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Maintaining standards of excellence in academic decisions about students and faculty
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FREEDOM OF EXPRESSION AND ACADEMIC FREEDOM: A RESPONSE TO INDIRA SAMARASEKERA

Mark Mercer

Outgoing University of Alberta president Indira Samarasekera distinguishes strongly between academic freedom and freedom of expression.

"Academic freedom is so hopelessly misunderstood," she said, according to a report on the CBC News website, 29 May 2014. "Academic freedom is there for you to be able to speak about things you absolutely are an expert on. We're talking about free speech, here."

The "here" in that last sentence refers to professors criticizing the policies at their universities. For Samarasekera, universities allow professors to criticize their institutions not because those professors enjoy academic freedom, for academic freedom, again, applies only to professors when they are speaking as credentialed experts. Rather, universities don't sanction professors who speak critically simply because universities value freedom of expression.

President Samarasekera is not describing the institution of academic freedom as it actually exists at her university; she is, instead, proposing that things be changed. The collective agreement at the University of Alberta affirms, under the heading "Academic Freedom," that professors are free "to speculate, to comment, to criticize without deference to prescribed doctrine" (article 2.02.3). Nothing in the agreement restricts that affirmation to speculations, comments, or criticisms made within a professor's areas of academic expertise.

Samarasekera is, then, telling us how things should be, and not how they presently are. Those who so

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hopelessly misunderstand academic freedom might not be making a factual mistake regarding policies currently in place. They are simply wrong about what utterances should be protected under academic freedom.

President Samarasekera is not alone in her view that much of what is protected in collective agreements under the heading "academic freedom" shouldn't be included under that heading. It is safe to say that most university presidents in Canada share her view, for, in 2011, the Association of Universities and Colleges of Canada (AUCC), an organization of university and college presidents, adopted a new statement on academic freedom that conspicuously fails to include both criticism of the university and public expression. (The AUCC statement is now being cited by some universities in their bargaining with professors' unions. These universities would remove from collective agreements freedom of expression protections professors currently enjoy.)

Should we, then, reform policies of academic freedom along the lines Samarasekera describes, removing the protection they give to professors who speak on matters outside their credentialed expertise?

Samarasekera's proposal certainly raises a host of practical problems concerning how to determine a professor's areas of expertise. But that's not the real problem with it. The real problem is that it rests on a misunderstanding of the nature of academic credentials.

It is true that earning a Master's or Doctoral degree in a subject makes one an expert on a topic or two. More significantly, though, one's degree indicates that one has acquired a high level of competence in enquiry, interpretation, critical thinking, and expression. The competence the master or doctor has acquired is a general competence, one that can be exercised on whatever field or topic to which the person turns her attention. It also indicates an outlook, a fondness for enquiry and discussion. An academic degree is not the credential of a narrow specialist, as a professional title is; first and foremost, it announces one's citizenship in the republic of enquiry and letters.

Academic freedom, then, on a correct view of academic credentials, is not an expert's freedom to voice her expert judgement, but the freedom of a researcher, scholar, or intellectual to carry on as researcher, scholar, or intellectual. (Since researchers, scholars, and intellectuals are skeptical, if not disdainful, of authority and expertise, they would be embarrassed to claim the authority of an expert.)

Now, although Samarasekera would restrict academic freedom to recognized expertise, she would also defend freedom of expression on campus, as she makes clear both in her CBC interview and in an article she published in the *Globe and Mail*, 28 May 2014. In that article, she writes, "Certainly campuses are places where free debate must reign, even heatedly, and this free speech—just like academic freedom—must be defended in the strongest terms." (Unfortunately, Samarasekera's defence of expression on campus isn't, in fact, in the strongest terms. She endorses, in her *Globe and Mail* article, Canada's laws against defamation and hate speech, laws that deform enquiry and discussion to a greater degree than they protect anyone's wellbeing.)

On Samarasekera's campus, then, academic freedom would protect only expert opinion, and freedom of expression would protect what members of the university community say outside their spheres of expertise. In the end, everything would remain protected. Why bother to protect professors' freedom of expression under the heading of academic freedom, then?

Prudence. When freedom of expression is protected under academic freedom, a whole faculty union may well mobilize in its defence should it be threatened or violated. On the other hand, words from a university senate proclaiming freedom of expression on campus

will protect nothing should an administrator decide that a professor's speech puts the university's reputation at risk, say, or threatens the campus atmosphere of tolerance and respect.

A whole faculty union *may* well mobilize. Nothing is for certain, of course, and there are plenty of examples of faculty unions happily siding with the administration against talkative professors. Still, if President Samarasekerawere to have her way, professors would almost immediately enjoy no more security of expression than their students currently do.

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

Prince Arthur Herald, 17 July 2014.

UNIVERSITY OF SASKATCHEWAN DEAN FIRED, BANNED FOR LIFE FROM CAMPUS AFTER SPEAKING OUT ABOUT CUTS

SASKATOON — A University of Saskatchewan dean who says faculty are being told to keep quiet about cuts has been fired, stripped of tenure and escorted off campus by police.

The Opposition New Democrats say Robert Buckingham, executive director at the School of Public Health, has told them that he was called into a meeting Wednesday morning and banned for life from campus.

"In publicly challenging the direction given to you by both the president of the university and the provost, you have demonstrated egregious conduct and insubordination and have destroyed your relationship with the senior leadership team of the university," reads a termination letter addressed to Buckingham and signed by provost Brett Fairbairn.

The letter was released by the NDP.

"You have damaged the reputation of the university, the president and the school and have damaged the university's relationship with key stakeholders and partners, including the public, government and your university colleagues."

The letter says he is being terminated "for just cause" and concludes by telling Buckingham he is to make arrangements with human resources to turn in his office keys.

"I think there are huge issues of academic freedom involved. I think it's very, very serious situation at the university," public health professor Janice MacKinnon told *The StarPhoenix*.

Buckingham was executive director at the School of Public Health when he spoke out Tuesday about an overhaul at the university known as Transform US.

He said university president Ilene Busch-Vishniac told senior leaders not to publicly disagree with the overhaul.

"Her remarks were to the point: she expected her senior leaders to not 'publicly disagree with the process or findings of TransformUS'; she added that if we did our 'tenure would be short,"' Buckingham wrote in a letter to the provincial government and the NDP.

Buckingham said never in 40 years of academic life has he seen faculty being told that they could not speak out or debate issues.

"It's a very sad commentary on this university leadership right now," Buckingham told the *StarPhoenix* on Wednesday.

"It's sad. Of all places, a university should be a place to disagree and disagree publicly and not have repercussions of being fired from your job because you speak out."

