

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

Number 66

www.safs.ca

January 2014

YORK UNIVERSITY PROFESSOR WHO REFUSED STUDENT'S REQUEST TO BE SEPARATED FROM FEMALE CLASSMATES BROKE 'OBLIGATION TO ACCOMMODATE': OFFICIALS

Tristin Hopper

After refusing to honour a male student's request to be separated from his female classmates for religious reasons, a York University professor has found himself at odds with administrators who assert he broke their "obligation to accommodate."

"It represents a great leap backwards," said sociology professor J. Paul Grayson. "When I was a student, you couldn't have gotten away with that — it wouldn't even have been considered."

The issue arose last September in the opening days of SOCI 2030, an online course taught by Mr. Grayson.

A student, who remains nameless due to privacy reasons, asked to be counted out of a scheduled group project due to the course's heavy preponderance of female students.

"One of the main reasons that I have chosen internet courses to complete my BA is due to my firm religious beliefs, and part of that is the intermingling between men and women," he wrote, adding "it will not be possible for me to meet in public with a group of women (the majority of my group) to complete some of these tasks."

The unusual request immediately troubled the professor. In a 12-page paper documenting the episode, he expressed his worry about becoming an "accessory to sexism" and, in a letter to the campus' Centre for Human Rights, declared "I doubt that we would sanction a student refusing, for religious reasons, to interact with Blacks in classes even though Biblical justification could be found."

IN THIS ISSUE

3. **York University Accommodation Case and Rights**
4. **Quebec's French Universities Reject Values Charter**
5. **Nomination for SAFS Board of Directors**
5. **SAFS ANNUAL GENERAL MEETING, MAY 10, 2014**
6. **Slow Death of Free Speech at Harvard**
10. **Whistle Blower Blocked**
12. **Fireable Tweets**
13. **Too Risky for Boulder**
15. **US Feds Back Away from New Campus Speech Restrictions**
16. **The Non-Boycott of Israeli Science**
18. **More Rejections for ASA'S Boycott of Israel**

Published by the **Society for Academic Freedom and Scholarship**, a society open to all (whether in a university or not) who accept the principles of freedom in teaching, research and scholarship and maintaining standards of excellence in decisions concerning students and faculty.

ISSN 1704-5436

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

Throughout, the student never revealed his religion, prompting Mr. Grayson to guess that he followed either Islam or Orthodox Judaism.

The professor ran the student's initial memo past a Judaic scholar and two Islamic scholars, all of whom were puzzled by the request.

The Judaic scholar found no problem with an Orthodox Jew attending a co-ed group session. One of the Islamic scholars, in turn, declared simply, "unless he is asked to be physical with a female student, which I assume he isn't, there is absolutely no justification for not interacting with females in public space."

Mr. Grayson's colleagues appeared to agree. At an October departmental meeting they passed a resolution forbidding any religious accommodations that contributed to the "marginalizations of other students, faculty or teaching assistants."

After getting wind of the resolution — as well as Mr. Grayson's stated refusal to honour his accommodation - the student cheerfully backed off.

He attended the group session without protest and even wrote a memo to Mr. Grayson thanking him "for the way you have handled this request."

"He's a reasonable guy," said Mr. Grayson.

Nevertheless, the rejection incensed university brass. According to Mr. Grayson, on October 18, he received a letter from the Dean of the Faculty of Liberal Arts and Professional Studies ordering him to accommodate the student's wishes.

As per documents provided by the professor, one of the keystones of the Dean's position is the assertion that allowing the student to opt out of female interaction would not affect the "experience of other students in the class"—provided the professor kept quiet about it.

In an October 18 email, the Dean specifically told Mr. Grayson that if he was worried about the "course experience of our female students" he would make sure they "are not made aware of the accommodation."

Instead, like a true sociologist, Mr. Grayson presented a hypothetical version to one of his other classes and gauged their reaction via survey.

The response confirmed his suspicions. Female students in particular reacted with outrage and even threats of legal action.

"What if the male student asked that the women be seated at the back of the class or on the other side of a partition so that he would not have to see them?" wrote one.

Another turned the request around.

"Men are known to sexually harass females, therefore I will not participate in any group work that a male is involved in within this class, I expect to be placed with only females," she wrote. "Silly, right? This situation is the exact same."

The Dean dismissed the November survey, saying he was not "persuaded that other students' political views on the subject are either a relevant or an appropriate consideration."

"I am unpersuaded that it is even arguable that the non-participation of this one male student in group work affects in any way any other student's human rights," he wrote.

As York's winter semester kicks off, said Mr. Grayson, the order is still standing.

"There's been no reversal of position," he said.

National Post, January 9, 2014. □

YORK UNIVERSITY CASE IS NOT ABOUT RIGHTS

Mark Mercer

Just about everyone, including the *Ottawa Citizen's* editorial board, thinks that the York University incident in which a student asked for special accommodation is properly understood as a conflict between religious rights and our desire for a non-discriminatory society. Even the professor of the course thinks of it that way, as do the university administrators who ordered the professor to honour the student's request.

But a conflict of rights is not how we should conceive the case at all. We should think of it entirely in the context of university education. The only question a professor should ever seek to answer when asked to make a special accommodation is whether making that accommodation is consistent with the educative goals of her course.

Media reports tell us that back in September, a student at York asked his professor, Paul Grayson, to be exempted from a group project because the group included women and working in physical proximity with women was against his religion. Dr Grayson considered his student's request and denied it. The Dean of the Faculty of Liberal Arts and Professional Studies, though, has ordered Dr Grayson to accede to the request, arguing that failing to do so violates the duty to accommodate religious belief.

That Dr Grayson himself thinks the matter has to do with a conflict of rights or a conflict between a right and a social goal is clear from the fact that he solicited opinions from religious authorities about the request. He denied the request only after his authorities informed him that neither Islam nor Orthodox Judaism prohibit men and women from working together in person on scholarly projects.

Presumably, he would have granted the exemption had he learned that working together was indeed prohibited. Or maybe he would have denied it anyway, thinking that aiding sexism was worse in the case than making it difficult for a person to practice his religion. Either way, Dr Grayson thought himself engaged in a balancing act, seeking the proper path between two competing ideals.

Finding a balance among rights or ideals might well be fine when considering seating arrangements at a political event or dress codes for police officers or school children. The request in this case, though, had to do with an assignment in a university course.

Dr Grayson must have thought the group work had pedagogical value or he would not have assigned it or graded it. If the assignment has pedagogical value, then not completing it is to the detriment of the student's education. As well, making an exception for a student—that is, allowing that student to skip a piece of work without his grade suffering—compromises the integrity of the course. The B of a student not penalized for skipping an assignment is not equivalent to the B of a student who has completed and, thereby, learned from that assignment.

Dr Grayson need not have consulted either experts in religion or his feelings about sexism, for both are irrelevant. All Dr Grayson should have asked is whether the goals of his course would be served just as well by exempting his student. If the integrity of his course would not be affected, then the student can skip the assignment. Indeed, if Dr Grayson had discovered that the integrity of his course would not be affected, he should have made the assignment optional generally, if not dropped it.

The only judgement that should have come into play was Dr Grayson's own professional judgement as the teacher of his course.

Now one might object that since universities are public institutions, they must honour public values as well as academic and educative values, or, better, they should fashion their educative goals in light of public values. Part of the public value of universities is that they train lawyers, doctors, politicians, business people, journalists, and other elite workers. It's important that our elites mirror the diversity in our society. Thus, universities should educate in a way that enables people of diverse religions and cultures to take their place within the leading professions.

