

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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WHAT WOULD SOCRATES DO?

Mark Mercer

Suppose that one night during a university's orientation week, about eighty senior students led three- or four-hundred newcomers in a chant celebrating child rape. What should the university do?

Certainly not what Saint Mary's University did ("Saint Mary's University shocked after video of 'sexist' frosh chant: spokesman," *Citizen*, 4 September).

Saint Mary's did three things, as indicated in the response by Colin Dodds, the president of Saint Mary's, posted on the university's website. In doing each of these things, though, Saint Mary's has betrayed its identity as a university, as a place, that is, of free enquiry and intellectual community.

First, it said that the students who participated in the chant violated the university's commitment to the values of equality and respect.

Now there's much to be said about the students involved—about their judgement and, perhaps, about their commitment to those two values. But they did not discriminate against anyone or show disdain for any particular person. Thus, they did not violate either equality or respect.

Second, Saint Mary's sentenced the participants to sensitivity training and the students' association executive to a conference on consent and sexual assault. It's not optional; the students involved are required to attend these sessions.

Equality and respect, one would be right to think, involve letting people make up their own minds about things. Using propaganda or pressure to get them to

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believe or do what you would like them to do is not to let them make up their own minds, but to manipulate them. A university that valued equality and respect would not force students into re-education camps.

As well, by punishing the students for chanting their ode to rape, Saint Mary's is denying them the freedom peacefully to express themselves. Saint Mary's is declaring that there are some things we may not say, some ideas that may not be uttered.

Third, Saint Mary's will convene a council charged with finding ways to prevent sexual assault and harassment on campus and ensure that students can feel safe and respected.

Why sexual assault? Why harassment? No one was assaulted, no one harassed. Why not include find ways to prevent hockey injuries? It would be just as relevant to the occasion.

Since the university is prepared to coerce its students into a proper appreciation (proper by its lights) of respect and equality and to punish them for what they merely said, no good can come of this council. We can expect that it will recommend restrictions on assembly and expression, and penalties for non-compliance.

We Santamarians were disgusted by the chant and shocked by the callousness or cluelessness of the chanters—and stunned by the fact that they numbered in the hundreds. But rather than giving up our identity as a university by punishing people and restricting civil liberties on campus, we should address the situation by drawing on that very identity.

We at a university are intellectuals or aspiring intellectuals. What do intellectuals do? They talk,

they theorize, they discuss, they criticise, they argue. They seek through free and unforced exchange to separate truth from falsehood and sound values from unsound. Crucially, they want themselves and others not only to believe truly and to value soundly, but to do so for their own reasons.

A university conscious of its identity and committed to it would not punish anyone for saying something, no matter how disgusting or callous, and would never send a person to be re-educated. It would rather, create fora in which to discuss whether and how what was said was disgusting or callous. It would leave people free to participate or not and to agree with their colleagues and classmates or not.

If Saint Mary's were conscious of and secure in its identity, the president of the university would be organizing discussion groups and calling on professors to lead them. Those professors who have studied such matters as group behaviour, rape, and the role of peers and culture in shaping our attitudes and actions might suggest well-researched and provocative articles for us to read. To create fora and to call on the professors would be to address the situation by drawing on the university's own natural resources.

Instead of following Socrates, as a university should, Saint Mary's has chosen to follow Tomas de Torquemada.

Socrates, the rude and annoying Greek philosopher of the 5th century BCE, was always keen to engage in critical discussion. Implicit in his method was the thought that if we discuss the problem thoroughly, we stand a good chance of seeing our way to solve it. Torquemada, the 15th century CE grand inquisitor, on the other hand, didn't have time for talk, and a mere good chance wasn't good enough. When up against heresy, forget discussion, place your trust in authority and punishment.

Mark Mercer is a member of the SAFS Board of Directors, and a philosophy professor at Saint Mary's University.

Ottawa *Citizen* (under the headline "In responding to rape chant, Saint Mary's betrayed its identity"), September 10, 2013. □

JUSTICE CENTRE FOR CONSTITUTIONAL FREEDOMS

News Release

September 24, 2013

New Report: 51% of Canadian universities fail to uphold free expression rights on campus

John Carpay & Michael Kennedy

OTTAWA: The Justice Centre for Constitutional Freedoms (JCCF.ca) today released the *2013 Campus Freedom Index*, a report which measures the state of free speech at 45 Canadian public universities.

Using a five-tier letter scale—A, B, C, D and F—the *Campus Freedom Index* grades universities and student unions on their stated policies (what they say) and their practices (what they do). Each university receives four letter grades for each of university policies, university practices, student union policies, and student union practices.

With 180 letter grades awarded to 45 campuses, Canada's universities and student unions receive only six 'A' grades. Conversely, and troublingly, 'F' grades were earned 32 times: 13 by universities and 19 by student unions. The *Campus Freedom Index* also assigns 19 B's, 80 C's and 43 D's.

In total, 23 campuses earned at least one 'F'. Put another way, this means that more than half of the 45 universities studied—51%—have engaged in the censorship of student expression on campus, and have thus failed in their duty to protect free expression rights.

Taking an average of universities' policies and practices, the *Campus Freedom Index* names Carleton University and the University of Ottawa as the worst universities in Canada for free expression. Both Carleton and Ottawa have actively censored student speech, earning D's for their policies and F's for their practices. McGill University and York University do only slightly better, each earning a 'D' average.

Three student unions have the dubious distinction of earning *straight F's*. The Lakehead University Students' Union (LUSU), the University of Victoria

Students' Society (UVSS) and the York Federation of Students (YFS)—receive 'F' grades for restricting campus free speech through both their *policies* as well as their *practices*. These three are the worst student unions in Canada when it comes to campus free speech.

Seven student unions tied as the second-worst student unions in the country, namely, Brandon University Students' Union, the Students Society of McGill University, the Memorial University of Newfoundland Students' Union, Queen's University's Alma Mater Society, the Ryerson Students' Union, the University of Calgary Students' Union, and the University of Manitoba Students' Union. These seven student unions earned one 'F' grade and one 'D' grade—only slightly better than the worst three.

Fortunately, some universities are doing a good job of living up to their missions of respecting academic freedom, and fostering the debate of controversial ideas. Acadia University, the Memorial University of Newfoundland, Ryerson University, Simon Fraser University, the University of British Columbia and the University of Regina tie as the best universities in the country. All six of these universities earned a 'B' average. No university, nor student union, earns an 'A' average in the *Campus Freedom Index*.

When it comes to the policies and practices of student unions, the best in Canada are the Carleton University Students' Association (CUSA) and the University of King's College Students' Union (KSU). Both earned a 'B' when averaging grades awarded for policies and practices. CUSA is one of only two student unions in the country to earn at least one 'A' in the Campus Freedom Index, after having earned "straight F's" in the 2012 edition. CUSA's transformation from one of the worst student unions to one of the best is truly commendable, and explained further in the *2013 Campus Freedom Index*.