The Saskatoon-based university released a plan last month that includes cutting jobs, reorganizing the administration and dissolving some programs to try to save about $25-million.

The cuts are part of a bigger goal to address a projected $44.5-million deficit in the university's operating budget by 2016.

The plan calls for the School of Public Health to be rolled into the College of Medicine, but Buckingham worries that could jeopardize the college's recently earned international accreditation.

"Much of what has been built over the last five years is threatened by the TransformUS plan to place the School of Public Health under the College of Medicine," he wrote.

Buckingham questions why the university would want to put the successful school under the College of Medicine, which is struggling and on probation.

NDP Leader Cam Broten has said the provincial government needs to find out what is happening at the university.

Advanced Education Minister Rob Norris has said issues of organization and renewal are "the purview" of the university, but that accreditation is not at stake.

Norris said professors should not be told to keep quiet, but he added that he needs to find out if different rules apply to those in administrative roles.

Canadian Press, May 14, 2014.

UNIVERSITY OF SASKATCHEWAN BOARD FIRES PRESIDENT ILENE BUSCH-VISHNIAC

Gordon Barnhart, former lieutenant-governor, appointed interim president

Ilene Busch-Vishniac has been terminated without cause as president of the University of Saskatchewan.

The board of governors said Busch-Vishniac will continue in a teaching capacity at the university.

Saskatchewan Premier Brad Wall used his Twitter account to congratulate Gordon Barnhart, who had been appointed interim president. Barnhart, a long-time academic, is the former lieutenant-governor of Saskatchewan.

The move to let Busch-Vishniac go comes after a flurry of criticism surrounding a decision to dismiss and end the tenure of a professor who openly criticized the university's leadership. That professor, Robert Buckingham, was returned to his teaching duties after Busch-Vishniac conceded the move was a "blunder".

Although his tenure was restored, Buckingham was not continued in his administrative job as dean of the School of Public Health.

Just days later, prior to an emergency meeting of the Board of Governors of the university, a senior official, Provost Brett Fairbairn, tendered his resignation saying he accepted responsibility for the botched dismissal of Buckingham.

"The board feels strongly that the university's ongoing operations and its reputational rebuilding efforts will be more effective with new leadership," the board said in a statement Wednesday night.

Busch-Vishniac's dismissal was described as taking effect "immediately".

The board noted the controversy surrounding Buckingham's dismissal had been troubling.

"It was a painful week for the University of Saskatchewan," the statement said. "Many students, faculty, staff, and alumni of the U of S, and the people of the province generally, were dismayed by news emerging from the campus over the last seven days. The board was deeply troubled by this situation and committed itself to repairing the university's reputation."

At the centre of the controversy is TransformUS, an initiative underway at the university to restructure programs with a goal to reduce costs. Buckingham's criticism of the initiative set off the chain of events that led to the board's move.

While the board was unhappy with the moves against Buckingham's tenure, the body continued to support the TransformUS initiative.

"The University of Saskatchewan is committed to the principles of academic freedom and freedom of expression. It would also like to stress that it believes that tenure is a sacrosanct principle within this university," the board said. "Finally, the Board of Governors at the University of Saskatchewan continues to be strongly committed to the goal of financial sustainability and renewal."

Busch-Vishniac was just approaching the two-year mark of her five-year term as president.

Before her 2012 appointment to the U of S, she was provost at McMaster University in Hamilton for five years.

The board said her teaching duties, if she takes them, would be in the university's college of engineering.

CBC News, May 22, 2014.

UNIVERSITY OF CALGARY REVERSES ITS VERDICT IN FREE EXPRESSION CASE: PRO-LIFE STUDENTS NOT GUILTY OF NON-ACADEMIC MISCONDUCT

CALGARY: The Justice Centre for Constitutional Freedoms (JCCF) today announced that the University of Calgary has allowed the appeal of seven students who were found guilty, in 2010, of non-academic misconduct for having set up a pro-life display on campus. The University's decision, rendered by the Student Discipline Appeal Committee of the Board of Governors on June 17, 2014, is a response to the Alberta Court of Queen's Bench judgment in Wilson v. University of Calgary (rendered on April 1, 2014).

Since 2006, the students' pro-life display has been set up on campus numerous times, usually four days per year (two days in the spring and two days in the fall). In 2006 and 2007, the University of Calgary posted its own signs near the display, stating that this expression was protected by the Canadian Charter of Rights and Freedoms. In March of 2008, the U of C began demanding that the students set up their display with the signs facing inwards, to hide the signs entirely from the view of people passing by. The students continued to set up their display with signs facing outwards, as they had already been doing for the previous two years. In 2009, the U of C tried unsuccessfully to have the pro-life students found guilty of trespassing on their own campus. In 2010, the U of C found the pro-life students guilty of non-academic misconduct for having continued to set up their display with signs facing outwards. In 2011 the students commenced a court action, after the Board of Governors of the U of C rejected the students' appeal and affirmed this verdict of guilty.

In Wilson v. University of Calgary, the Court set aside the Board of Governors decision as being unreasonable and lacking "justification, transparency and intelligibility." The Court stated that the Board of Governors had failed to balance the students' free expression rights with other interests, and did not take into account "the nature and purpose of a university as a forum for the expression of differing views".

In its June 17, 2014 decision, the Board of Governors stated that the students' appeal is allowed, and that the 2010 charges of non-academic misconduct had been quashed, and removed from the students' files.

JCCF President John Carpay, the students' lawyer, said "We are pleased with this decision. I commend the students for taking a strong and courageous stance, even when threatened with expulsion from the university. Were it not for their courage and persistence, the U of C would have succeeded in reducing the free expression rights of all students. This would have been a step backwards for free expression not only at the U of C, but at every university across Canada."

The Board of Governors letter is posted at JCCF.ca

*Justice Centre for Constitutional Freedoms***,** June 18, 2014.

A FACULTY REVOLUTION AGAINST FREE SPEECH

Mike Adams

"We must do away with all newspapers. A revolution cannot be accomplished with freedom of the press." - Ernesto "Che" Guevara.

When I first started writing about campus free speech issues for Town Hall in 2003, I complained that most college administrators were ignorant of the constitution. One of my readers, Jim Collins from Colorado Springs, was quick to correct me. Jim pointed out that college administrators aren't just ignorant of the First Amendment. Instead, he insisted that they are hostile towards it. Time has shown just how right he was. In fact, administrative hostility towards the First Amendment has gotten worse since 2003.

Unfortunately, this hostility has spread from the administration to the faculty. In fact, just a few years ago, Dick Veit, our former faculty senate president here at UNCW, joined an administrative effort to punish faculty who dared to criticize the administration in opinion columns written in off-campus forums. This was done under the guise of promoting "collegiality."