Universities that understood their social role well would consciously design courses and programmes so that they do not refuse or alienate people with minority religious or cultural commitments.

Well, the relationship between universities and

government has always been turbulent and marked by conflicting values and goals. Universities committed to liberal education, to education as broadening the mind and liberating the person from ignorance and conformity, must, though, reject the call to make themselves trainers of the social elite and credentializing agencies. They must keep central to everything they do their commitment to learning and intellectual community for their own sake.

What about the duty to accommodate, one, apparently, written into the Ontario Human Rights Code, as the Dean says he was told it is? The answer in this particular case is that it should be up to the professor of that course how to perform this duty. After all, the course is in service to the teaching goals of the professor. Refusing a request that would compromise the integrity of the course is not to fail in one's duty, but dutifully to judge the request unreasonable.

The larger answer to this problem is that human rights policy is currently a contested area. As such, it's open for universities and other institutions to put their own values forward to mould policies so that they do not compromise their mission. Universities have not been doing this, unfortunately, as can be seen in their acceptance of the concept of hate speech and their willingness to construct codes of behaviour inconsistent with civil liberties.

To sum up: Reasonable accommodation in universities should not be understood in terms of conflicts of rights or ideals, or between individuals and groups. It should be understood entirely through the lens of the values and mission of the university as a place of liberal education and intellectual community.

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

Ottawa Citizen, January 10, 2014. □

SIGNS OF REVOLT MOUNT AS FRENCH UNIVERSITIES REJECT SECULAR CHARTER

Ingrid Peritz

Quebec's largest university is panning the province's secular charter as a useless measure, adding to signs of a growing revolt against the Parti Québécois's controversial bill.

The French-language University of Montreal is challenging the very basis of the government's argument for its legislation. When the minister responsible for the charter, Bernard Drainville, introduced it in September, he said it was meant to address a "crisis" over religious accommodations that had festered for years and created tensions in Quebec.

The U of M searched its human-resources files going back 20 years and found no incidents whatsoever involving conflicts over religious accommodations. Whatever minor incidents occurred were quickly settled by applying the university's internal rules, a spokesman said.

The university decided at a meeting of faculty, student representatives and administrators on Monday that the government's legislation serves no purpose.

"It doesn't respond to our needs," the spokesman, Mathieu Filion, said on Tuesday. He said the university is not taking a formal position against the bill, and will present a brief at legislative hearings in the new year.

The Montreal university has 64,000 students – making it the biggest in the province – who come from 130 countries worldwide. Some would be subject to the ban on religious dress if they became researchers or teaching assistants, Mr. Filion said. The government legislation, Bill 60, would forbid state employees from wearing conspicuous symbols of their faith such as headscarves and *kippas*.

The head of the French-language University of Sherbrooke, Luce Samoisette, told a Montreal newspaper that the charter ban on religious symbols could not be applied. "It's not a good idea to do that," she is quoted as saying. If the law ever passed, it would create a situation in a research lab where a student on a bursary could wear a veil but a staff employee could not, she said.

The universities join a growing list of institutions and critics taking a stand against the charter, which has veered in recent weeks into an often acrimonious debate over the Muslim headscarf. Hospitals, municipalities, former premiers and the Quebec human rights commission have come out against it. The English Montreal School Board, Jewish General Hospital and some Montreal-island municipalities say they would refuse to comply with it.

The law would apply not only to Quebec's civil service but to schools, hospitals and publicly funded daycares. Asked about the universities' stands on Tuesday, Higher Education Minister Pierre Duchesne defended his government's bill.

"Universities are places to promote ideas and favour the transmission of knowledge, not to proselytize and promote religion. The directors of universities and university communities know it," he said in Quebec City.

The Globe and Mail, December 3, 2013. □

SAFS BOARD OF DIRECTORS

2013 - 2014

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

Past Presidents

Doreen Kimura, Ph.D. FRSC (SFU)
John Furedy, Ph.D. (U. Toronto)

SAFS ANNUAL GENERAL MEETING

MAY 10, 2014

AT

UNIVERSITY OF WESTERN ONTARIO

Advance Notice

We are pleased to announce that **GREG LUKIANOFF, President, The Foundation for Individual Rights In Education (FIRE)**, will be our keynote speaker.

Details to follow shortly on the SAFS Website, www.safs.ca □

NOMINATION FOR SAFS BOARD OF DIRECTORS

2014 - 2016

The Nomination Committee consisted of Clive Seligman (President), Steve Lupker and Rick Goffin, (both at University of Western Ontario), and Phil Sullivan (University of Toronto).

The current board is being re-nominated. The Directors are: **Rodney Clifton, Andrew Irvine, Tom Flanagan, Steve Lupker, 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 15, 2014. Each member nomination shall contain the following information: (i) the signature of the person nominating and the signature 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. □

THE SLOW DEATH OF FREE SPEECH AT HARVARD

Harvey Silverglate

A speech to the 55th reunion of the Harvard Law School class of 1958, October 26, 2013.

I graduated from Harvard Law School in 1967. Very early in my career, I represented many students in Administrative Board cases growing out of their protests against the Vietnam War. I represented (with Alan Dershowitz) one group of students accused by the Administrative Board of harassment for closely following the Harvard College Dean, Ernest May, 24 hours a day, chanting "murderer, murderer, murderer." Wherever the dean walked in Cambridge, he was followed. Dean May was consulting at the time for the Department of Defense. This is why the students followed him and chanted.

The College's Ad Board acquitted the students on academic freedom/free speech grounds, simply advising the students to keep a respectful distance from Dean May when they followed him. This would never happen today. The definition of "harassment" has very much swallowed up the concept of free speech and academic freedom.

By the mid-1980's, I noticed a distinct change in the culture of free speech and academic freedom throughout the entire country, but Harvard, and particularly Harvard Law School, was a pioneer in the slow death of these virtues.

The Harvard Law sexual harassment guidelines, 1996

My first public critique of the suppression of free speech at Harvard occurred in a 1996 *Wall Street Journal* op-ed, "Harvard Law Caves In to the Censors." HLS adopted, for the first time in its history, the Harvard Law School Sexual Harassment Guidelines, which deemed certain unpleasant speech to constitute actionable "harassment." This grew out of the publication of the annual *Harvard Law Review* April Fool's Day parody issue in 1992, the *Harvard Law Revue*. The satirical issue contained the infamous Frug parody: Mary Joe Frug, feminist legal scholar at Northeastern School of Law, was tragically and

viciously murdered on the streets of Cambridge in 1991. As a memorial tribute to Professor Frug, the *Harvard Law Review* had published Professor Frug's unfinished draft article on feminist legal scholarship. The satirical *Revue* made fun of this piece in a highly insensitive parody that contained a warning on the cover that it was "highly insensitive."

Outrage was instant. HLS Dean Robert Clark at first resisted calls for censorship, but finally caved in, as did all but three faculty members attending the faculty meeting that approved adoption of the dean's "Harvard Law School Sexual Harassment Guidelines" that trenched on speech.

I wrote a protest to Dean Clark. He responded:

"Thank you for your letter . . . about your thoughts on the Harassment Guidelines. Your sentiments have been echoed in the faculty chambers along with many others. This discussion is a sign of the times, as is the need perceived among students that we have to discuss this or be seen as uncaring of their concerns.