Saskatchewan and New Brunswick rank as the best provinces for campus free speech. In both provinces, none of the institutions surveyed received an 'F' grade. By contrast, the worst provinces for campus free speech are Alberta, Prince Edward Island, and Newfoundland and Labrador. In these provinces, every institution surveyed received at least one 'F' grade. Seventy-three percent of Ontario universities likewise earn at least one 'F', as well as sixty-seven percent of

Manitoba universities.

JCCF looks forward to the day when every university, and every student union, earns only A's for their policies and practices. For more information, contact the authors of the *2013 Campus Freedom Index*.

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To read the rest of the report go to:
<http://www.jccf.ca/wp-content/uploads/2013/01/0924-JCCFNewsRelease.pdf>

To read the full report go to: <http://www.jccf.ca/wp-content/uploads/2013/01/2013CampusFreedomIndex.pdf> [↗](#)

BOOK REVIEW:

UNLEARNING LIBERTY: CAMPUS CENSORSHIP AND THE END OF AMERICAN DEBATE

Greg Lukianoff

Reviewed by Kenneth H.W. Hilborn

In September 2011 the president of the Center for Equal Opportunity, Roger Clegg, addressed a press conference at a hotel near the Madison campus of the University of Wisconsin. Knowing that Clegg was a critic of racial preferences in university admissions, UW-Madison's "vice-provost for diversity and climate" had publicly denounced his plan to speak as "a threat to our diversity efforts." At a meeting the vice-provost urged students to "mobilize" in response. Apparently as a result of this incitement, a student mob invaded the hotel, assaulted some of its staff, chased Clegg into an elevator, and tried to prevent the elevator doors from closing. Only through efforts by hotel staff did the speaker make his escape. Though it had arrived as the press conference was ending, too late to prevent supposedly dangerous thoughts from being expressed, the vice-provost was evidently pleased by what he regarded as the mob's good intentions. Instead of

deploring their violence, he praised the participating students as "awesome"!

This outrageous incident is only one of many attacks on free expression described in the book under review, the author of which is president of the Foundation for Individual Rights in Education (www.thefire.org). Lukianoff places blame on students and student governments as well as on faculty members, but still more on what he calls the "ever-growing army of administrators."

Lukianoff tells us that the process of "unlearning liberty" begins even before students arrive on campus. They emerge from high school already accustomed to censorship, and with little grasp of constitutional rights. Since censorship protects them from the need to defend their beliefs by rational argument, they do not acquire the ability to do so. Thus students often see freedom of expression not as creating opportunities for presenting a case in debate, but rather as an obstacle to the "progress" they have been taught to desire. They feel justified in disrupting meetings, shouting down speakers, or stealing all copies of a campus newspaper in order to suppress unwelcome ideas. Student governments deny funding to groups whose opinions displease them, while granting it to others, even though such "viewpoint" discrimination is illegal.

Some professors demand that false assumptions (about "racism," for instance) be accepted as undebatably true, and even require that their students try to influence politicians in the interests of "progressive" causes. In certain departments -- especially education and social work -- academics attempt to impose on students an ideological commitment to "social justice," though (as the author points out) choosing any one definition of "social justice" as the indisputable truth is to risk placing dissenters in the category of "heretics who deserve ostracism, if not outright expulsion from the community." Against accusations of intolerable heresy, having science on your side may be no protection. "It is now commonly accepted that genetics plays a role in many human traits," Lukianoff writes, "yet this concept is often received with horror on campus." If inequalities among individuals and groups arise (at least to a significant degree) from inherited genetic differences, the dream of achieving an egalitarian "social justice" through political indoctrination and activism is fatally flawed -- an unthinkable conclusion.

Students may seek to silence students, and professors may persecute both students and dissident colleagues, but students and faculty alike are vulnerable to persecution by expanding campus bureaucracies armed with absurdly vague "speech codes" and rules of conduct. In prohibitions of "harassment" (sexual, racial, religious or whatever), the term is often defined so broadly that almost everybody can be considered technically guilty of some infraction. Merely to "offend" somebody may be enough. At the University of Iowa, sexual "harassment" is said to occur "when somebody says or does something sexually related that you don't want them to say or do, regardless of who it is." When regulations expose virtually everybody to the risk of disciplinary action, selective enforcement is inevitable, and thus the bias of campus officials in favour of the "historically disadvantaged" becomes decisive. It is clearly safer to make an uncomplimentary remark about Christianity than about Islam, and safer to accuse a white of "racism" than to make the same accusation against a black. Whites and Christians do not enjoy an equal right to be "offended."

Instead of confining themselves to enforcement of negative prohibitions, however sweeping, some campus bureaucracies have imposed mandatory ideological re-education under the guise of "orientation." Students in residence are especially vulnerable to "thought reform" extending far beyond any normal orientation period. One especially ambitious effort to transform students into activists for left-wing causes made the University of Delaware sufficiently notorious that the program was suspended, but somewhat similar schemes survived elsewhere.

Broad restrictions on free speech in state institutions are unconstitutional, as federal courts have ruled whenever a specific case has been brought before them. In 2003, under the second President Bush, the Office for Civil Rights (OCR) of the U.S. Department of Education warned that OCR's anti-"harassment" regulations should not be interpreted as requiring infringement of "rights protected under the First Amendment," but neither this warning nor court decisions have carried much weight with typical academic administrators.

Though Lukianoff identifies himself as a liberal Democrat, he sees Bush's OCR as more respectful of individual rights than the "newly assertive" one under President Obama. In 2011 the OCR proclaimed a

policy requiring that in cases of alleged sexual harassment or assault, campus authorities find the accused guilty without insisting on real proof, merely if it appears slightly more likely than not that the accusation is well-founded. The author fears that the combination of ridiculous definitions and this astonishing decree will prove to be "a formula for due process disaster." He cites the misfortune of a student expelled from the University of North Dakota on a charge of sexual assault before the police completed their investigation and charged the accuser with filing a false report.

It is not unreasonable to suspect that Lukianoff's portrayal of campus repression may exaggerate the reality. In his position at FIRE he naturally learns more about outrages than about occasions when wisdom and justice prevail. But the outrages seem numerous enough to form a pattern. In the preface to his major book *Triumph Forsaken: The Vietnam War, 1954-1965* (published in 2006), Dr. Mark Moyar comments on the "very harmful trend at American universities whereby haughty derision and ostracism are used against those whose work calls into question the reigning ideological orthodoxy, stifling debate and leading to defects and gaps in scholarship . . ." If talented scholars can be subjected to such informal pressures to conform, without need for any alleged violation of rules, one must suppose that the pressures on students to conform may be even greater than formal rules suggest. Being so often unconstitutional as well as conspicuously inconsistent with liberty, the rules are easier to fight, whether in court or in the media. FIRE has relied primarily on publicity, with considerable success, but it clearly has much more to do.

Kenneth H.W. Hilborn, a professor emeritus of history at the University of Western Ontario, is a former member of the University Senate and of the SAFS Board of Directors.

New York and London: Encounter Books, 2012. □

FEDS TO STUDENTS: YOU CAN'T SAY THAT

The Justice and Education departments issue a dangerous new speech code for colleges

Greg Lukianoff

The scandals roiling Washington over the past two weeks involve troubling government behavior that had been hidden—the IRS targeting of conservative groups and the Justice Department's surveillance of the Associated Press, among others. Largely overlooked amid the histrionics has been a shocker hiding in plain sight. Last week, the Obama administration moved to dramatically undermine students' and faculty rights at colleges across the country.