The collegiality pretext has been used at other universities. It was first pushed at UNCW by then-Chancellor Rosemary DePaolo. She actually admitted that it was intended to punish me for publicly criticizing the university - for various reasons such as excessive spending on diversity and exorbitantly high salaries for university administrators. Internal emails confirmed that collegiality was being proposed as a device to explicitly punish my constitutionally protected speech.

It is noteworthy that these emails also revealed that Dick Veit was working with the administration to put the collegiality measure in place. Fortunately, when the measure came up for a vote, the junior faculty rebelled and voted it down. Veit later left the senate in frustration over his failed effort to supplement "teaching, research, and service" with a broad "collegiality" factor, which could be used to veto the United States Constitution.

Unfortunately, there are a lot other Dick Veits working in academia. Enter Gabriel Lugo who is a fan of Ernesto "Che" Guevara and is the current faculty senate president at my university. Lugo recently circulated false information on the faculty senate mailing list, which, unfortunately, may embolden senior faculty and administrators inclined to punish junior faculty for speaking out on matters of public concern. This requires a little background information. Please keep reading.

Last year, as our university began to consider revamping promotion polices - like the ones in place when I was denied promotion - Lugo circulated a memo to faculty giving guidelines on academic freedom as it relates to the promotion process. He urged faculty to read two Supreme Court cases, which he claimed were relevant to the issue of free speech. One of those cases was Garcetti v. Ceballos (2006).

In Garcetti, Justice Kennedy wrote a majority opinion, which modified a previous rule regarding free speech and public employment. Previously, the Court said that public employees have a First Amendment right to speak out on matters of public concern without facing retaliation. Garcetti modified the rule saying that this right did not extend to public employees who spoke out on matters of public concern that were also a part of their "official duties."

The rule arose in the case of a public employee, Ceballos, who happened to be a district attorney. But some, including dissenting Justice David Souter,

worried that the rule would be applied to professors who have a special role in the public square. In other words, the case was seen as a potential threat to academic freedom. For this reason, Justice Kennedy added a paragraph to the opinion noting that the rule in Garcetti did not specifically address the role of professors. Kennedy, writing for the majority, stated "We need not ... decide whether the analysis we conduct today would apply in the same manner to a case involving speech related to scholarship or teaching."

Enter UNCW. In my recent lawsuit challenging my 2006 promotion denial, the university tried to apply Garcetti to my speech. They specifically argued that the mere mention of the column on my promotion application transformed my private speech into an official duty thus stripping the views expressed in the column of First Amendment protection. In other words, the university claimed a right to punish the speech by denying my promotion.

Gabriel Lugo and the faculty senate were silent while this epic First Amendment battle was brewing. That battle was settled in a 2011 unanimous decision in my favor. In that decision, the 4th Circuit specifically ruled that the Garcetti "official duties" distinction does not apply to university professors. It was a monumental victory for academic freedom.

In January of 2014, the 9th Circuit relied on Adams v. UNCW. They refused to allow a university to apply Garcetti in order to justify suppressing another professor's speech. That victory (in a case originating in Washington State) shows that our victory in the 4th Circuit is now spreading across the entire country. It seems everyone is learning from Adams v. UNCW - except for UNCW Faculty Senate President Gabriel Lugo.

Lugo's insistence that Garcetti still applies to academic promotion cases (remember, he said so in a recent memo) raises some interesting questions. In fact, I have two questions for Lugo and the faculty senate:

1. Is President Lugo so out of touch that he has never even heard of the 4th Circuit decision in Adams v. UNCW? As a reminder, Lugo teaches at UNCW. In fact, our offices are in the same building.

2. Or is it the case that Lugo has heard of Adams v. UNCW and has decided to actively mislead the faculty about their rights?

Those are really the only two options. Lugo is either a) completely uninformed about, or b) actively opposed to, academic freedom. Of course, I have my own constitutionally protected opinion of where Lugo, the Peruvian fan of Che Guevara, stands. (Hint: Read the quote at the top of the column).

This battle for campus free speech is not a battle against ignorance of our rights. It is a battle against hostility towards our rights. All of this talk about collegiality is merely intellectual cowardice meant to shield tenured hypocrites from well-deserved criticism.

Townhall.com, April 7, 2014. □

AYAAN HIRSI ALI

William A. Jacobson

I've been thinking about what to say regarding the decision of Brandeis University to withdraw an invitation to Ayaan Hirsi Ali for an Honorary Degree.

It comes on the heels of attempts to keep *The Honor Diaries* off campus, The silence of Western feminists is deafening.

I think I'll just quote part of her statement, via The Weekly Standard:

"Yesterday Brandeis University decided to withdraw an honorary degree they were to confer upon me next month during their Commencement exercises. I wish to dissociate myself from the university's statement, which implies that I was in any way consulted about this decision. On the contrary, I was completely shocked when President Frederick Lawrence called me—just a few hours before issuing a public statement—to say that such a decision had been made.

"What did surprise me was the behavior of Brandeis. Having spent many months planning for me to speak to its students at Commencement, the university yesterday announced that it could not "overlook certain of my past statements," which it had not previously

been aware of. Yet my critics have long specialized in selective quotation – lines from interviews taken out of context – designed to misrepresent me and my work. It is scarcely credible that Brandeis did not know this when they initially offered me the degree.

"What was initially intended as an honor has now devolved into a moment of shaming. Yet the slur on my reputation is not the worst aspect of this episode. More deplorable is that an institution set up on the basis of religious freedom should today so deeply betray its own founding principles. The 'spirit of free expression' referred to in the Brandeis statement has been stifled here, as my critics have achieved their objective of preventing me from addressing the graduating Class of 2014. Neither Brandeis nor my critics knew or even inquired as to what I might say. They simply wanted me to be silenced. I regret that very much.

"Not content with a public disavowal, Brandeis has invited me 'to join us on campus in the future to engage in a dialogue about these important issues.' Sadly, in words and deeds, the university has already spoken its piece. I have no wish to 'engage' in such one-sided dialogue. I can only wish the Class of 2014 the best of luck—and hope that they will go forth to be better advocates for free expression and free thought than their alma mater.

"I take this opportunity to thank all those who have supported me and my work on behalf of oppressed woman and girls everywhere."

Update: I can't quote all the good commentary out there, but I will quote John Podhoretz, The Shame of Brandeis:
http://www.commentarymagazine.com/2014/04/09/the-shame-of-brandeis/

If you have not yet heard, Brandeis University has rescinded its offer of an honorary degree to Ayaan Hirsi Ali, the Somali-born activist whose work has focused on the barbaric misogyny rampant in Islamic societies like the one in which she was raised—and whose efforts to call attention to them as a legislator in the Netherlands led to a political crisis there and her eventual flight to the United States….