The Guidelines remain in effect today. There cannot be another such parody at HLS involving gender; nor has there been.

Censorship of *The Harbus*, November 2002

The *HarBus* newspaper ran a really rather tame cartoon in its Oct 28, 2002 issue, ridiculing the administration's operation of the HBS career office. Student editor-in-chief Nick Will was called to a meeting with Steven Nelson, executive director of the MBA Program, HBS Career Officer Matthew Merrick, HBS Senior Dean Walter Kester, and HBS Dean Kim Clark - all over a cartoon! Nelson threatened the student editor with disciplinary action, and so the editor resigned for fear of getting kicked out of the school.

The *Harvard Crimson* reported the story, which is how we know about it. Dean Kim Clark told the *Crimson*: "We do not want students to engage in discourse that hurts others," and the dean added that the coverage violated "HBS Community Standards." Finally, The *HarBus* News Corporation legal counsel opined that the criticism was "printable according to free speech

laws," according to the *Crimson*. The HBS administrators retreated presumably in the face of legal advice.

The resignation of Lawrence Summers, 2005

I need not go into great detail about the incident that triggered the resignation of Larry Summers. Some say there were several reasons, including difficult personality traits that grated on some of the more pampered faculty members, or perhaps Summers' adamantly expressed views about subjects on which he was not a certified expert. But there can be no doubt that Summers' widely-reported remarks, at an academic conference held at Harvard on January 14, 2005, run by the National Bureau of Economic Research, was the key precipitating factor that led within a couple of weeks to his resignation after only some five years in the President's office.

What was Summers' error? He suggested that genetic differences between the sexes *might* in part account for women's underrepresentation in math, science, and engineering, and that research must be conducted to answer the hard questions and devise remedies. He should have known, however, that in the modern academy, it is no longer acceptable to speak honestly, even intelligently, about gender, race, sexual identity, or any other issue that has already been "decided" by entrenched orthodoxies - that these are no longer acceptable topics for rational discussion and debate, much less scientific research. It did not matter that Summers, in his speech, had actually called for research to be done in this area. His merely suggesting the possibility of a genetic difference between men and women in their ability to master certain fields was enough to bring him down.

Harvard's Richard Freeman, the economist whose invitation to Summers led to the speech that triggered the tumult, was quoted in a January 23, 2005 article in *The New York Times* to say that he had invited Summers specifically to speak in his capacity as a world-class economist rather than as an institutional leader, because, explained Freeman, had Summers been invited in his role as university president, "he would have given us the same type of babble that university presidents give." (This Freeman quotation alone is a sad comment on what has happened to our academic leaders.)

But the faculty revolt that forced Summers out of the Harvard presidency had grave consequences. The fact that the university president appeared to have been forced out of office because he uttered a controversial opinion was not lost on anyone in the Harvard community.

A student's private email on race and intelligence, April 2012

Stephanie Grace, 3L, had dinner with some classmates, at which the hot-button issue of race and intelligence apparently came up. When she returned to her room, she had some further thoughts that she emailed to the dinner participants. Here are excerpts from what she said:

I absolutely do not rule out the possibility that African Americans are, on average, genetically predisposed to be less intelligent. I could also obviously be convinced that by controlling for the right variables, we would see that they are, in fact, as intelligent as white people under the same circumstances....

I also don't think that there are no cultural differences or that cultural differences are not likely the most important sources of disparate test scores.... I would just like some scientific data to disprove the genetic position, and it is often hard given difficult to quantify cultural aspects.....

In conclusion, I think it is bad science to disagree with a conclusion in your heart, and then try (unsuccessfully, so far at least) to find data that will confirm what you want to be true. Everyone wants someone to take 100 white infants and 100 African American ones and raise them in Disney utopia and prove once and for all that we are all equal on every dimension, or at least the really important ones like intelligence. I am merely not 100% convinced that this is the case.

Please don't pull a Larry Summers on me. [Emphasis added.]

A recipient of this email apparently forwarded the email to others - I don't know the precise route - but it eventually landed on the desk of Law Dean Martha Minow. I do not know the details of whatever discussions Dean Minow had with 3L Stephanie Grace, but the results of those discussions were evident

in separate messages disseminated, one by Ms. Grace and then one by Dean Minow, to the entire HLS community. Herewith are excerpts:

Stephanie Grace, in her email to the Black Law Students Association:

I am deeply sorry for the pain caused by my email. I never intended to cause any harm, and I am heartbroken and devastated by the harm that has ensued. I would give anything to take it back.

I emphatically do not believe that African Americans are genetically inferior in any way. I understand why my words expressing even a doubt in that regard were and are offensive.

I would be grateful to have an opportunity to share my thoughts and to apologize to you in person.

Even beforehand, I want to extend an apology to you and to anyone else who has been hurt by my actions.

Dean Minow, in turn, sent an email message addressed "Dear members of the Harvard Law School community." Here are excerpts from that email:

I am writing this morning to address an email message in which one of our students suggested that black people are genetically inferior to white people.

This sad and unfortunate incident prompts both reflection and reassertion of important community principles and ideals. We seek to encourage freedom of expression, but freedom of speech should be accompanied by responsibility. This is a community dedicated to intellectual pursuit and social justice. The circulation of one student's comment does not reflect the views of the school or the overwhelming majority of the members of this community.

As news of the email emerged yesterday, I met with the leaders of our Black Law Students Association to discuss how to address the hurt that this has brought to this community.... A

troubling event and its reverberations can offer an opportunity to increase awareness, and to foster dialogue and understanding. The BLSA leadership brought this view to our meeting yesterday, and I share their wish to turn this moment into one that helps us make progress in a community dedicated to fairness and justice.

Here at Harvard Law School, we are committed to preventing degradation of any individual or group, including race-based insensitivity or hostility. The particular comment in question unfortunately resonates with old and hurtful misconceptions. As an educational institution, we are especially dedicated to exposing to the light of inquiry false views about individuals or groups.

I am heartened to see the apology written by the student who authored the email, and to see her acknowledgment of the offense and hurt that the comment engendered....

Sincerely,
Martha Minow

The Harvard College Class of 2015 "Kindness" Pledge

The emanations from these incidents showed up at the start of the academic year in 2011 in quite another context. Dean of Freshmen Thomas Dingman announced that a "kindness pledge" would be posted in the entryway of every freshman residence hall, and each member of the Class of 2015 would be asked to sign the oath on a line designated for his or her signature. The pledge read, in part: "we commit to upholding the values of the College and to making the entryway and Yard a place where all can thrive and where the exercise of kindness holds a place on a par with intellectual attainment." [Emphasis added.] The Oath would remain posted in the entryway of each dorm all year, so that it would be visible, for all to see who in the class presumably valued kindness and who did not or, put another way, who was a good and righteous human being and who was not.

Perhaps Dean Dingman was not prepared for the reaction that quickly followed. Mind you, the "kindness oath" was aimed not just at influencing conduct, but at pressuring freshmen to adopt Dean

Dingman's point-of-view on the relative importance of kindness, versus academic achievement, at a liberal arts institution of higher learning.