The new policy was announced in a joint letter from the Education Department and Justice Department to the University of Montana. The May 9 letter addressed the results of a year-long joint investigation by the departments into the school's mishandling of several serious sexual-assault cases. The investigation determined that the university's policies addressing sexual assault failed to comply with Title IV of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972.



But the joint letter, which announced a "resolution agreement" with the university, didn't stop there. It then proceeded to rewrite the federal government's rules about sexual harassment and free speech on campus.

If that sounds hyperbolic, consider the letter itself. The first paragraph declares that the Montana findings should serve as a "blueprint for colleges and universities throughout the country." After outlining the specifics of the case, the letter states that only a stunningly broad definition of sexual harassment—"unwelcome conduct of a sexual nature"—will now satisfy federal statutory requirements. This explicitly includes "verbal conduct," otherwise known as speech.

The letter rejects the requirement, established by legal precedent and previous Education Department guidance, that sexual harassment must be "objectively

offensive." By eliminating this "reasonable person" standard—which the Education Department has required since at least 2003, and which protects the accused against unreasonable or insincere allegations—the right not to be offended has been enshrined in a federal mandate.

The letter further states that campuses have "an obligation to respond to student-on-student harassment" even when that harassment occurs off-campus. In some circumstances, the letter says, universities may take "disciplinary action against the harasser" even "prior to the completion of the Title IX and Title IV investigation/resolution." In plain English: Students can be punished before they are found guilty of harassment.

Given that the letter represents an interpretation of federal law by major federal agencies, most colleges will regard it as binding. Noncompliance threatens federal funding, including Pell grants and Stafford loans.

The implications for professors and students are enormous. An unsuccessful request for a date, or even assigning a potentially offensive book like "Lolita," could now be construed as harassment. As attorney and civil libertarian Wendy Kaminer commented on The Atlantic's website this week: "The stated goal of this policy is stemming discrimination, but the inevitable result will be advancing it, in the form of content-based prohibitions on speech."

This attack on campus free speech follows the Education Department's directive two years ago requiring every college in the country that receives federal funds to lower the standard of evidence in sexual-harassment cases. The "preponderance of the evidence," the judiciary's lowest standard of proof, became the required standard. (Many institutions had previously used the "clear and convincing" standard.) As former Dean of Harvard College Harry Lewis has noted, the "preponderance of evidence" mandate means "more convictions—of both guilty and innocent individuals," which is a troubling result "in a society that values individual rights."

Last week's letter is part of a decades-long effort by anti-"hate speech" professors, students, activists and administrators to classify any offensive speech as harassment unprotected by the First Amendment.

Such speech codes reached their height in the 1980s and 1990s, but they were defeated in federal and state court and came in for public ridicule.

Despite these setbacks, harassment-based speech codes have become the de facto rule. Earlier this year, my organization, the Foundation for Individual Rights in Education, published a study that looked at 409 colleges and found that 62% maintain codes that violate First Amendment standards.

The stifling effect of these codes isn't theoretical. In 2011, the University of Denver suspended a professor and found him guilty of sexual harassment because his class discussion on sexual taboos in American culture (in a graduate-level course) was considered too racy. Last year, Appalachian State University suspended a professor for creating a "hostile environment" after she criticized the university's treatment of sexual-assault cases involving student-athletes and screened a documentary critical of the adult-film industry.

Recent history gives no reason to expect that the government's new directive on "verbal conduct" will remain confined to sexual speech. At Tufts in 2007, a conservative student publication was found guilty of harassment for criticizing Islam. The same happened to a professor at Purdue University at Calumet in 2012, who faced a four-month investigation.

An obsession with political correctness and the expansion of bureaucracy on campus are key factors in the proliferation of such free-speech abuses. But the hidden force that pushes schools to overreact to offensive, or merely dissenting, speech is fear of liability and the federal government. A growing "risk-management" industry—complete with regular conferences, conventions and consultants—has arisen from efforts by university administrators trying to avoid being sued for discrimination or harassment, and to avoid the costly investigations in which the Education Department's Office for Civil Rights specializes.

All of this effort and expense ought to be unnecessary. The Supreme Court already did the work in *Davis v. Monroe County Board of Education* (1999). Recognizing that workplace standards for harassment were inappropriate for educational institutions, in *Davis* the court offered a clear, narrow, workable definition of harassment as a targeted pattern of serious

and ongoing discriminatory behavior.

Adopting this standard would have solved—and would still solve, if implemented—universities' liability panic, while allowing real harassers to be punished and avoiding serious threats to freedom of speech. But the Education and Justice departments apparently don't want to embrace the Supreme Court's solution. In their letter, they explicitly reject (and misquote) the court's thoughtful analysis in *Davis*, deeming it inapplicable for the agencies' "purposes of administrative enforcement."

When the Education Department lowered the standard of evidence for harassment accusations in 2011, some college administrators complained, but most meekly accepted the federal mandate. They may be regretting that submission, now that the government is pushing for even lower standards. Unless we decide that college should primarily be a social institution devoted to preventing offense, it is time for universities—as well as state governments, alumni, students, parents, faculty and citizens—to fight back.

Mr. Lukianoff is the author of "Unlearning Liberty: Campus Censorship and the End of American Debate" (Encounter, 2012) and the president of the Foundation for Individual Rights in Education.

The Wall Street Journal, May 17, 2013. □

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SEXUAL HARASSMENT AND ACADEMIC FREEDOM

David Moshman

The University of Montana has received a 31-page letter from the U.S. Departments of Justice and Education. It's not a love letter. And it's not just for them.

The letter puts higher education on notice that mere speech can be sexual harassment if any listener is offended by its sexual content. The Foundation for Individual Rights in Education (FIRE) and feminist civil libertarian Wendy Kaminer, among others, have condemned the letter as an extraordinary threat to freedom of speech about matters of sexuality at all colleges and universities.

It is also an extraordinary threat to academic freedom. Let me start with a bit of personal history.

I'm setting my academic freedom time machine to the early 1990s era of high political correctness, when many argued, at least with respect to sexuality, that the right not to be offended outweighs freedoms of expression and discussion. At the University of Nebraska–Lincoln (UNL) a psychology graduate student named Toni Blake studied and taught human sexuality.

One day in 1993 Blake brought a banana to a class session on contraception and used it to illustrate the application of a condom. Warning about the danger of impregnation prior to ejaculation, she joked that men, like basketball players, "dribble before they shoot."

A male student was not amused. He subsequently accused her of sexual harassment, charging that she "objectified" the penis and thus created a hostile academic environment for him as a man.

I was asked to assist her. The student was a jerk, she said; he was angry because she had objected to his coming to class drunk. But how could we convince administrators that his claim of being offended, even if true, was insufficient to support a charge of sexual harassment? Administrators were under pressure to act on behalf of anyone who claimed to be offended by sexual expression of any sort.