What [Brandeis President Fred] Lawrence has done here is the nothing less than the act of a gutless, spineless, simpering coward.

My late uncle, Marver Bernstein, served as the university's president from 1972 to 1983. I know Marver would have been appalled beyond belief at his shameful successor's monstrous capitulation to the screaming voices of unreason. As should we all be.

Legalinsurrection, April 9, 2014.

AT CAPILANO U., ADMINISTRATORS SEIZE A SCULPTURE CARICATURING THE PRESIDENT

Elizabeth Redden

At British Columbia's Capilano University, the administration seized a sculpture caricaturing the university president on the grounds that it constituted "harassment" of President Kris Bulcroft.

The Capilano instructor who created the sculpture, George Rammell, said that the artwork, which depicts Bulcroft and her poodle as ventriloquist dolls wrapped in an American flag, was removed from the university's studio art building without his knowledge on the night of May 7. When he discovered the disappearance the next morning he said he was told by campus security officials that it had been removed by order of the upper administration.

He subsequently learned that the sculpture, titled *Blathering On in Krisendom*, had been "partially dismantled" in the move, which raises concerns for him about the possibility of damage: "It's a solid welded sculpture with an acrylic polymer casting over it. You can't dismantle that; it's one unit. What does that mean, 'dismantled'?"

Two weeks have passed and Rammell still doesn't know; he doesn't even know where the sculpture is. The university administration has said that the sculpture will be returned to him on the condition that it not be brought back to campus -- a condition that the president of Capilano's board, Jane Shackell, expressed support for in a statement [1] defending her

decision to direct the removal of the sculpture, or, as she called it, the "effigy."

"The decision to remove the effigy was not taken lightly, but rather was the result of endeavoring to find the right balance among many competing values," Shackell wrote. She said that while Capilano "is committed to the open and vigorous discourse that is essential in an academic community, the inherent value of artistic expression, and the rights to free speech and protest that all Canadians enjoy," it also has an obligation "to cultivate and protect a respectful workplace in which personal harassment and bullying are prohibited."

"I am satisfied that recently the effigy has been used in a manner amounting to workplace harassment of an individual employee, intended to belittle and humiliate the president," Shackell said in the statement. A university spokeswoman said that Shackell, rather than the president, would be speaking on behalf of the university on this issue; Shackell was not available for an interview on Tuesday.

President Bulcroft has come under heavy criticism for her decision last year to cut several programs [2], including the studio arts program, for which Rammell teaches, and textile arts. British Columbia's Supreme Court ruled in April [3] that the Capilano administration had acted contrary to the province's University Act in making the cuts to courses and programs without seeking the advice of the Capilano Senate. The university is considering an appeal.

"The sculpture was really made out of a need to respond to my feeling of being violated," said Rammell. "In Canada we used to be able to make caricatures of politicians and they would have a good laugh over their morning coffee."

Asked about the board chair's harassment allegations, Rammell said, "Art doesn't harass. People harass."

"What they don't realize is they don't have a right to control what faculty think and the form we give to those thoughts on campus," he said. "They're supposed to be encouraging intellectual rigor and deconstructive thinking, all those things that make the university the valuable place it is. They're not recognizing that. I'm telling them I have every right to work on this on the campus in my studio."

Sandra Seekins, a member of the art history faculty at Capilano, wrote a letter [4] to the university's board taking issue with Shackell's rationale for confiscating the sculpture. "The action authorized by the Chair of the Board … provides further proof that the people who suspended the Studio Arts and Textile Arts programs have a minimal understanding of the role of art in our society and no understanding of what is at stake in an anti-censorship position. The very principles of a democracy that permits freedom of expression and free speech have been disregarded as an inconvenient obstacle to the machinations of governance," she wrote.

Steven C. Dubin, a professor of arts administration at Columbia University's Teachers College who studies art and censorship, described the Capilano administration's decision to remove the sculpture as "pathetic."

"It sounds like it was handled as badly as it could possibly have been handled. I think they lost all credibility when they levied workplace harassment. That's absurd," Dubin said, noting that harassment usually implies a power differential in which the harassed is the comparatively powerless figure.

"People who are in the public as the university president is and who make decisions that affect a lot of people need to have a thicker skin and there needs to be a higher level of tolerance for satire and caricature and so on."

InsideHigherEd, May 21, 2014.

BEQUEST to SAFS

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

Thank you.

Clive Seligman, President

A NEW ENTRY IN THE ANNALS OF ACADEMIC CRAVENNESS

If colleges won't stick up for free speech, why would they oppose the implicit censorship of 'trigger warnings'?

Joseph Epstein

For those who have not yet caught up with it, in the academic world the phrase "trigger warning" means alerting students to books that might "trigger" deleterious emotional effects. Should a Jewish student be asked to read "Oliver Twist" with its anti-Semitic caricature of Fagin, let alone "The Merchant of Venice," whose central figure is the Jewish usurer Shylock? Should African-American students be required to read "Huckleberry Finn," with its generous use of the "n-word," or "Heart of Darkness," which equates the Congo with the end of rational civilization?

Should students who are ardent pacifists be made to read about warfare in Tolstoy and Stendhal, or for that matter the Iliad? As for gay and lesbian students, or students who have suffered sexual abuse, or those who have a physical handicap . . . one could go on.

Pointing out the potentially damaging effects of books began, like so much these days, on the Internet, where intellectual Samaritans began listing such emotionally troublesome books on their blogs. Before long it was picked up by the academy. At the University of California at Santa Barbara, the student government suggested that all course syllabi contain trigger warnings. At Oberlin College, the Office of Equity Concerns advised professors to steer clear of works that might be interpreted as sexist or racist or as vaunting violence.

Movies have of course long been rated and required to note such items as Adult Language, Violence, Nudity—ratings that are themselves a form of trigger warning. Why not books, even great classic books? The short answer is that doing so insults the intelligence of those supposedly serious enough to attend college by suggesting they must not be asked to read anything that fails to comport with their own beliefs or takes full account of their troubled past experiences.

Trigger warnings logically follow from the recent history of American academic life. This is a history in which demographic diversity has triumphed over intellectual standards and the display of virtue over the search for truth. So much of this history begins in good intentions and ends in the tyranny of conformity.

Sometime in the 1950s, American universities determined to acquire students from less populous parts of the country to give their institutions the feeling of geographical diversity. In the 1960s, after the great moral victories of the civil-rights movement, the next obvious step was racial preferences, which allowed special concessions to admit African-American students. In conjunction with this, black professors were felt to be needed to teach these students and, some said, serve as role models. Before long the minority of women among the professoriate was noted. This, too, would soon be amended. "Harvard," I remember hearing around this time, "is looking for a good feminist."