Most potently perhaps, Professor Harry Lewis, Gordon McKay Professor of Computer Science, who served as Dean of Harvard College from 1995 until 2003, severely criticized Dean Dingman's initiative, in Professor Lewis' widely-read and highly-respected blog, "Bits and Pieces." Professor Lewis expressed worry that such an initiative would "set a terrible precedent." He noted that throughout its history, "Harvard has a deep and ancient antipathy to pledges and oaths." Professor Lewis traced this antipathy back to the very founding of Harvard College. More recently, he noted, President Nathan Pusey "raised his voice in 1959 to object to US legislation that would have demanded that certain scholarship recipients swear to uphold the Constitution. Loyalty oaths, even ones affirming unexceptionable principles, are, as Pusey put it, 'odious.'"

Dean Dingman backed down. But the following year he had a surprise awaiting incoming members of the Class of 2016. No pledge this time (that was too visible to the administration's critics), but, instead, without any public announcement such as doomed the prior year's attempt at freshmen thought reform, Dean Dingman managed to slip a stealth attitudinal re-education program into Harvard's freshman orientation week. Harvard undergraduates are now instructed in kindness, its belief and its practice, as a requirement, but this is done not in public, but in private orientation sessions. No wonder Justice Brandeis famously wrote: "sunlight is said to be the best of disinfectants."

[Note to the reader: The following section on the Swamy case was included in the original typescript of the lecture, but was eliminated due to a lack of time when the speech was orally delivered.]

So Long Swamy: No room for hate rhetoric here

This was the headline of a *Harvard Crimson* staff editorial that appeared on December 12, 2011. The paper reported that a week earlier - on December 6th - "the Faculty of Arts and Sciences voted by a large majority to exclude Indian economist Subramanian Swamy's course from this year's Harvard Summer school offerings." I quote further from the *Crimson* editorial:

The proposal, brought forward by Comparative Religion Professor Diana L. Eck, referenced Swamy's inflammatory op-ed published last year in the Indian newspaper *Daily News and Analysis*. In the piece, Swamy calls for the destruction of mosques as retaliation for terrorist attacks in India, as well as the disenfranchisement of Indian Muslims who refuse to acknowledge Hindu ancestry. Swamy's op-ed clearly constitutes hate speech, by even the most lenient definition. As a matter of principle, there is no place for hate speech in the Harvard community. Regardless of whether Swamy's article actually has the ability to incite violence, the worthless, hateful bile contained therein itself ought to disqualify the man from teaching at our University. The faculty's decision to remove Swamy from the teaching roster was wise, just, and reasonable."

After going on for a while in this vein, the *Crimson* editorial concludes:

"The Harvard community has an obligation to maintain a minimum standard of decency among its members. Those who stand for bigotry, hatred, and violence have no place instructing students or wearing the Harvard name. We commend the faculty for their principled decision."

Why am I so disturbed by this editorial, written by Harvard undergraduate journalists? Well, in the past the *Crimson* tended to be a bastion of support for free speech and academic freedom. But we see, in this editorial, student journalists' supporting the faculty's censorship based entirely upon a professor's expression, in an off-campus venue in his native country, of views deemed unacceptable at Harvard.

It is Harvard Yard that has become dangerous for the dissenting voice, in contrast to Harvard Square where anything goes. Surely this is a clarion call for us alumni. It is a rather large canary uttering a warning in our academic coal mine.

Harvey Silverglate, a Boston criminal defense and civil liberties lawyer and writer, is the co-founder and Chairman of the Board of Directors of The Foundation for Individual Rights in Education (www.thefire.org). He co-authored The Shadow University: The Betrayal of Liberty on America's Campuses.

Minding the Campus, November 3, 2013. □

WHISTLE-BLOWER BLOCKED

Colleen Flaherty

The University of North Carolina at Chapel Hill has revoked a reading specialist and adjunct professor's permission to discuss her research or otherwise use her data on student athlete literacy, just weeks after she was featured in a network news story on the topic. The university also questioned her methodology and the validity of her findings.

Mary Willingham, who works in the Center for Student Success and Academic Counseling and teaches an education course, cannot use data that could be used to identify human subjects until she receives permission from the university's Institutional Review Board, it told her last week. Previously, the board determined that review and approval of her research was not necessary because it involved "de-identified" data – meaning that it did not contain personally identifiable information about human research subjects, either to the researchers or the public.

In other words, the board believed it did not have to oversee Willingham's work because her data couldn't be linked back to her student subjects by anyone.

Earlier this month, Willingham told CNN she'd worked with 183 Chapel Hill basketball and football players for her research, from 2004-12, while she was a graduate student at the University of North Carolina at Greensboro. Some 10 percent read below a third-grade level, she said. Willingham also shared anecdotes about students she'd worked with during her career, such as one who was illiterate, and one who couldn't read multisyllabic words.

Another student asked if Willingham could "teach him to read well enough so he could read about himself in the news, because that was something really important to him," she told CNN. Her quotes didn't identify any students by name or unique characteristics.

It's unclear, however, if those comments were related to her work as a teacher and adviser or researcher.

Willingham hasn't published a paper on her research, but has spoken publicly before about her experiences with student literacy at Chapel Hill. She is credited with the blowing the whistle on a no-show course

scam involving athletes there that made national headlines and prompted several internal investigations in 2010. (One of those investigations found that scam was isolated to one department, and was not motivated by athletics, but dated back to 1997. The university's chancellor, Holden Thorp, resigned following the scandal.)

In a statement Friday, the university said the review board had noted, through Willingham's recent, public statements, that she had "collected and retained identified data," requiring review board oversight. It did not say which of her statements revealed that.

"All human subjects research requires review by the university's Institutional Review Board," a university spokesman said in a separate, emailed statement. "Review and approval must be obtained before the research can begin. In addition, any time there is a change to the research protocol, the researcher must submit an updated application for review and approval.

Researchers are expected to describe in detail the data being used in their work. That includes the specific data that a researcher and their collaborators have collected and/or assembled, any further work on the data that is planned, and how the data will be analyzed."

The review board concluded in 2008 and again 2013 that researchers involved in Willingham's project could not identify individual subjects and that any codes that could allow linkage to identifiers were "securely behind a firewall outside the possession of the research team," according to the statement. The board directed Willingham to submit a full application for its review, and said that continued use of her data without its approval would violate university and federal policies protecting human research subjects.

The university also disputed Willingham's claims that it admits athletes who lack academic preparation.

"I take these claims very seriously, but we have been unable to reconcile these claims with either our own facts or with those data currently being cited as the source for the claims," Chancellor Carol L. Folt said in a statement posted on the Chapel Hill website. "Moreover, the data presented in the media do not match up with those data gathered by the Office of Undergraduate Admissions. For example, only 2 of the

321 student-athletes admitted in 2012 and 2013 fell below the SAT and ACT levels that were cited in a recent CNN report as the threshold for reading levels for first-year students. And those two students are in good academic standing.” (The news report cited that threshold as 400 on the SAT critical reading or writing test, or 16 on the ACT.)

In addition to Folt’s statement, the university published the results of its analysis of eight years of admissions data for athletes, which says 97 percent met the cited threshold. In 2013, it says, 100 percent of admitted student athletes achieved those test scores. The student government released a similar statement, slamming Willingham’s data.

Folt said the university was investigating further the discrepancy between its data and those presented in the CNN report. “We also will do our best to correct assertions we believe are not based in fact,” she added.

The chancellor and other administrators also discussed Willingham’s research at a scheduled Faculty Council meeting Friday. But a faculty member present who did not want to be named or quoted directly said a lengthy presentation about the project focused almost entirely on methodological concerns about Willingham’s assessment tool and how accurately it could be used to correlate scores with grade-level reading readiness, not the review board issue.