Straightforward and humorous, Blake was probably an excellent instructor. I once ran into her when I was out with my wife, who knew of the case but had never met her and didn't know her by name. I began introductions, struggling to explain politely who Toni was. She cut right in and identified herself: "I'm the banana lady."

Blake was never found guilty of sexual harassment. But she was advised by her department chair to delete material on human sexuality from her courses in order to avoid further problems. Others responsible for teaching about sexuality at UNL watched with concern and made their own curricular decisions.

The Academic Freedom Coalition of Nebraska (AFCON) subsequently formulated a Statement on Sexuality and Academic Freedom (adopted in 2000) based on its general Principles of Academic Freedom (adopted in 1999). Central to the analysis of sexual harassment is a distinction between two types of cases, represented by two examples.

In Example 1, "a student in the course of class discussion expresses the view that homosexuality is sinful and disgusting, whereupon a second student claims that the views of the first are stupid and offensive." In Example 2, "a student repeatedly targets another student with epithets that the second clearly finds upsetting, even after being asked to stop."

AFCON's statement specifies:

Individuals have a right to believe whatever they choose about matters of sexuality and to express their views even if those views are deemed offensive or otherwise objectionable. ... It is inconsistent with academic freedom to limit freedom of expression to the expression of ideas that will not be deemed offensive.

The topic of sexuality, then, is subject to the same principles of academic freedom as any other topic. Sexual harassment is wrong because it is harassment, not because it is sexual. We must define harassment strictly so we can oppose it consistently without infringing on the freedom to teach and talk about sexuality. AFCON specifies:

Harassment, strictly defined, is a pattern of actions specifically directed against a particular individual

with the intent of humiliating, intimidating, or otherwise harming that individual. Thus defined, harassment is not protected by norms of academic freedom regardless of the sexual content of any ideas that may be expressed as part of the act of harassment.

Neither student in Example 1 should be punished, then, though the teacher may and should use noncensorial means to encourage civil discussion. The student in example 2, in contrast, is guilty of harassment regardless of whether the epithets are sexual.

This analysis applies at all levels of education. With respect to sexuality, AFCON's principles provide more stringent protection of academic freedom in kindergartens and middle schools than the federal government deems appropriate for universities.

The new standards for sexual expression are not just unconstitutional. They are a major threat to the academic freedom to teach and learn about human sexuality.

Huffington Post: The Blog May, 24, 2013. □

THE NSA'S NEXT MOVE: SILENCING UNIVERSITY PROFESSORS?

Jay Rosen

On 9 September, Johns Hopkins University asked one of its professors to take down a blog post on the NSA.

This actually happened yesterday:

A professor in the computer science department at Johns Hopkins, a leading American university, had written a post on his blog, hosted on the university's servers, focused on his area of expertise, which is cryptography. The post was highly critical of the government, specifically the National Security Agency, whose reckless behavior in attacking online security astonished him.

Professor Matthew Green wrote on 5 September:

I was totally unprepared for today's bombshell revelations describing the NSA's efforts to defeat

encryption. Not only does the worst possible hypothetical I discussed appear to be true, but it's true on a scale I couldn't even imagine.

The post was widely circulated online because it is about the sense of betrayal within a community of technical people who had often collaborated with the government. (I linked to it myself.)

On Monday, he gets a note from the acting dean of the engineering school asking him to take the post down and stop using the NSA logo as clip art in his posts. The email also informs him that if he resists he will need a lawyer. The professor runs two versions of the same site: one hosted on the university's servers, one on Google's blogger.com service. He tells the dean that he will take down the site mirrored on the university's system but not the one on blogger.com. He also removes the NSA logo from the post. Then, he takes to Twitter.

The professor says he was told that someone at the Applied Physics Laboratory, a research institute with longstanding ties to the Department of Defense and the National Security Agency, determined that his blog post was hosting or linking to classified material, and sounded the alarm, which led to the takedown request from the dean. He says he thought Johns Hopkins University, his employer, had come down "on the wrong side of common sense and academic freedom", particularly since the only classified material he had linked to was from news reports in the Guardian, the New York Times and ProPublica.org – information available to the public.

Word gets around, and by late afternoon, the press starts asking questions. Now, Johns Hopkins is worried about how it looks in the media. The university bureaucracy scrambles the jets and comes up with a statement:

The university received information this morning that Matthew Green's blog contained a link or links to classified material and also used the NSA logo. For that reason, we asked professor Green to remove the Johns Hopkins-hosted mirror site for his blog. Upon further review, we note that the NSA logo has been removed and that he appears to link to material that has been published in the news media. Interim Dean Andrew Douglas has informed professor Green that the mirror site may be restored.

So the university backs down, leaving many unanswered questions. Possibly, they will be addressed today. (Update: Johns Hopkins dean apologizes.) Here are some on my list:

Who was it in the Applied Physics Laboratory, with its close ties to the NSA, that raised the alarm about what a (very effective) critic of the NSA was writing ... and why?

Did that person hear first from the government and then contact the Johns Hopkins officials?

Why would an academic dean cave under pressure and send the takedown request without careful review, which would have easily discovered, for example, that the classified documents to which the blog post linked were widely available in the public domain?

Why is Johns Hopkins simultaneously saying that the event was internal to the university (that the request didn't come from the government) *and* that it doesn't know how the whole thing began? The dean of the engineering school doesn't know who contacted him about a professor's blog post? Really? The press office doesn't know how to get in touch with the dean? Seems unlikely. Johns Hopkins spokesman Dennis O'Shea told me this morning that university officials "were still trying to trace" the events back to their source. Clearly, there's a lot more to the story.

Matthew Green said the original request to take down his post could have referred to his Blogger.com site *and* the site hosted on Johns Hopkins servers. Since a request to unpublish your thoughts is one of the most extreme and threatening that any university can make of a faculty member, what kind of deliberation went into it? That Johns Hopkins backtracked so quickly after the press started asking questions suggests that the reasoning was pretty thin. But the request was momentous. These things don't fit together. What gives?

Dennis O'Shea told me the original concern was that Matthew Green's post might be "illegally linking to classified information". I asked him what law he was referring to. "I'm not saying that there was a great deal of legal analysis done," he replied. Obviously. But again: given the severity of the remedy – unpublishing an expert's post critical of the NSA – careful legal analysis was called for. Why was it missing?

In commenting critically on a subject he is expert in, and taking an independent stance that asks hard questions and puts the responsibility where it belongs, Matthew Green is doing *exactly* what a university faculty member is supposed to be doing. By putting his thoughts in a blog post that anyone can read and link to, he is contributing to a vital public debate, which is *exactly* what universities need to be doing more often. Instead of trying to get Matthew Green's blog off their servers, the deans should be trying to get more faculty into blogging and into the public arena. Who at Johns Hopkins is speaking up for these priorities? And why isn't the Johns Hopkins faculty roaring about this issue? (I teach at New York University, and I'm furious.)

Notice: Matthew Green didn't get any takedown request from Google. Only from Johns Hopkins. Think about what that means for the school. He's "their" professor, yet his work is safer on the servers of a private company than his own university. The institution failed in the clutch. That it rectified it later in the day is welcome news, but I won't be cheering until we have answers that befit a great institution like Johns Hopkins, where graduate education was founded on these shores.