All this, most reasonable people would concur, was fair enough. Then things took a radical twist. Suddenly women, African-Americans, and (later) gay and lesbian professors began teaching, in effect, themselves. No serious university could do business without an African-American Studies Department. Many female professors created and found an academic home in something called Gender Studies, which turned out to be chiefly about the suppression of women, just as African-American Studies was chiefly about the historical and contemporary maltreatment of blacks.

Something called Queer Studies came next, with gays and lesbians instructing interested students in the oppression of homosexuals.

Over time, the themes of gender, class and race were insinuated into the softer social sciences and much of the humanities. They have established a reign of quiet academic terror, and that has made the university a very touchy place indeed.

Meanwhile many of those students who in the late 1960s arose in protest have themselves come to prominence and even to eminence as professors in their 60s and early 70s. Having fought in their youth against what they thought the professorial old-boy network, they now find themselves old boys. Unable to discover a way to replace the presumably unjust

society that they once sought to topple, they currently tend to stand aside when students and younger professors cavort in bumptious protest, lest they themselves be thought, God forfend, part of the problem.

University presidents and their increasingly large army of administrators have by now a 50-year tradition of cowardice. They do not clamp down when students reject the visits on their campuses of such courageous or accomplished women as Ayaan Hirsi Ali, Christine Lagarde or Condoleezza Rice because their views are not perfectly congruent with the students' own jejune beliefs. When students and younger faculty line up behind the morally obtuse anti-Israel BDS (Boycott, Divest, Sanction) movement, wiser heads do not prevail, for the good reason that there are no wiser heads. The inmates, fair to say, are running the joint.

The trigger warning is another passage in the unfinished symphony of political correctness. If the universities do not come out against attacks on freedom of speech, why should they oppose the censorship implicit in trigger warnings? The main point of these warnings, as with all political correctness, is to protect the minority of the weak, the vulnerable, the disheartened or the formerly discriminated against, no matter what the price in civility, scholarly integrity and political sanity. Do they truly require such protection, even at the price of genuine education?

Nearly 200 years ago Alexis de Tocqueville, in his book on American democracy, feared the mob of the majority. In the American university today that mob looks positively pusillanimous next to the mob of the minority.

Mr. Epstein's latest book is "A Literary Education and Other Essays," published this week by Axios Press.

Wall Street Journal, May 27, 2014.

A SLOW SLIDE INTO CENSORSHIP

Meghan Murphy

Trigger warnings are used with the intention of warning readers about content that might provoke anxiety or trauma — I have used them on occasion, for example, to warn readers about graphic descriptions of sexual violence or incest. But these warnings can veer into overuse in an attempt to protect individuals from any and every imagined offence.

In February of this year, a student senate motion was passed at the University of California, asking professors to include warnings on course content that could "trigger the onset of symptoms of Post-Traumatic Stress Disorder." The resolution from the senate reads: "The current suggested list of Trigger Warnings includes Rape, Sexual Assault, Abuse, Self-Injurious Behavior, Suicide, Graphic Violence, Pornography, Kidnapping, and Graphic Depictions of Gore."

It's reasonable to provide advanced warning of potentially disturbing content. But it is also reasonable to be concerned that codifying this kind of thing into university policy might muffle discussions of anything that is claimed to be offensive.

Oberlin College in Ohio, for example, published an official document that advises faculty to "be aware of racism, classism, sexism, heterosexism, cissexism, able-ism, and other issues of privilege and oppression" and suggests professors remove "triggering material" from the syllabus if "it doesn't directly contribute to learning goals." An example used was Chinua Achebe's *Things Fall Apart*, a novel that (according to the document) might "trigger readers who have experienced racism, colonialism, religious persecution, violence, suicide and more."

Though the college did respond to faculty concerns that this kind of policy would threaten academic freedom, students at other universities are pushing for similar "warnings" on course material, arguing that they will help ensure a "safe space."

While certain kinds of material are more obviously controversial — extreme violence, pornography, rape scenes — others are less obvious. There is absolutely no way of knowing what might trigger an individual

because it is dependent on their own personal experiences.

As writer Jill Filipovic noted in *The Guardian*, in online forums, trigger warnings are used for a bevy of potentially anxiety-inducing subject matter, from swearing to calories in a food item to childbirth to spiders. When a person has experienced trauma, any number of things can trigger powerful reactions or anxiety.

Universities are meant to be places to interrogate challenging subjects and issues — particularly within Women's Studies.

The world is a triggering place. As a woman in a world rife with sexism, I am consistently exposed to imagery and behaviour that I find insulting, offensive, or upsetting. But I want to be able to discuss that reality and that imagery within academic and public spaces, not be protected from it. In fact, these are some of the few spaces where such issues *can* be discussed in a challenging and nuanced way.

During the many months I spent in feminist film theory courses, I watched a number of upsetting rape scenes on film, as well as engaging with pornographic imagery and generally violent or upsetting material. Much of that imagery will stick with me and trouble me forever. Yet I still consider it to have been a valuable part of my learning experience. Taking that material out of the curriculum isn't going to protect marginalized people from it, nor will it better enable us to critique that material.

Actress and activist Martha Plimpton came under fire a few months ago for promoting a fundraising event to raise money for abortion funds called "A Night of a Thousand Vaginas." The offended parties claimed that the use of the word "vagina" constituted "cissexism." The fact that women have fought for decades in order to be able to discuss their bodies openly and have only recently begun to be able to name their body parts without shame was ignored by folks who felt excluded by the campaign.

Will discussions of vaginas, for example, be removed from the curriculum on account of "cissexism"? What about discussions of eating disorders or war or suicide or racism? If discussions of women's bodies are deemed offensive, should they be avoided? There are so many conversations that would never have happened in my gender studies seminars had professors avoided discussions of "racism, classism, sexism, heterosexism, cissexism, able-ism, and other issues of privilege and oppression." Beyond that, students would likely have felt even more afraid to speak up about controversial topics than they already do, lest they inadvertently "trigger" a classmate.

Universities are meant to be places to interrogate challenging subjects and issues — particularly within Women's Studies, where discussions include topics like pornography, violence against women, gender, colonialism, and yes, vaginas. It's too easy to move from "this offends me" to "this offends me and therefore it must not be discussed or must only be discussed in a way that doesn't offend me." I see the way this has negatively impacted feminist discourse and I don't want to see the trend extend into academic institutions.

Meghan Murphy is a writer and journalist from Vancouver, B.C. Her website is Feministcurrent.com.

National Post, May 12, 2014.