The university published a news release late Friday about those findings, accusing Willingham of making a “range of serious mistakes” in her research.

“Carolina has a world-renowned reputation for our research, and the work we have just reviewed does not reflect the quality and excellence found throughout the Carolina community,” Folt said in the release.

Willingham was not in attendance.

Via email, Willingham said that she and her co-investigators will reapply to the review board. She declined to answer specific questions about her case but said: “The gap in academic preparedness between profit sport athletes and students at [National College Athletic Association Division I] institutions perpetuates educational inequality. Until we acknowledge the problem, and fix it, many of our athletes, specifically men’s basketball and football

players are receiving nothing in exchange for their special talents.”

In an emailed statement, an NCAA spokeswoman said: “Academic success of student-athletes is a core priority for the NCAA and its member schools. NCAA member schools have established academics standards student-athletes must meet so they can compete in their sport. These are completely separate from the admission standards colleges and universities use to admit and enroll students.”

Lewis Margolis, an associate professor maternal and child health at Chapel Hill who has been publicly critical of Division I institutions’ handling of recent sports scandals, said that there had been “exasperation” among the faculty leading up the Faculty Council meeting and subsequent news release. Many professors called for greater transparency after the 2010 revelations at Chapel Hill, he said, and detailed information about why Willingham’s research had been halted was still slow in coming.

“Research is at the core of our mission as a research university,” he said. “This is not peripheral to what we do.”

Susan Michalczyk, assistant director of the Arts & Sciences Honors Program at Boston College and member of the American Association of University Professors’ standing committee on teaching, research and publication, said via email that review board guidelines have become more stringent over time and that she hoped Willingham would reapply and be able to continue her research in the “complicated” world of student athletes.

“As college professors, our first priority is educating our students and advocating for them,” she said via email. “At times, especially when attempting to deal with controversial topics, such as college sports, the focus (the best interests of our students) can be lost.”

Inside Higher Ed, January 20, 2014. □

FIREABLE TWEETS

Scott Jaschik

In September, the University of Kansas suspended David W. Guth, a tenured journalism professor, after he responded to the shootings at the Washington Navy Yard with this comment on Twitter: "#NavyYardShooting The blood is on the hands of the #NRA. Next time, let it be YOUR sons and daughters. Shame on you. May God damn you."

Many pro-gun politicians called for Guth to be fired, but he kept his job and the suspension has since been lifted. Officials also learned that the state's public universities didn't have a policy that explicitly permitted the dismissal of faculty members and other employees over their use of social media.

On Wednesday, the Kansas Board of Regents changed that, and adopted rules under which faculty members and other employees can be fired for "improper use of social media" -- and some parts of the policy are already drawing harsh criticism from faculty leaders.

The policy outlines a number of reasons why any employee could be dismissed over social media postings. Some reasons -- such as inciting violence or revealing confidential student information -- aren't causing alarm. But others, faculty advocates say, could severely limit faculty free speech.

For example, one definition of improper use is communication that "when made pursuant to (i.e. in furtherance of) the employee's official duties, is contrary to the best interest of the university." Another is communication that "impairs discipline by superiors or harmony among co-workers, has a detrimental impact on close working relationships for which personal loyalty and confidence are necessary, impedes the performance of the speaker's official duties, interferes with the regular operation of the university, or otherwise adversely affects the university's ability to efficiently provide services."

Further, the policy says that, in evaluating social media use that may be improper, the university chief executive should "balance the interest of the university in promoting the efficiency of the public services it performs through its employees against the employee's right as a citizen to speak on matters of public concern,

and may consider the employee's position within the university and whether the employee used or publicized the university name, brands, website, official title or school/department/college or otherwise created the appearance of the communication being endorsed, approved or connected to the university in a manner that discredits the university. The chief executive officer may also consider whether the communication was made during the employee's working hours or the communication was transmitted utilizing university systems or equipment."

The board voted to adopt the policy despite being asked by faculty leaders in the state, according to local news media accounts, to delay a vote to permit more discussion with professors about the ramifications of the rules. A statement released by the board explained the need for a policy this way: "Because of the proliferation of social media use for communication purposes, and its particular susceptibility to misuse and damage to our universities, the board believes that a provision outlining improper uses of social media will be beneficial to all parties and uphold the universities' need to operate in an efficient and effective manner."

The Kansas rules were adopted the same month that the American Association of University Professors issued a draft report on academic freedom in the digital era -- a report calling for as full protection of faculty speech online as in person.

Henry Reichman, professor emeritus of history at California State University East Bay and chair of the AAUP's Committee A on Academic Freedom and Tenure, said via email that the Kansas policy "raises significant questions about academic freedom" -- and that it contradicts the principles of the recent AAUP report.

The Kansas policy has "all sorts of red flags," Reichman said. For instance, he asked who would define what is "contrary to the best interests of the university"? Asked Reichman: "If a faculty member disagrees with an administration policy and as part of their official duties serving on a university committee speaks out about it, this could under this policy lead to termination."

Reichman also called much of the policy "severely overbroad." For example, the policy would appear to cover any social media use that sets off controversy by

classifying as improper actions on social media that hurt "harmony among co-workers."

The Kansas policy defines social media as "including but not limited to blogs, wikis, and social networking sites such as Facebook, LinkedIn, Twitter, Flickr and YouTube."

Philip Nel, a professor of English at Kansas State University, blogged Wednesday night that "as faculty grade their last student papers and exams before leaving town for the Christmas holidays, the Kansas Board of Regents quietly — and unanimously — voted to revoke their academic freedom and basic right to freedom of speech."

Nel added that the definitions in the policy were so broad that "[i]n essence, anything can be grounds for firing.... So, for example, if the university decides that this blog post is 'improper use of social media,' it can fire me. Posting a link to this blog post via Twitter and Facebook (which I will do as soon as I finish writing it) could, if deemed 'improper use of social media,' also be grounds for firing me."

Inside Higher Ed, December 19, 2013. □

TOO RISKY FOR BOULDER?

Scott Jaschik

Patricia Adler stunned her students in a popular course on deviance Thursday by announcing that she would be leaving her tenured position teaching sociology at the University of Colorado at Boulder.

Adler said that officials told her that one of the highlights of the course -- popular year after year -- had to go. That is an annual lecture on prostitution (a topic covered in deviance courses nationwide). Her news stunned students, who are mobilizing on social media to make sure she can stay on. And because the course typically enrolls 500 students, many students and alumni are expressing outrage.

"Patti Adler's deviance class was the best class I have ever taken. In particular, the interactive prostitution lecture was the most memorable and informative

lecture I have ever experienced. It was in no way offensive.... It was real," wrote one student on an online petition demanding that Boulder keep her, without barring her from teaching the deviance course.

On a Facebook page of students organizing a rally to condemn what is happening to Adler, another student wrote: "Patti has been one of the most influential people in my life. Not only has she taught me about how to view society, but she has helped me realize what really happens in this world. The prostitution skit was a learning experience, and the university needs to open their eyes if they have such a problem with what happens in the real world. Patti's passion for deviance and every other subject deserves to be preserved, and she is what a fantastic professor SHOULD look like. Let's make the administration feel like they made the biggest mistake they could."

After Adler broke the news to her class, many students were in tears, and they gave her a standing ovation, followed by many hugs.