And another thing: America's system of research universities is the best in the world. No one argues with that. It's one of biggest advantages this nation has. If it becomes captive to government and handmaiden to the surveillance state, that would be an economic and cultural crime of monstrous proportions. What happened to Matthew Green's blog post yesterday is no small matter.

theguardian.com, 10 September, 2013. □

SUBMISSIONS TO THE SAFS NEWSLETTER

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

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REQUIRING CIVILITY

Colleen Flaherty

Push and pull between administrators and faculty unions during contract negotiations is to be expected. But some faculty members at the University of Oregon say administrators in their contract negotiations are attempting to gut a particularly sacred university policy: academic freedom.

Oregon's existing policy calls free inquiry and free speech "the cornerstones of an academic institution committed to the creation and transfer of knowledge." The belief that an opinion is "pernicious, false, and in any other way despicable, detestable, offensive or 'just plain wrong' cannot be grounds for its suppression," it says.

In the spring, Oregon's Faculty Senate approved a new policy on academic freedom, a near-identical version of which the United Academics, a union affiliated with the American Federation of Teachers and the American Association of University Professors, soon adopted for negotiation purposes. Oregon faculty voted to unionize last year and they are working on their first contract. The Senate statement on academic freedom has yet to be finalized, pending its own negotiations with the administration.

The union's proposed statement is similar to existing policy, calling free inquiry and free speech "essential components" of academic freedom. The statement is also more expansive, and includes language guaranteeing faculty the "right to engage in internal criticism, which encompasses the freedom to address any matter of institutional policy or action, whether or not as a member of any agency of institutional governance."

Faculty advocates say that language was included in response to the 2006 U.S. Supreme Court ruling in *Garcetti v. Ceballos*, which limited the speech rights of public employees. The decision, which concerned the Los Angeles district attorney's office, noted that the ruling did not deal with identical issues to those found in public higher education, but some courts have been applying the ruling to faculty disputes at public universities (others have not).

Since then, faculty leaders nationwide have been

pushing for clarification of university policies as a way to protect free speech rights amid the uncertain legal environment.

The union statement also guarantees the right to free speech in public debate, "free from institutional censorship or discipline." At the same time, the statement notes that faculty members have "special obligations," including as de facto public representatives of the university.

But the university's counterproposal decouples academic freedom and free speech, addressing them separately. Academic freedom is "necessary to teaching and research," it says, with no mention of the role of academics in speaking out if not related directly to teaching and research. Rejecting explicit union language on free speech, the counterproposal instead guarantees protections afforded by the First Amendment and state law.

The university statement mentions civility twice in a section on faculty responsibilities, including that faculty are responsible for treating "students, staff, colleagues and the public fairly and civilly in discharging his or her duties and in accordance with this agreement." Civility clauses have long been of concern to advocates for professors. While it's hard to find people who are anti-civility, many academics note that requiring civility can become a tool for punishing those professors who speak out against their bosses or who push unpopular positions.

Margaret Paris, professor of law and president of the Faculty Senate, has not been involved in union negotiations but said that the union statement likely would influence the ultimate Senate document, since it would be difficult to work off two different policies when most of the faculty belong to the union (although law professors do not).

Paris also said she was aware of the university's preference to decouple academic freedom and free speech in the final Faculty Senate statement, and that she would likely support it. Because the policies "spring from different sets of values," it makes sense that each deserves individual attention, she said.

Oregon's administration works closely with the Faculty Senate and Paris is looking forward to a collaborative process finalizing the document, she said.

But those involved in union contract negotiations said otherwise.

Bill Harbaugh, professor of economics and moderator of the "UO Matters" blog, which is frequently critical of university policy, said decoupling academic freedom from free speech left room for administrators to punish those faculty – like him – who say things administrators don't like. He also objected to the idea that administrators would be the ones deciding what qualifies as "civil."

The university has previously publicly accused Harbaugh of including "consistently anti-university" statements on his blog.

"The university is place of higher learning," warranting explicit protections of free speech, Harbaugh said. "The new policy takes out all the pro-free speech stuff and instead includes many restrictive rules about how faculty can be engaged in free speech. It's aimed in part at limiting the critical faculty right to criticize the administration outside of [the formal university setting]."

Michael Mauer, an AAUP senior labor adviser involved in contract negotiations, said the university's counterproposal gutted union language that protects faculty free speech, in light of *Garcetti*.

"It limits that to whatever the courts currently say is protected by the First Amendment, and we think it should be broader than that," Mauer said, particularly as the counterproposal also rejects some union language guaranteeing faculty members the right to engage in criticism of institutional policy.

And while there's nothing wrong with an "aspirational" mention of civility, he said, including it as a "faculty responsibility" opens the door to potential disciplinary action for words that should be accepted within the "scope of vigorous debate."

David Hubin, executive assistant to University of Oregon President Michael R. Gottfredson, said that he wasn't involved in contract negotiations but that the university's desire to divorce academic freedom from free speech "reflects the president's sentiment that each of those two things are very important historic privileges and that they can be stated more clearly separately. When they are conflated it has the potential

to not give the focus on academic freedom that we feel is critical."

Asked about the civility clause, Hubin said Oregon has a long history of promoting respectful discourse – one that's covered by the university's existing policy on academic freedom and free speech: "It is the responsibility of speakers, listeners and all members of our community to respect others and to promote a culture of mutual inquiry throughout the university community."

Any determination of what's civil would likely include faculty input, he said.

In e-mail, President Gottfredson said: "Academic freedom and freedom of speech are both central to the strength and integrity of our academic community – they are cornerstones of the public university.

Discussions with the University of Oregon Senate last spring resulted in a draft statement that combined these two freedoms. I believe these tenets are of such central importance to our academic mission that they deserve to be considered individually and developed separately into two strong policies. I communicated my views to the former Senate president, and look forward to moving the discussion forward with our new Senate president when our academic year begins later this month."

Harbaugh, however, said Gottfredson's views lagged behind that of his former employer, the University of California. The system's Board of Regents recently expanded speech rights for faculty. Gottfredson is the former provost of the University of California at Irvine.

Robert O'Neil, a free speech expert and former University of Virginia president and law professor, didn't suspect any nefarious intent on the part of the administration based on the counterproposal, but said that a first contract is an important opportunity to "get it right" when it comes to understandings of academic freedom.

The union is particularly well-positioned to flesh out language regarding free speech in light of this month's U.S. Court of Appeals for the Ninth Circuit ruling on public college and university free speech rights, O'Neil said. Instead of limitations set by

the *Garcetti* ruling, the lower court -- in whose jurisdiction Oregon sits -- found that a more general First Amendment analysis protects those rights.

"They need to make sure the adequate language currently reflects *Demers*," he said, referring to the appeals court case regarding David Demers, former professor of communications at Washington State University at Pullman.

Additionally, he said, the civility language is "fuzzy" and needs definition.

Inside Higher Ed, September 12, 2013. □

BENNO SCHMIDT: MITCH DANIELS'S GIFT TO ACADEMIC FREEDOM

His skepticism about the merits of a sacrosanct liberal history textbook has sparked an overdue debate.