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UNIVERSITY'S RESPONSE TO SEX ASSAULT ALLEGATIONS IS SENTENCE FIRST, VERDICT AFTERWARDS

Christie Blatchford

As that nasty Queen of Hearts said in *Alice's Adventures in Wonderland*, "No! No! Sentence first – verdict afterwards!"

So it goes for the men of the University of Ottawa's varsity hockey team, suspended this week for the entire 2014-15 season — before the police have decided whether any charges will be laid and despite the fact that fully 21 of the players aren't implicated in the alleged incident of sexual misconduct at the heart of the matter and that some of them, in fact, weren't even in the city where the alleged offence may have happened.

Amusingly, sitting in for the King of Hearts (who in the Lewis Carroll story was the judge in the trial of an alleged tarts thief) and presiding over the entire Ottawa schmozzle is none other than university president Allan Rock, a lawyer who just happens to be a former Liberal justice minister.

He announced Wednesday that the suspension of the Gee-Gees hockey program, first imposed March 3 after the university learned about an alleged incident in Thunder Bay the month before, will continue this season and that the team's coach, Réal Paiement, has been "relieved of his duties."

Like most of his players, Mr. Paiement is not alleged to have been involved in the alleged incident.

In fact, he reportedly suspended a couple of players on his own initiative. His sin was in failing to report to the university brass.

The incident — Thunder Bay and Ottawa Police have completed their probe — apparently centres around what happened after a lone player posted his contact information on a hookup website while the Gee-Gees were in the northern city Jan. 30-Feb. 2 for two games against Lakehead University.

A local woman responded to the player and the two met for consensual sex.

But at some point, allegedly, two other players arrived on the scene: It is what may have happened then, and whether that was consensual, that is at issue in the police investigation.

Notably, the alleged victim herself was not the original complainant; rather, it was a friend, a so-called "third-party," who first contacted the university in late February.

Mr. Rock didn't respond personally to Postmedia questions Friday, but his spokesman, Patrick Charette, the director of corporate communications for the university, did.

He clung tenaciously to the fine distinction first made by Mr. Rock — that "we suspended the program," not the players, and that it was the "right thing to do, because of the behaviour" or "serious misconduct" involved.

Asked for examples of the misconduct, Mr. Charette twice mentioned "excessive drinking" and, when pressed, "excessive dancing."

Shortly after the allegations came to light, the university hired an independent investigator, Ottawa lawyer Steven Gaon, to probe them.

It's his report that led to the decision to suspend the program, and Mr. Charette confirmed in a phone interview it will never be released publicly, ostensibly not to jeopardize the now-complete police probe (police are consulting prosecutors, with a decision expected soon) and out of concern for the players' privacy.

All that has been publicly released is a six-page report, done by two sports management experts. It acknowledges that the university has "a very comprehensive student-athlete orientation process" for varsity athletes.

"However," the authors wrote, "we identified that these policies are not all distributed in a written format nor are they clearly articulated in a student-athlete handbook." They recommend better reporting guidelines for coaches, detailed "behavioural guidelines" for athletes and the establishment of an ethics committee.

Mr. Charette also acknowledged what Mr. Rock

admitted earlier — that "we understand that some players were not there [in Thunder Bay]" that weekend, and that most aren't suspected to have been involved in criminal behaviour.

"We're not the police," Mr. Charette said several times. Rather, "it's the behaviour" which concerns the university.

The impact on innocent players has been real, Ottawa lawyer Lawrence Greenspon said in an interview. He represents "eight or nine" Gee-Gees players, all of whom co-operated in the investigations and who are now considering a lawsuit.

"I'm representing guys who were nowhere near the scene of the alleged incident," he said, "who have no first-hand knowledge."

One is a young man who attends the university on a hockey scholarship, Mr. Greenspon said, and whose future is now in limbo. (Mr. Charette said the university will honour those on hockey scholarships, just not the hockey part.)

Mr. Greenspon was disdainful of the parsing done by Mr. Rock.

"That [sort of hair-splitting] may fly in the House of Commons," Mr. Greenspon sniffed, "but it's a little bit rich… the players *are* the program."

At the very time the allegations surfaced last February, the university was already in crisis mode after a student union leader, Anne-Marie Roy, went public with a sexually lewd Facebook conversation about her among five male students.

All quickly apologized, and those who held positions with the union resigned, but the revelations sparked much debate about how pervasive or not was "rape culture" on campus. Mr. Rock met with Ms. Roy to offer his support and condemned "attitudes about women and sexual aggression" that have "no place on campus or anywhere else in Canadian society."

It was during that over-wrought time that the university first learned of the allegations involving the players and suspended the team — er, program — indefinitely.

The immediate impact was perhaps best described last March by a graduating player, Pat Burns, who tried in vain to protest some of the immediate effects of the suspension.

He wrote an open letter to Mr. Rock, after his hand-delivered plea for an appointment went unanswered. Mr. Burns was "un-invited" to the reception for graduating athletes and the annual athletic banquet.

"…what about the exoneration of those found to be innocent?" he asked in his letter, and those damaged by "the university's decision to suspend the entire program prior to any investigation?"

It was his version of what Alice told the Queen of Hearts, "Stuff and nonsense. The idea of having the sentence first!"

"Off with her head!" said Mr. Rock.

National Post, June 27, 2014. □

HARVARD JOINS THE IVY LEAGUE'S RACE TO THE BOTTOM

KC Johnson

The issuance of the "Dear Colleague" letter in 2011 triggered a race to the bottom for due process in the Ivy League. The contest began with Yale, which adopted a new sexual assault policy that prevented accused students from presenting evidence of innocence in "informal" complaints and redefined the concept beyond recognition in formal complaints. The race then moved to Cornell, whose policy was so unfriendly to due process that it aroused intense (but ignored) public opposition from the university's law faculty. Brown was next, with administrators boasting about their desire to keep lawyers out. The latest entrant is Harvard, where students will be greeted by a new policy when they return to school this fall.

Harvard's plan—which is disturbingly opaque in several key respects—contains many of the due process-unfriendly procedures that have come to dominate the post-"Dear Colleague" letter landscape.

Students will be branded rapists based on a "preponderance-of-evidence" (50.01 percent) threshold, even as the accused student will receive virtually none of the protections available in civil litigation, which uses the same standard. In the college version of double jeopardy, accusers can appeal a not-guilty finding. And undergraduate students accused of sexual assault can't use an attorney in the disciplinary hearing. But the Harvard policy goes beyond OCR's requirements in multiple respects.

Investigators

Harvard's new procedure is based on the central role of investigators, who the university proclaims "will have appropriate training, so that they have the specialized skill and understanding to conduct prompt and effective sexual and gender-based harassment investigations." The policy doesn't say what qualifications these investigators will have, nor which aspect of the Harvard bureaucracy—security or Title IX—will supervise their employment.

