.8 billion in operating cash in the last fiscal year as a result of investing it alongside the university's endowment.

The loss was revealed in Harvard's fiscal 2009 operating report.

The university said in the report that it has routinely pooled cash held in various schools and departments and invested a significant portion of it with Harvard Management Co., which manages the endowment. While this approach had generated "significant positive investment results" for the university in the past, this past year it resulted in losses to the cash account.

Harvard had previously reported that the value of its endowment -- the largest of any university in the nation -- dropped by nearly \$11 billion in fiscal 2009 from \$36.9 billion.

Harvard slashed 275 jobs and made other cost-cutting moves earlier this year.

Associated Press, October 16, 2009. □

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