Most Americans would agree that academic freedom is a sacred right of the academy and crucial to the American experiment in democracy. But what is it really?

That's the question raised by the Associated Press's July 16 release of emails between Mitch Daniels, when he was the governor of Indiana, and his staff concerning Howard Zinn's "A People's History of the United States." The emails were written in 2010 and Mr. Daniels, whose second term as governor ended this January, is now president of Purdue University in Indiana.

Published in 1980, Zinn's "A People's History" (the author died in 2010 at age 87) has been a staple of Advanced Placement courses at the high-school level and omnipresent in college syllabi for decades. Praised by some for focusing on American history from the ground up, the book has been condemned by others as emblematic of the biased, left-leaning, tendentious and inaccurate drivel that too often passes as definitive in American higher education.

Mr. Daniels falls squarely among the critics. Zinn's history, the then-governor wrote in February 2010, "is a truly execrable, anti-factual piece of disinformation

that misstates American history on every page." Then Mr. Daniels asked: "Can someone assure me that it is not in use anywhere in Indiana? If it is, how do we get rid of it before any more young people are force-fed a totally false version of our history?"

Did Mr. Daniels—the future university president—violate academic freedom with his outburst? A July 22 open letter signed by 90 Purdue professors suggested as much, saying the teachers were "troubled" by his actions, in particular by his continuing to criticize Zinn's book after taking over at the university. Demanding retaliatory funding cuts or preventing college faculty from teaching or publishing certain ideas would have amounted to such a violation. It appears Mr. Daniels, either as governor or as Purdue president, did none of these. In his emails, he aired his unhappiness with Zinn's account of American history, but there is currently no evidence that anything was done by him or his staff to act upon his heated remarks.

Moreover, in a written response to the Purdue professors' letter, he explained that as governor he was only concerned about the teaching of Zinn's book in Indiana's K-12 schools, and that he is "passionately dedicated to the freest realm of inquiry possible at Purdue."

But what about his criticism? Do politicians or outside groups violate academic freedom when they criticize academics? Again, the answer is no.

Inquiries of this sort about teaching materials are not unusual in the life of a university president. Presidents take such inquiries seriously and follow up to make sure that the curriculum and materials are of the highest quality. Public scrutiny helps institutions fulfill their mission. It rightly keeps institutions on their toes.

Academic freedom is faculty's freedom to teach. But, more important, it is also students' freedom to learn. It is, as University of Wisconsin Prof. Donald Downs writes in the American Council of Trustees and Alumni guidebook, "Free to Teach, Free to Learn": "the right to pursue the truth in scholarship and teaching, and to enjoy authority regarding such academic matters as the nature of the curriculum, [and] faculty governance." At the same time, it is "maintaining respect for the truth (which means avoiding bias in its various forms), exercising

professional and fair judgment, and maintaining professional competence."

In other words: Academic freedom is a right and a responsibility. In recent times, the academy has too often been focused on rights and privileges rather than responsibility and accountability.

Mr. Daniels surely won't be the last politician hoping to do something in the face of frequent imbalance and bias in the academy. And it won't be the last time that faculty and others raise rightful concerns about inappropriate interference. That is why the recent email revelation offers not only Purdue, but the academic community at large, a long-overdue opportunity to undertake a robust self-examination of what academic freedom is—and isn't.

Politicians can't dictate course syllabi or reading lists in higher education. But nor should faculty be allowed to engage in indoctrination and professional irresponsibility without being held to account. And yet, over the past 50 years, that is essentially what has happened. The greatest threat to academic freedom today is not from outside the academy, but from within. Political correctness and "speech codes" that stifle debate are common on America's campuses. The assumption seems to be that the purpose of education is to induce correct opinion rather than to search for wisdom and to liberate the mind.

If academics want to continue to enjoy the great privilege of academic freedom, they cannot forget the obligations that underline the grant of that privilege. The American Association of University Professors itself recognized those obligations in its seminal statement, the 1915 Declaration of Principles on Academic Freedom, which is today nearly forgotten: "If this profession should prove itself unwilling to purge its ranks of the incompetent and unworthy, or to prevent the freedom which it claims . . . from being used as a shelter for inefficiency, for superficiality, or for uncritical and intemperate partisanship, it is certain that the task will be performed by others."

It's time that college and university trustees, presidents and faculty made a concerted effort to ensure and engender a culture of academic freedom—and responsibility. If integrity is not maintained from within, the public will attempt to impose it from

without. Mr. Daniels's emails have sparked a needed debate on this defining value.

Mr. Schmidt, chairman of the City University of New York Board of Trustees, is a former president of Yale University and a contributor to the American Council of Trustees and Alumni guidebook, "Free to Teach, Free to Learn."

The Wall Street Journal, July 30, 2013. □

CHEATING AT COLLEGES — BY ADMISSIONS OFFICERS

Admissions offices silently violate the law when assessing applications.

Michael Barone

What is the most intellectually dishonest profession around? My nomination: the admissions officers at highly selective colleges and universities.

Evidence in support of this comes from, of all places, a recent article in the *New York Times*. The writer is Ruth Starkman, and the subject is her experience as a reader of applications to the highly selective University of California, Berkeley.

"Admissions officers were careful not to mention gender, ethnicity and race during our training sessions," she notes. But when she asked one privately, "What are we doing about race?" she was told it was illegal to consider it, but that they were looking at "the 'bigger picture' of the applicant's life."

Racial discrimination in state universities was made illegal in 1996 when California voters by a 55 percent margin passed UC regent Ward Connerly's Proposition 209.

At first UC admissions officers enforced the law, as Richard Sander (a UCLA law professor) and Stuart Taylor report in their book, *Mismatch: How Affirmative Action Hurts Students It's Intended to Help, and Why Universities Won't Admit It*.

The result was that fewer blacks and Hispanics were

admitted to the most selective UC schools, Berkeley and UCLA, but more were admitted to and graduated from less selective UC campuses.

But then admissions officers started to cheat. They declared that they were using “holistic” criteria, trying to gauge from students’ applications the “bigger picture” of their life.

In practice, this meant racial discrimination in favor of blacks and Hispanics, and against Asians and whites

Starkman’s job was to read applications and rate them on a numeric scale, with 1’s being the most desirable. She “was told I needed more 1’s and referrals. A referral is a flag that a student’s grades and scores do not make the cut but the application merits a special read because of ‘stressors’ — socioeconomic disadvantages that admissions offices can use to increase diversity.”

It’s not hard to imagine what “stressors” might include. A Spanish surname. A home address or high school in a heavily black neighborhood. An essay recounting “the hardships that prevented the student from achieving better grades, test scores and honors.”

So the admissions officers were tipping the scale heavily in favor of certain students — and heavily against others.

“When I asked about an Asian student who I thought was a 2 but had received only a 3, the officer noted, ‘Oh, you’ll get a lot of them,’” Starkman writes. “She said the same when I asked why a low-income student with top grades and scores, and who had served in the Israeli Army, was a 3.”

What’s extraordinary about this is that you have an organization every member of which is well aware of its main purpose — illegal racial discrimination — but in which no one will say so out loud. A willingness to lie and break the law are job requirements.