A university spokesman said Sunday night that Adler was still a tenured professor (although she said that the buyout agreement has not been signed or taken effect yet, so that is true but does not reflect her situation).

In an interview on Sunday with *Inside Higher Ed*, Adler described the prostitution lecture and why she announced plans to leave Boulder -- even though she stressed that she loves teaching there.

Adler said that the lecture in question has been part of her course for years, without incident. "It's the highlight of the semester in my signature course," she said.

She uses prostitution, she said, to illustrate that status stratification occurs in various groups considered deviant by society. She seeks volunteers from among assistant teaching assistants (who are undergraduates) to dress up as various kinds of prostitutes -- she named as categories "slave whores, crack whores, bar whores, streetwalkers, brothel workers and escort services." They work with Adler on scripts in which they describe their lives as these types of prostitutes.

During the lecture, Adler talks with them (with the assistant teaching assistants in character) about such issues as their backgrounds, "how they got into the

business," how much they charge, the services they perform, and the risks they face of violence, arrest and AIDS. The class is a mix of lecture and discussion, just like most classes, she said.

Students in the course learn from this session about the many types of prostitutes and how different they are -- even within the broad category of prostitution, Adler said.

Adler said that she was told by Steven Leigh, dean of the College of Arts and Sciences, that a former teaching assistant had raised a concern that some participants might be uncomfortable, but that none had in fact complained. Adler said that participation was entirely voluntary and not part of anyone's grade.

She said that Leigh told her that there was "too much risk" in having such a lecture in the "post-Penn State environment," alluding to the Jerry Sandusky scandal. Adler said that she was given the choice of accepting a buyout now, or staying but not teaching the course, and not giving the prostitution lecture, and to be aware that she could be fired and lose her retirement benefits if anyone complained about her teaching in the future.

The ultimatum stunned her, Adler said. She said it was a violation of her academic freedom to be told that she couldn't teach the lecture or the course. But she said she feared the impact of losing her retirement benefits if she stayed and got fired later. "This is health insurance my family depends on," she said.

Adler said that the incident showed that if a lecture makes anyone uncomfortable, the university will ignore common sense and worry more about "the risk" someone might be offended than whether this is information professors have a right to teach, and students have a right to learn.

"It's a culture of fear. It's the bureaucratization of the university," she said.

Caitlin McCluskey, who was one of the assistant teaching assistants who participated in the prostitution lecture, praised the exercise. She played the part of an "upper class bar whore," and said via email that she was interviewed in front of the class for about three minutes. She said that the participatory nature of the class reflects the way Adler approaches teaching.

"I think the lecture was very valuable because it brought the material to life," McCluskey said. "Unlike many professors who teach large lectures, Patti always tried to engage students in a one-on-one manner. It was not unusual for her to walk up and down the steps of the lecture hall to ask students questions about the material and discussions occurred in nearly every class. She also didn't post her lecture slides, which forced students to come to class and be active participants."

IRB Approval Required?

Mark J. Miller, a spokesman for the university, said via email Sunday night that the university was limited in what it could say because a personnel matter is involved. But asked whether there were concerns about the prostitution lecture and whether they were expressed to Adler, Miller said: "Yes. CU-Boulder does not discourage teaching controversial topics but there has to be a legitimate educational basis for what is being taught in the classroom. In all cases involving people in research or teaching, whether controversial or not, we want to insist on best practices to ensure full regulatory compliance. In some cases, this could involve review from our Institutional Review Board, which is responsible for regulatory compliance involving human subjects."

Adler responded that IRBs are for research, not teaching. She noted that professors involve students in class exercises all the time without IRB approval, and that these students in her course were not talking about themselves, but playing a part. She also noted that she has given the lecture twice a year for more than 20 years, and that it is a well-known lecture on campus, and that there has never been a request that she go to the IRB to discuss the class. (The university's IRB website describes its mission as oversight of "human subject research.")

Asked about IRBs being for research, not teaching, Miller said, "Students did participate in the lecture. All we are saying is that it is a best practice to go to the IRB."

Miller stressed that no one is forced to retire at Colorado and that any actions against a tenured professor would involve various faculty committees.

Asked about the "post-Penn State" comment that Adler reported being told, Miller said that "all education

institutions, including CU-Boulder, have to ensure that no student or employee feels subject to discrimination or harassment."

Inside Higher Ed, December 16, 2013. □

'BLUEPRINT' NO MORE? FEDS BACK AWAY FROM NEW CAMPUS SPEECH RESTRICTIONS

FIRE Press Release

November 21, 2013

WASHINGTON, November 21, 2013—The federal government is backing away from the nationwide "blueprint" for campus speech restrictions issued this May by the Departments of Education and Justice. The agencies' settlement with the University of Montana sought to impose new, unconstitutional speech restrictions, due process abuses, and an overbroad definition of sexual harassment and proclaimed the agreement to be "a blueprint for colleges and universities throughout the country."

But in a letter sent last week to the Foundation for Individual Rights in Education (FIRE), the new head of the Department of Education's Office for Civil Rights (OCR), Catherine Lhamon, said that "the agreement in the Montana case represents the resolution of that particular case and not OCR or DOJ policy."

"Assistant Secretary Lhamon's clear statement that the Montana agreement does not represent OCR or DOJ policy—meaning it's not much of a 'blueprint'—should come as a great relief to those who care about free speech and due process on our nation's campuses," said FIRE President Greg Lukianoff. "Colleges have been bewildered trying to reconcile their obligations under the First Amendment with the requirements of the 'blueprint'—essentially an impossible task. OCR and DOJ now need to directly inform our nation's colleges and universities that they need no longer face that dilemma."

Recent actions from OCR further suggest that the worst features of the Montana settlement are not being

required of public colleges, indicating that OCR no longer regards the controversial components of its May agreement as a blueprint for all colleges. Indeed, the actual policies adopted by the University of Montana itself this fall depart from the broad definition announced by the blueprint.

For example, the Montana agreement included an overly broad definition of punishable sexual harassment: "any unwelcome conduct of a sexual nature," including "verbal conduct" (i.e., speech). This definition could potentially cover risqué movies, stand-up comedy routines, and even books like *Lolita*. Yet a comparable agreement reached in late September between OCR and the State University of New York system lacked this provision, instead recognizing that Title IX only prohibits behavior that rises to the level of creating a "hostile environment"—a far more specific, speech-protective threshold.

Further, in Lhamon's letter to FIRE, she states that OCR's understanding of hostile environment harassment is "consistent" with the definition of sexual harassment in the educational context provided by the U.S. Supreme Court in *Davis v. Monroe County Board of Education* (1999)—a definition FIRE and other civil liberties organizations have repeatedly urged OCR to recognize.

"After a national outcry from concerned citizens and civil liberties groups this summer, OCR appears to be rethinking its ill-conceived attempt to deem vast swaths of student and faculty speech 'sexual harassment.' This is a welcome development," said FIRE Director of Legal and Public Advocacy Will Creeley. "A great deal of work remains to be done, but advocates of free speech and academic freedom on campus should be cheered by this progress."

Serious First Amendment and due process problems remain with the blueprint and other recent OCR pronouncements on sexual harassment, however. For example, Lhamon's letter defended a provision in the Montana agreement allowing the university to discipline students for sexual misconduct before a hearing to determine whether misconduct occurred.