When a student files a sexual assault complaint, the matter is referred to an investigator and (depending on which Harvard school the student attends) a "School designee." Harvard doesn't explain how the designee's role will differ from that of the investigator; a cynical person might anticipate that the designee will function as an ideological commissar guiding the inquiry to the desired outcome. In the event, the investigator and designee have up to one week to gather the necessary evidence, meet with the accuser, and determine whether the accusation "would constitute a violation of the Policy." They must perform this task, of course, without subpoena power.

Defense

Once the investigator/designee combination has cleared the inquiry, the investigator contacts the accused student. The student receives one week to present his side of the story—without being informed of the evidence that the investigator/designee duo gathered in their snapshot investigation. This is the only stage in the process in which the accused student has a clearly delineated opportunity to present evidence of his own, chiefly "a list of all sources of information (for example, witnesses, correspondence, records, and the like) that the Respondent believes may be relevant to the investigation."

That list must be attached to a written statement written "in the Respondent's own words," not by an attorney. A few paragraphs later, however, the policy suggests that the accused student "might wish to obtain legal advice about how this process could affect any criminal case in which they are or may become involved." (The White House Task Force, recall, urges colleges to coordinate with law enforcement when their investigations find evidence of sexual assault.) Harvard doesn't say what the accused should do if his attorney—as, presumably, most competent attorneys would—recommends against providing a written statement under these circumstances.

Once the accused student produces his statement, the investigator/designee duo interviews him, the accuser, and any relevant witnesses. The accused student receives a college "advisor," who must be a member of his Harvard school—meaning that only a law student (who could seek a member of the law faculty as their "advisor") has a chance of a lawyer representing him at this stage. While the "advisor" can sit alongside him during the interview, the "advisor" cannot speak other than to request a short break. Only at this stage does the accused student obtain the evidence being used against him, but only in a "redacted" form. And he must commit to not share the evidence with anyone outside of this stage of the process—seemingly including his attorney, who Harvard forbids from the interview.

The investigator/designee duo then produces a written document determining whether or not—on the basis of a preponderance of evidence—it believes that the accused student is a rapist. (In one of the guidelines' many vague aspects, Harvard's policy doesn't specify what happens when the members of this two-person committee disagree.) The accused student and the accuser have a week to respond to the written findings, at which point the proceedings close. While it's possible that the accused student *might* have a chance to present additional evidence at this stage (perhaps to respond to accusing witnesses of whose existence he previously would have been unaware?), nothing in the policy guarantees that right, nor does the policy require the investigator/designee duo to consider this new information after they already have affirmed in writing its belief that the student is a rapist.

Due Process, Ivy League-Style

Note what does *not* appear anywhere in the above description. At no point does the accused student—or even his "advisor"—have a right to cross-examine his accuser, or to receive a full transcript of the accuser's interview. The accused student doesn't have the right to cross-examine *any* witness. (Indeed, the accused student doesn't even have a right to know the identities of all witnesses who gave the investigator/designee duo evidence against him, much less a full transcript of what they said.) Neither the policy nor Harvard's statement announcing the policy explains why the university has eliminated cross-examination—although, as seen with Michele Dauber's efforts at Stanford, it's reasonable to speculate that the university concluded that cross-examination makes exonerations more likely.

Moreover, since Harvard provides only a "redacted version" of the documentary evidence to the accused student, it's possible that the student can be branded a rapist based on information that he never had a chance to see, much less rebut. Reflecting their overall vagueness, the guidelines do not list the criteria under which the investigator/designee duo can redact evidence, nor do they spell out the grounds for appealing such a decision.

Finally, Harvard included a fallback provision to prevent exposure of any dubious conduct by the university. The policy holds that if an accused student making public the evidence the university used against him, this move in and of itself could constitute a retaliatory act, and "retaliation of any kind is a separate violation of the Policy and may lead to an additional complaint and consequences." Therefore, the filing of a due process lawsuit against Harvard—if, like the Occidental lawsuit, the student's filing included evidence used by the university—or the leaking of exculpatory material to a watchdog in the media could be grounds for the university to level additional charges against the accused student.

Unique Elements

As tilted as these procedures are against the accused student, the Harvard plan contains two elements that are all but unique in their breadth.

First, a Harvard student could be branded a rapist based on the filing of an *anonymous* complaint. It's true, the guidelines state, that in some instances "a request for anonymity may mean an investigation cannot go forward." But on other occasions, the investigator/designee duo, or the Harvard Title IX coordinator, might "determine that the matter can be appropriately resolved without further investigation and without revealing the Complainant's identity." (The guidelines don't identify how this determination will be made.) How a student can defend himself on a charge of rape from an accuser whose identity he doesn't know Harvard elects not to explain.

Second, virtually every university sexual assault policy has a statute of limitations, frequently of a year. The new Harvard policy, however, "does not limit the timeframe for filing a complaint." (Continuing the vagueness pattern, it isn't clear whether current, or merely future, alumni will have the right to file sexual assault complaints through the policy.) The guidelines concede that an accuser acting years after the alleged incident might complicate the investigation—but, incredibly, imply that Harvard retains jurisdiction over cases even after the students graduate. ("The University's ability to complete its processes may be limited with respect to Respondents who have graduated.") Note the word choice: "limited," not "devoid of authority."

This provision raises a host of questions. How, for instance, would Harvard even track down a student who had graduated against whom a complaint is subsequently filed? Would the Alumni Association be required to turn over its current contact information? Once the investigation commenced, how would the university assemble relevant witnesses? Will the university advise members of the current graduating class to retain their e-mails and other electronic information lest they need this material to defend themselves from a complaint filed years later through the university process? If the investigator/designee duo concludes there's a 50.01 percent chance that the graduate is actually a rapist, what sanctions could the university employ? Retroactively withdrawing the degree? Contacting the graduate's current employer?

Despite the threat of additional "retaliation" charges against students who take such a course, this new policy is a lawsuit waiting to happen.

KC Johnson is a history professor at Brooklyn College and the City University of New York Graduate Center. He is the author, along with Stuart Taylor, of Until

Proven Innocent: Political Correctness and the Shameful Injustices of the Duke Lacrosse Rape Case.

Mindingthecampus.com, July 28, 2014. □

AN AMAZING DIVERSITY PLAN AT MADISON

John Leo

A remarkable article on the University of Wisconsin (Madison) appeared yesterday on the John William Pope Center site. In it, UW economics professor W. Lee Hansen writes about a comprehensive diversity plan prepared for the already diversity-obsessed campus. The report, thousands of words long, is mostly eye-glazing diversity babble, filled with terms like "compositional diversity," "critical mass," "equity mindedness," "deficit-mindedness," "foundational differences," "representational equity" and "excellence," a previously normal noun that suffers the loss of all meaning when printed within three words of any diversity term.