Now I am aware that there are arguments against a college’s just admitting the students with the highest test scores. It does probably serve some educational purpose to bring together people with different interests and different strengths.

Preferences to offspring of alumni and talented athletes May be warranted for schools that need private

contributions to thrive.

But racial discrimination is unlawful and has been rightly repudiated by the American people. The corrupt silence concerning such discrimination in college and university admissions suggests that at some level these people know they are doing something for which they should be ashamed.

Unfortunately they are doing their intended beneficiaries no favors. That’s proved beyond demur by Sander and Taylor’s *Mismatch*. Black and Hispanic students tend to drop out of schools when they find themselves less well prepared than their schoolmates.

Those intending to major in science and engineering tend to back out of those fields. Many do not graduate yet are stuck with mounds of student-loan debt.

Meanwhile, there appears to be a ceiling on the number of Asians in selective private schools, similar to the ceiling imposed on Jews there from the 1920s to the 1960s.

Just 19 percent of students at Stanford and 16 percent in the Ivy League are Asian — numbers that have remained static for two decades despite increasing numbers of Asian applicants.

This is, in my American Enterprise Institute colleague Charles Murray’s phrase, “discrimination against hardworking, high-achieving young people because of the color of their skin.” His word for it: “despicable.”

Michael Barone, senior political analyst for the Washington Examiner, is a resident fellow at the American Enterprise Institute, a Fox News Channel contributor, and a co-author of The Almanac of American Politics. © 2013 The Washington Examiner

The Washington Examiner, August 9, 2013. □

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RIGID CAMPUS FEMINISM: IS IT FOREVER?

By Warren Farrell

Some 200 Canadian and American men's activists will gather this Friday at the University of Toronto, where they will be met by angry feminists dedicated to tearing down their posters, heaping abuse on speakers, blockading events and denouncing police as "f---ing scum" if they try to restore order. At least that's what happened last November when I spoke before the same group--the Canadian Association for Equality (CAFE)--on the same campus. A documentary caught the spirit of the protest:

Angry feminism is still in vogue at the U of T, where the student union regards men's rights organizations as hate groups that shouldn't be heard. They are charging CAFE \$964 for security Friday, thus predicting feminist violence and requiring the men to pay for it.

Personally, I have trouble seeing myself as a hate-soaked advocate of rape (as a few of the more unhinged protesters kept saying). In the 1970s, I was a three-time Board member of the National Organization for Women in New York. Nothing in my Toronto speech was remotely anti-woman. It dealt entirely with the growing crisis of boys.

A Small Hello for Men's Concerns

The problem is that the feminist anger of the 1960s and 1970s has been institutionalized on our campus, where it seems impervious to change. Consider what your son faces if he enters a college in North America, Australia, or most of Europe. In the first week or two, he is required to attend a program on date rape, but nothing on date communication. By October, he will encounter Breast Cancer Awareness Month, but nothing about a "prostate cancer awareness month," though the incidence and deaths from the two diseases are similar. If your son becomes involved in student activities, he has access to significant student funds for women's centers and speakers on women's issues, but not for men's centers or speakers on men's issues.

If your son is heterosexual, he may express interest in a woman who is taking a women's studies course or degree, and see her researching papers on how the patriarchy consists of men who made laws to benefit men at the expense of women. He may learn she is on

a scholarship to encourage women in engineering, math or the other STEM professions; if he's observant, he'll note that despite few men majoring in the social sciences, he hasn't run across even a single man with a scholarship designed to encourage men to enter the social sciences. The low percentage of women in STEM fields is depicted as very troubling, but the fact that males account for only 43% of all college students is not.

Is Misandry the Problem?

Your son will soon meet many women working on papers and theses on women's special interests, such as domestic violence against women, but virtually none on men's interests (the boy crisis; fathering; custody rights, false accusations by women, the high rate of male suicide and imprisonment and domestic violence against men).

Cumulatively, this creates an atmosphere of prejudice against men, misandry, that has turned many campuses decisively anti-male. Look at the Canadian Federation of Students (CFS), the largest student organization in Canada, and the national coordinating body that oversees most of the Canadian student unions. (There is no U.S. equivalent.) This year, the CFS passed a resolution that prohibited either men's issues or men's rights groups or clubs on their affiliated Canadian campuses. Colleges are supposed to be places where all ideas can be considered. But apparently not pro-male ideas, at least in Canada.

Your son or daughter is unlikely to even discover the option of creating or joining these clubs because he or she will not be able to attract students by setting up a recruiting table on campus. (Such clubs exist in only one major U.S. university--Montana State at Bozeman.) If he or she does find one, it is likely to be ineffective because it cannot receive student activities fees to help fund activities. The cumulative effect? Men's issues are branded as illegitimate, a devastating status on campus.

Suppose, though, you have a daughter who is a maverick and she wishes to start a club that incorporates a compassion for men. At Ryerson University in Toronto, two women applied to start a student group sensitive to men's as well as women's issues.

The Ryerson Student Union's Board of Directors immediately passed a pre-emptive resolution that any group examining gender that was inclusive of "the concept of misandry" would be considered as "negating the need to center women's voices in the struggle for gender equity"...and therefore prohibited from the campus. As is often case at colleges these days, there was no discussion, no debate and no input by the people trying to launch the club. The primary advocate of the ban was Marwa Hamad, a faculty member at Ryerson, and (ironically) Vice-President of Equity at the school.

Obstruction, Not Discussion

In 1972, many feminists, including male feminists like myself, sought a gender equality that would benefit both sexes. But from day one women's studies' departments at leading universities skipped right past that--and into Marxist feminism with its paradigm of males-as-oppressor/females-as-oppressed. Over the past thirty years that model expanded from the politically correct gender framework at the *leading* universities, whose professors are typically more radical, into more vocationally oriented universities such as Ryerson, who in the past were barely affected by Marxist-type feminism.

Remaining tolerance for men's issues is slight. In the Spring of 2013, the Canadian Association for Equality invited a women's studies professor who favored a more male-positive approach to women's studies. The feminist groups interrupted her presentation by setting off a fire alarm. Take a listen.

The University of Toronto Student Union responded to the cumulative stimuli with a "Townhall on Sexism." First red flag: not a single representative of any group with a male-positive perspective was invited to speak. To the contrary, the only invited speaker, Danielle Sandhu, former president of the University of Toronto Student Union, immediately supported an audience member who said, "we know there are infiltrators..."they should just leave, I could point fingers...."" The search was on to identify and root out dissenters. Audience members shouted, "point them out" and "make them uncomfortable." A representative of the Ontario Public Interest Research Group suggested a militant approach--"making this campus inhospitable to these people" by finding out "where they live." Intimidated, two representatives from a

men's group left, though the event was paid for by student fees and was supposed to be open to all.

What Can Be Done?

Recently, I reached out to activists on both the men's issues side of the aisle, and to Michael Kimmel, the dominant force on the men's issues-as-defined-by-feminists side.