Additionally, an unjustifiable requirement in the Montana agreement specified that faculty members who do not attend trainings on the university's new, questionable policies will have their names and titles

reported to the Department of Justice, sparking complaints from University of Montana faculty. University of Montana Legal Counsel Lucy France told the *Missoulian* earlier this month the requirement has been dropped; attendance will now be reported per department, rather than on an individual basis. Concerns remain, however, that individual faculty members will still be identifiable.

“The sooner that OCR informs colleges nationwide that the Montana agreement does not require the abandonment of civil liberties on campus, the better,” said Creeley. “Combating the problem of sexual assault on campus does not require sacrificing student and faculty rights. FIRE stands ready to work with OCR and campuses nationwide towards lasting, lawful policies that will actually address the challenges our campuses face.”

FIRE is a nonprofit educational foundation that unites civil rights and civil liberties leaders, scholars, journalists, and public intellectuals from across the political and ideological spectrum on behalf of individual rights, freedom of expression, academic freedom, due process, and rights of conscience at our nation’s colleges and universities. FIRE’s efforts to preserve liberty on campuses across America can be viewed at thefire.org.

Contact: Will Creeley, Director of Legal and Public Advocacy, FIRE. □

THE NON-BOYCOTT OF ISRAELI SCIENCE

Elizabeth Redden

When the physicist Stephen Hawking cited the academic boycott as his reason for canceling a trip to a conference in Israel last spring, an op-ed in *The Guardian* argued that the famous scientist's public stand “hits Israel where it hurts: science.”

“[W]hat winds Israel up is the fact that this rejection is by a famous scientist and that science and technology drive its economy,” wrote Hilary and Steven Rose, co-founders of the British Committee for the Universities of Palestine. “Hawking's decision threatens to open a

floodgate with more and more scientists coming to regard Israel as a pariah state.”

So far it's been more of a trickle than a flood. In the U.S., the academic boycott movement, which is aimed at pressuring Israel to change its policies vis-à-vis the occupation of the Palestinian territories, has achieved some symbolically significant victories in the past year. Both the Association for Asian American Studies and the American Studies Association backed the boycott against Israeli universities, followed by the leadership council of the Native American and Indigenous Studies Association. In science, however, the boycott movement has so far made comparatively few inroads.

“For us, it’s meaningless,” said Yair Rotstein, the executive director of the United States-Israel Binational Science Foundation (BSF), which was established in 1972 with an endowment funded by both countries. The boycott, he said, is something blown up in the media: for all practical purposes, “there really is no boycott.” Rotstein said that of about 7,000 requests to prospective external reviewers it sends each year, the foundation gets just one response on average from a scientist declining for political reasons.

Meanwhile, the BSF grants about \$16 million in awards each year to American and Israeli scientists working on joint projects, having funded over the years, according to Rotstein, 42 Nobel Laureates. And since 2012, the BSF has partnered with the National Science Foundation to support collaborative research in biology, chemistry, computational neuroscience and computer science (The BSF gets an additional \$3 million a year from the Israeli government to support these joint BSF-NSF projects.)

“The relations are widening,” Rotstein said.

“What’s happened in the last 10, 15, 20 years is that Israeli science has really come into its own,” said Al Teich, a research professor of science, technology, and international affairs at George Washington University. Teich is also the former director of science and policy programs at the American Association for the Advancement of Science (AAAS) and a member of BSF’s board.

“The country has become a major scientific power, disproportionate to the size of the country and the size

of the scientific establishment. Of course there are political ties, emotional ties, between the U.S. and Israel, but Israeli science is increasingly recognized throughout the world,” Teich said.

The joint Cornell University-Technion-Israel Institute of Technology campus being built in New York City was widely seen as a big step forward for the international reputation of Israeli science. And just last week Israel achieved recognition as the first non-European member nation of the European Organization for Nuclear Research, known as CERN, in what Israel’s science, technology and space minister hailed in *The Jerusalem Post* as a case of scientific interests trumping political ones: “Israeli science continues to prove that it has the power to bridge the political disagreements we have with Europe,” Yaakov Peri said.

Israel is also a participant in the European Union’s €80 billion (more than \$109 billion) research funding program, Horizon 2020. For months it was unclear whether Israel would be able to join the massive research program after Israeli officials objected to new EU guidelines barring funding to entities and projects located outside Israel’s pre-1967 borders, specifically the Gaza Strip, the Golan Heights and the West Bank, including East Jerusalem. The two countries ultimately reached a compromise late last month, with the EU determining that it would attach an appendix stating the applicability of its guidelines while Israel would add its own appendix saying it disagreed with the guidelines on political and legal grounds.

Steven Rose, the co-author of *The Guardian* op-ed on Hawking and an emeritus professor of neuroscience at the Open University, said he saw the EU’s “decision to reassert that it will not support any trading or research links with Israeli institutions with branches/locations in Occupied Palestine” – and the forcing of a compromise on this issue – as a positive sign for the boycott movement.

“[I]t is clear that the boycott campaign is beginning to bite,” Rose wrote in an email. “Much of it is manifest in quiet refusals by EU scientists to Israeli invitations. But some is more public. Witness the [American Studies Association’s] recent boycott vote – very clearly and succinctly worded.”

As far as science associations go, however, a

spokeswoman for the largest American-based science association, AAAS, said that the group has not been approached about participating in the academic boycott movement. In 2006, the association released a statement condemning a proposed boycott resolution on the part of a British faculty union “as antithetical to the positive role of free scientific inquiry in improving the lives of all citizens of the world, and in promoting cooperation among nations, despite political differences.”

The American Physical Society’s Committee on International Freedom of Scientists issued a statement in July affirming “the principle of open scientific discourse and cooperation among scientists, regardless of nationality or political belief” and urging all academic organizations to refrain from any boycott of science and research.

“Even during the worst days of the former Soviet Union, we certainly had physicists attend conferences all over the world; we never did anything in any way to inhibit the communication among scientists,” said Michael Lubell, the APS’s director of public affairs and the Mark W. Zemansky professor of physics at the City College of New York.

“Quite the contrary we believe that communication among scientists can actually advance issues within the foreign policy arena.”

David Klein, a professor of mathematics and director of the climate science program at California State University at Northridge, is a member of the organizing collective for the U.S. Campaign for the Academic and Cultural Boycott of Israel (USACBI). He doesn’t expect major science associations to back a boycott resolution any time soon: “the natural sciences and mathematics community are not very good on this issue,” he said. “There’s a dedication to Israel that is stronger than maybe in other fields.”

That said, Klein does expect an increasing number of scientists and mathematicians to individually endorse the boycott. Among the scholars who have signed their names to USACBI’s call are Robert Trivers, a biologist at Rutgers University and a winner of the prestigious Crafoord Prize, the physicist Jean Bricmont, of Belgium’s Catholic University of Louvain, and the mathematician Ivar Ekeland, of the University of British Columbia.

Science's relative disinterest in the boycott movement aside, "I think that the ASA endorsement of the academic boycott was extremely significant and I think it could lead to the normalization of this as a proposal and eventually maybe a university faculty senate endorsing the boycott," Klein said. "But I think there's an intermediary stepping stone for that to happen, which is for more student governments to endorse the boycott. Several already have."

Samuel M. Edelman, the executive director of the Center for Academic Engagement and faculty affairs adviser for the Israel on Campus Coalition, argued, however, that the academic boycott movement has to date targeted "the low-hanging fruit -- easy, susceptible organizations that are really fairly marginal in academia."