But Professor Hansen noticed one very important line in the report that the faculty senate must have missed when it approved this text: a call for "proportional participation of historically underrepresented racial-ethnic groups at all levels of an institution, including high-status special programs, high-demand majors, and in the distribution of grades." So "representational equity" means quotas at all levels. And let's put that last one in caps: GRADES WILL BE GIVEN OUT BY RACE AND ETHNICITY.

Professor Hansen writes: "Professors, instead of just awarding the grade that each student earns, would apparently have to adjust them so that academically weaker, 'underrepresented racial/ethnic' students perform at the same level and receive the same grades as academically stronger students.

"At the very least, this means even greater expenditures on special tutoring for weaker targeted minority students. It is also likely to trigger a new outbreak of grade inflation, as professors find out that they can avoid trouble over 'inequitable' grade distributions by giving every student a high grade."

So diversity, quotas and social transformation of the campus are more important than learning anything. The faculty senate, professors, administrators and students who signed off on this are either OK with the plan, or haven't been paying attention.

John Leo is a senior fellow at the Manhattan Institute and the editor of MindingTheCampus.com, a web magazine dedicated to chronicling developments within higher education in an effort to restore balance and intellectual pluralism to our American universities. He is also a contributing editor at the Institute's City Journal. His popular column, "On Society," ran in U.S. News & World Report for 17 years, and was syndicated to 140 newspapers through the Universal Press Syndicate.

mindingthecampus.com, July 17, 2014. □

UNIVERSITY CALLS THE AMOUNT OF WHITE PEOPLE ON CAMPUS A 'FAILURE,' ASKS FOR IDEAS ON HOW TO HAVE FEWER

Kaitlyn Schallhorn

A school-wide questionnaire at Western Washington University (WWU) asked the community "How do we make sure that in future years 'we are not as white as we are today?'"

The **question**, released through the communications and marketing department's daily newsletter *Western Today*, comes on the heels of admonishments given in multiple convocation addresses by WWU President Bruce Shepard for the university's "failure" to be less white.

"In the decades ahead, should we be as white as we are today, we will be relentlessly driven toward mediocrity; or, become a sad shadow of our current self."

"Every year, from this stage and at this time, you have heard me say that, if in decades ahead, we are as white as we are today, we will have failed as university," Shepard said in the 2012 speech.

And in a recent blog post on WWU's website, Shepard

echoes these sentiments, saying those who do not agree "have not thought through the implications of what is ahead for us or, more perniciously, assume we can continue unchanged."

The six question survey, inspired by Shepard, is meant to combat a recent decline in Washington high school graduation numbers, the pool from which the university draws 90 percent of its students.

The university has already replaced standard performance reviews with sensitivity training and hosts workshops to better serve undocumented students. WWU also provides literature on how to better "recruit and retain faculty and staff of color."

Campus Reform talked briefly to a spokesperson from the university who was hesitant to offer clarification to the controversial questionnaire.

www.campusreform.org, April, 15, 2014.

WOMAN FIRED FROM BLACK EDUCATORS ASSOCIATION BECAUSE SHE WAS 'NOT REALLY BLACK ENOUGH'

Ben Velderman

HALIFAX, Nova Scotia – A biracial woman has won her case against her former employer – the Black Educators Association – after human rights officials deemed she had been bullied by co-workers for being "not really black enough" to do her job.

Rachel Brothers was hired by the Black Educators Association in 2006 and almost immediately came under fire from subordinate Catherine Collier who, according to the Nova Scotia Human Rights Commission, made it clear she thought Brothers was too young and too light-skinned to represent the race-based organization to the community, The Chronicle Herald reports.

Other employees joined in on the bullying, with one telling Brothers she should "go work for whitey," MailOnline.com reports.

But Collier was the instigator of much of the abuse directed at Brothers. It's worth noting Collier had interviewed for the job that ended up going to Brothers.

Donald Murray, chairman of the Board of Inquiry at the Nova Scotia Human Rights Commission, determined that staff members who didn't join in Collier's bullying made excuses for the behavior or simply shrugged it off.

Leaders of the Black Educators Association fired Brothers less than a year on the job for financial irregularities; the Nova Scotia Human Rights Commission found no evidence of any wrongdoing on Brothers' part and concluded she had been let go because of her too-light skin color, MailOnline.com reports.

"It is clear to me that Ms. Brothers was undermined in part because she was younger than, and not as black as, Ms. Collier thought Ms. Brothers should be," Murray wrote in his decision.

He added, "In Ms. Collier's eyes, Ms. Brothers was not really black enough."

From The Chronicle Herald:

Murray said the evidence led him to conclude that in 2006, the Black Educators Association "accepted colorist thinking." He defined that as someone who believes the closer a person's skin tone comes to pure white, the better the chances of getting jobs, accommodations and other opportunities available to "actual 'white' people."

Colorists also think the more visibly black, East Indian, American Indian or Asian a person is, "the greater the potential there will be for discriminatory distinctions to be made based on 'color,'" Murray wrote.

Murray also faulted Black Educators Association's former leader Jacqueline Smith-Herriott for being aware of the "colorist and ageist comments being made" against Brothers but failing to take corrective action.

Murray's commission awarded Brothers nearly $11,000 in damages for injury to her "dignity and self-worth."

MailOnline.com reports that "the Black Educators Association was founded in 1969 to help Africa Nova Scotian communities."

EAGnews.org, August 12, 2014.

EDMONTON TEACHER FIRED FOR GIVING ZEROES FOR NOT DOING HOMEWORK, TESTS WINS APPEAL

EDMONTON - An Alberta appeal board says the Edmonton Public School Board was unfair in suspending and firing teacher who gave out zeros to his students.

Lynden Dorval was suspended in May 2012 and fired four months later for awarding zeros to students who did not hand in homework or take assigned tests.

Dorval appealed to the Board of Reference and it has ruled that Dorval was treated unfairly in his dismissal.

The appeal board has ordered that Dorval be paid his salary from the date of his dismissal and also that his pension be topped up.

It also says it found no evidence of deliberate misconduct on Dorval's part.

Dorval says the ruling was a pleasant surprise.

"The Board of Reference was very harsh on what the principal had done and how the superintendent had handled it so I was surprised at that, and also the no-zero, I was expecting virtually no comment on the correctness of the no-zero policy, I assumed that it would be strictly about the legality of what the school board did," Dorval said.

The school board has 30 days to file the appeal.

In April 2013, the school board reversed its "no-zero" policy which barred teachers from giving students a grade of zero.

The Canadian Press, August 29, 2014.

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