Only the feminist-defined men's issues are receiving funding of any significance from their university or a foundation. Stony Brook University and other foundations will be adding additional funding to a \$300,000 start-up grant from the MacArthur Foundation to establish the first Center for the Study of Men and Masculinities. The center will be headed by sociologist Michael Kimmel, a male feminist whose perspective is made clear by the title of his forthcoming book, *Angry White Men*.

Although Kimmel has some empathy for fathers' issues, the Center's advisory board is thus far is made up of leading establishment feminists such as Gloria Steinem, Jane Fonda and Eve Ensler, whose play, *The Vagina Monologues*, symbolizes the gender monologue on campus.

How are men's issues as defined by feminists different from men's issues as defined by other men (e.g., suicide, and the other issues mentioned above)? Feminist-defined men's issues require acknowledging patriarchy and encourages men to forfeit their power. Once men are seen as having the power, domestic violence is seen as the expression of male power, hence the Violence Against Women Act, which strongly addresses violence by one sex, but not by the other.

To my knowledge, no person who deviates from the orthodox feminist perspective on these issues has received significant university or foundation funding, or reached Kimmel's level of Distinguished Professor in any social science department at any university in the U.S. or the rest of the world. Neither my contacts nor my emails from readers around the world were able to identify a single men's studies course--and certainly no program or degree--that was not under feminist control.

There are seven scholarly journals in the field of

feminist masculinity studies, and one--a recent one--in the field of men's studies that is not feminist-controlled. That one is *New Male Studies*. Its editor is Miles Groth, a Wagner College professor who built his reputation on the existential philosophy of Martin Heidegger.

If feminism's focus is on "men-as-the-problem" is there a way to make the transition to the problems of men?

Lakeland Community College in Ohio, and Pierce College in Washington State, found that men's problems could get attention if couched as an issue of retention. James Shelley at Lakeland explained that the new Ohio funding formula is based on success rates, including graduation and retention. And since men are more likely to drop out, the issues putting male students at risk might be more widely considered if it meant more money from the state.

Similarly, after Pierce College's Bret Burkholder elicited data from colleges throughout Washington State, and discovered male students about four times as likely to be dismissed as women at *all* of Washington state's colleges, he got no traction when he presented it as a male problem. It too had to be presented as a retention problem.

Learning from this, Burkholder has framed his work less as about men *per se*, and more, for example, as about veterans, which clears through the patriotism filter; or work with single dads, since the beneficiaries are children.

This approach, while gaining traction, is still slow. As Shelley puts it, "the premise is still, 'Men are the problem' rather than 'Men have problems.'" And this from the man who directs one of only three university men's centers. (The others are at the U of Oregon, and the Houston area Lone Star College-Kingwood, just approved in 2013). And as far as men's rights organizations with college approval, the only one I'm able to identify is the new affiliate of the National Coalition of Free Men at Montana State University in Bozeman.

When I played tennis with the man who was at the time the president of Northwestern University, I told him, "You could make Northwestern the first university in the world to pioneer a program defining men's issues." He said if he did that, he would be

"annihilated" by the feminists, so I asked. "Is there *any* way you could create such a program without being annihilated?" His answer was interesting: " Actually yes. If the University were sued as being in violation of Title IX by not balancing women's studies with men's studies... then I'd be able to support something in the name of saving the university. I'd be more a hero than a villain."

Empowering women, whether in the workplace, sports, or internally, is a virtue. But demonizing men and undervaluing the family undermines that virtue. Male-female relationships are not about oppressor and oppressed. Men and women have worked together and died together in the family boat that navigated the waters of survival. When either sex unilaterally wins, both sexes lose. The family boat sinks.

We don't need a women's movement demonizing men, nor a men's movement demonizing women. We need a movement to transition from the rigid roles of the past to more flexible roles for our future.

Minding The Campus:

http://www.mindingthecampus.com/originals/2013/09/rigid_campus_feminism_is_it_fo.html#sthash.mfJBzjl b.dpuf. □

BARBARIANS AT THE CAMPUS GATES

Why colleges cave to the demands of student activists

Thomas Sowell

An all-too-familiar scene was enacted on the campus of Swarthmore College during a meeting on May 4 to discuss demands by student activists for the college to divest itself of its investments in companies that deal in fossil fuels. As a speaker was beginning a presentation to show how many millions of dollars such a disinvestment would cost the college, student activists invaded the meeting, seized the microphone, and shouted down a student who rose in the audience to object.

Although there were professors and administrators in the room — including the college president —

apparently nobody had the guts to put a stop to these storm-trooper tactics. Nor is it likely that there will be any punishment of those who put their own desires above the rights of others. On the contrary, these students went on to demand mandatory campus “teach-ins,” and the administration caved on that demand. Among their other demands are that courses on ethnic studies, and on gender and sexuality, be made a requirement for graduation.

Just what is it that academics have to fear if they stand up for common decency, instead of letting campus barbarians run amok? At a prestigious college like Swarthmore, every student who trampled on other people’s rights could be expelled and there would be plenty of prospective students available to take their places. Although colleges and universities across the country have been giving in to storm-trooper tactics ever since the nationwide campus disruptions of the 1960s, not all have. Back in the 1960s, the University of Chicago was a rare exception. As Professor George J. Stigler, a Nobel Prize-winning economist, put it in his memoirs, “our faculty united behind the expulsion of a large number of young barbarians.”

The sky did not fall. There was no bloodbath. The University of Chicago was in fact spared some of the worst nonsense that more compliant institutions were permanently saddled with in the years that followed as a result of their failure of nerve in the ’60s. When the nationwide campus disruptions and violence of the 1960s gave way to quieter times in the 1970s, many academics congratulated themselves on having restored peace. But it was the peace of surrender.

Creating whole departments of ethnic, gender, and other “studies” was part of the price of academic peace. All too often, these “studies” are about propaganda rather than serious education. Academic campuses have become among the least free places in America. “Speech codes,” vaguely worded but zealously applied to those who dare to say anything that is not politically correct, have become the norm. Few professors would dare to publish research or teach a course debunking the claims made in various ethnic, gender, or other “studies” courses.

Why did all this happen? Partly because of the lure of the path of least resistance, especially to academic administrators and faculty. But there was no such widespread surrender to every noisy and belligerent

group of student activists prior to the 1960s. Moreover, the example of the University of Chicago showed that surrender was not inevitable.

The cost of resistance to the campus barbarians may not have been the only factor. Resistance requires a sense that there is something worth defending. But decades of dumbed-down education have produced people with no sense of the importance of a moral framework within which freedom and civil discourse can flourish. Without a moral framework, there is nothing left but immediate self-indulgence by some and the path of least resistance by others. Neither can sustain a free society. Disruptive activists indulge their egos in the name of idealism and others cave rather than fight.

It’s not just academics who won’t defend decency. Trustees could fire college presidents who cave in to storm-trooper tactics. Donors could stop donating to institutions that have sold out their principles to appease the campus barbarians. But when nobody is willing to defend civilized standards, the barbarians win.

Whether on college campuses or among nations on the world stage, if the battle comes down to the wimps versus the barbarians, the barbarians are bound to win.

Thomas Sowell is a senior fellow at the Hoover Institution. © 2013 Creators Syndicate, Inc.

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Elive Seligman, President

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