By contrast there's not much inclination toward a boycott, Edelman said, in "the larger professional organizations that have very strong ties with Israeli colleagues and Israeli institutions, especially in the STEM fields, in science, technology, engineering, and medicine and also business and law. There are strong institutional connections and there are many, many thousands of individual joint faculty research projects between American faculty and Israeli faculty."

Supporters of Israeli higher education are pointing to the many scientific ties in the current fight over the boycott. An ad campaign against the boycott, scheduled to start today in *The New York Times*, has the headline: "Boycott a Cure for Cancer? Stop Drip Irrigation in Africa? Prevent Scientific Cooperation Between Nations?" The ad goes on to denounce the American Studies Association and to highlight research at Israeli universities that has led to drugs in the United States to treat Alzheimer's, cancer, diabetes and multiple sclerosis.

A "U.S.-Israel Innovation Index" released last month by the U.S.-Israel Science and Technology Foundation attempts to quantify the scope of research collaboration between the two countries. "As we talk about U.S.-Israel relationships in light of some of the policies of academic institutions, the fact that they ought to be focused on is as of 2010, 2,259 co-authored scientific publications came out between the U.S. and Israel," said Ann Liebschutz, the foundation's executive director.

"This is what matters."

Inside Higher Ed, December 20, 2013. □

MORE REJECTIONS FOR ASA'S BOYCOTT OF ISRAEL

A complete list of universities that have publicly rejected the ASA's boycott can be found below. (Note from SAFS Newsletter editor: Links to the listed universities' letters can be accessed on SAFS online posting of this item in the January 2014 Newsletter.

- [American University \(President Cornelius M. Kerwin\)](#)
- [Birmingham Southern College \(President Charles C. Krulak\)](#)
- [Boston University \(President Robert A. Brown\)](#)
- [Bowdoin College \(President Barry Mills\)](#)
- [Brandeis University \(President Frederick M. Lawrence\)](#)
- [Brown University \(President Christina Hull Paxton\)](#)
- [Case Western Reserve University \(President Barbara R. Snyder\)](#)
- [Cornell University \(President David Skorton\)](#)
- [Dickinson College \(President Nancy Roseman\)](#)
- [Duke University \(President Richard H. Brodhead\)](#)
- [Florida International University \(President Mark B. Rosenberg\)](#)
- [George Washington University \(President Steven Knapp\)](#)
- [Hamilton College \(President Joan Hinde Stewart\)](#)
- [Harvard University \(President Drew Gilpin Faust\)](#)
- [Haverford College \(President Daniel Weiss\)](#)
- [Indiana University \(President Michael McRobbie\)](#)
- [Johns Hopkins University \(President Ronald Joel Daniels\)](#)
- [Kenyon College \(President Sean M. Decatur\)](#)
- [Lehigh University \(President Alice P. Gast\)](#)
- [Michigan State University \(President Lou Anna K. Simon\)](#)
- [Middlebury College \(President Ron Liebowitz\)](#)
- [New York University \(President John Sexton\)](#)
- [Northwestern University \(President Morton O. Schapiro\)](#)
- [Ohio State University \(President Joseph A. Alutto\)](#)

- [Princeton University \(President Christopher L. Eisgruber\)](#)
- [Purdue University \(President Mitch Daniels\)](#)
- [Rhode Island College \(President Nancy Carriuolo\)](#)
- [Rutgers University \(President Robert Barchi\)](#)
- [Smith College \(President Kathleen McCartney\)](#)
- [Stanford University \(President John L. Hennessy\)](#)
- [Trinity College \(President James F. Jones, Jr.\)](#)
- [Tufts University \(President Anthony P. Monaco\)](#)
- [Tulane University \(President Scott S. Cowen\)](#)
- [University of Alabama \(Chancellor Robert E. Witt\)](#)
- [University of California, Irvine \(Chancellor Michael V. Drake\)](#)
- [University of California, San Diego \(Chancellor Pradeep K. Khosla\)](#)
- [University of Chicago \(President Robert J. Zimmer\)](#)
- [University of Cincinnati \(President Santa J. Ono\)](#)
- [University of Connecticut \(President Susan Herbst\)](#)
- [University of Delaware \(President Patrick T. Harker\)](#)
- [University of Kansas \(Chancellor Bernadette Gray-Little\)](#)
- [University of Maryland, Baltimore County \(President Freeman Hrabowski\)](#)
- [University of Maryland, College Park \(President Wallace D. Loh\)](#)
- [University of Miami \(President Donna E. Shalala\)](#)
- [University of Michigan \(President Mary Sue Coleman\)](#)
- [University of Pennsylvania \(President Amy Gutmann\)](#)
- [University of Pittsburgh \(Chancellor Mark A. Nordenberg\)](#)
- [University of Southern California \(President C. L. Max Nikias\)](#)
- [University of Texas, Austin \(President William C. Powers\)](#)
- [Washington University in St. Louis \(Chancellor Mark S. Wrighton\)](#)
- [Wesleyan University \(President Michael S. Roth\)](#)
- [Willamette University \(President Stephen Thorsett\)](#)
- [Yale University \(President Peter Salovey\)](#)
- [Yeshiva University \(President Richard M. Joel\)](#)

In addition, the following institutions' American Studies programs have withdrawn their membership in the American Studies Association (ASA) following [last](#)

week's boycott vote

- [Brandeis University](#)
- [Indiana University](#)
- [Kenyon College](#)
- [Penn State Harrisburg](#)

Furthermore, the following institutions have flatly denied being institutional members of the ASA, though the organization lists them as such:

- [Brown University](#)
- [Hamilton College](#)
- [Northwestern University](#)
- [Temple University](#)
- [Trinity College](#)
- [Tufts University](#)
- [University of Alabama](#)
- [Willamette University](#)

San Diego Jewish World. January 1, 2014.

<http://www.sdjewishworld.com/2013/12/27/more-rejections-for-asas-academic-boycott-of-israel/> □

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.

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

DISCLAIMER

The views expressed in the *SAFS Newsletter* are not necessarily those of the Society, apart from the authoritative notices of the Board of Directors.

All or portions of the *Newsletter* may be copied for further circulation. We request acknowledgement of the source and would appreciate a copy of any further publication of *Newsletter* material.

SAFS MEMBERSHIP FORM

To join **SAFS** or to renew your **SAFS** membership, please sign and complete this form and return to:

SAFS
1673 Richmond Street, #344
London, Ontario, Canada
N6G 2N3

Please make your cheque payable to **SAFS**

- ◆ Annual regular - \$25.00
- ◆ Annual retirees/students - \$15.00
- ◆ Lifetime - \$150 (*available to those 60 years or older or retired*)
- ◆ Sustaining - \$100 - \$299
- ◆ Benefactor - \$300.00

"I support the Society's goals"

signature

Renewal
New Member

Sustaining
Benefactor

Name: _____

Department: _____

Institution: _____

Address: _____

Other Address: _____

Please specify preferred address for the Newsletter

Ph (W): _____

Ph (H): _____

E-mail: _____

*(Because **SAFS** is not a registered charity, memberships cannot be considered charitable contributions for income tax purposes.)*

VISIT SAFS WEBSITE AT WWW.SAFS.CA

SAFS OFFICE

1673 Richmond Street, #344, London, Ontario, Canada, N6G 2N3, e-mail: safs@safs.ca