

SAFS Newsletter

Society for Academic Freedom and Scholarship

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

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WHAT ARE UNIVERSITIES FOR?

National Post Editorial

Here we go again: Riot police clashed with roughly 500 “striking” student protesters in downtown Montreal on Monday. There was tear gas. There were arrests. And student leaders vow there is much more to come unless the Quebec government abandons its austerity agenda.

The Université du Québec à Montréal in particular, while always a militant hotbed, seems of late to be going off the rails: Last month a group of professors complained that gangs of “sometimes masked commandos” had rendered the campus atmosphere intolerable with “intimidation, harassment, shoving, vandalism, looting and repeated strikes” — bursting into classrooms, shutting down classes — in name of their various radical causes.

The professors were moved to action after protesters successfully shouted down an event with the deputy minister of National Resources, political science professor Jean-Guy Prévost told the Montreal *Gazette*. “They came in with banners and screaming until the event had to be called off,” he said. “This is not good for the university.”

Indeed. And this culture of self-righteous lunacy is not limited only to the *soi-disant* “strikers.” As Judith Shulevitz observed in Sunday’s *New York Times*, university campuses are increasingly succumbing to the tyranny of a philosophy that believes students must be protected from unpopular opinions and speakers — not on grounds of political correctness per se but because they might be made to *feel unsafe*.

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At Brown University, a debate on “rape culture” was challenged on grounds it might “serve to invalidate people’s experiences,” a member of the university’s sexual assault task force told Ms. Shulevitz. The university responded by staging a concurrent debate beginning from a more politically correct premise. A “safe space” for students was provided, featuring “colouring books, bubbles, Play-Doh, calming music ... and a video of frolicking puppies.”

In this case, at least, the debate went ahead, albeit in deference to a false perceived obligation for balance. (Healthy campuses should produce balance on their own.) At Christ Church, Oxford, of all places, last year a debate on abortion was cancelled outright amidst uproar that the two participants *were men*. “It clearly makes the most sense for the safety — both physical and mental — of the students who live and work in Christ Church,” said the student union’s treasurer.

There are myriad examples of this tendency in Canada as well, from *National Post* columnist Christie Blatchford being protested out of an appearance at the University of Waterloo, to the University of Ottawa’s toe-curling caution to Ann Coulter to mind Canada’s speech laws on campus, to any number of pro-life, men’s rights and other *mal-pensant* groups being harassed or denied standing outright in precisely the milieu that should be more open to free speech than any other in Western society.

There is no such thing as “mental safety” on university campuses — or if there is, then the university is failing wretchedly in its primary role. Meanwhile, on some Quebec campuses students and professors have reason to worry about their *physical* safety, should they dare

insist upon a right to learn and teach even if the Bolsheviks-in-short-pants don’t like it.

The link between these two phenomena is that universities have in too many cases simply lost their nerve. In the name of hurt feelings or “security concerns,” they take the easiest way out of any sticky situation. Higher learning cannot survive such cowardice.

March 23, 2015. □

MONTREAL UNIVERSITY TAKES HARD LINE AGAINST CLASS DISRUPTIONS AS STUDENT STRIKES RETURN

Graeme Hamilton

MONTREAL — Young protesters skirmish with police in riot gear in downtown Montreal. Students trying to attend lectures are turned back by striking classmates calling them scabs.

At first glance, the early days of Quebec’s “*Printemps 2015*” action launched this week look a lot like the student protests that gripped the province in the spring of 2012.

But there are signs of a shift in attitudes that will make it harder for the students to rekindle the spirit of three years ago, when opposition politicians and ordinary folk joined in their pot-banging protests against higher tuition.

The administration at the Université du Québec à Montréal, which in 2012 stood by as roaming mobs broke up classes, has signaled a significant change in approach.

On Friday, the eve of the latest student mobilization, the university advised nine students that they face either one-year suspensions or, in more serious cases, outright expulsion as a result of actions committed during protests on campus over the past two years.

The administration says it cannot comment on the cases for privacy reasons, but student groups challenging the disciplinary action posted some details

on Facebook. They said the students, who will face disciplinary hearings in the coming weeks, are accused of contravening a university bylaw on the protection of people and property in connection with six different incidents.

The incidents include three days last year when classes were disrupted to enforce a student strike and a recruiting session last January when a federal civil servant was prevented from talking about job opportunities for graduates with the Department of Natural Resources.

Among those facing possible expulsion is Justine Boulanger, a student representative on the university's board of directors and executive committee. Her supporters said she is accused of "blocking a corridor" and raising her voice, among other things. They called the actions an assault on freedom of expression and academic freedom.

Ms. Boulanger told *Le Devoir* that the threat of expulsion is unprecedented. "It's the first time the university has issued notice of disciplinary action for political activities," she said.

It appears to be a sign that UQAM has taken to heart a recent warning from faculty members. In a letter published last month, 14 political science professors wrote that the university faces a serious crisis. "For a few years now, our university has fallen prey to the actions of a minority: courses stopped by self-proclaimed, sometimes masked, commandos, intimidations, harassment, shoving, acts of vandalism and ransacking, disruptions of meetings and conferences, repeated strikes," they wrote.

In Quebec City, Education Minister François Blais had a sobering message of his own for the striking students. He warned that unlike in 2012, the government is not going to bend over backwards to make sure students can make up classes, and they could lose their semester. "I don't see how I can take money from primary or high schools to fund people who have walked out of university," he said.

The provincial student group ASSÉ says associations representing nearly 50,000 on 10 university and college campuses have declared a strike of at least two weeks to protest a range of issues, including provincial government budget cuts and fossil-fuel projects.

Mr. Blais challenged the students' use of the term strike. "There cannot be a right to strike, a right that prevents some students from studying," he told the legislature. He said university and college administrators "have an obligation to permit access to their classrooms. They have the means and they have the resources, sometimes even the possibility of penalties."

It is now left to the universities to enforce these marching orders. Université Laval in Quebec City, for one, has room for improvement. On Monday the administration did nothing to prevent protesting students from disrupting classes. In one incident captured on video, a university security guard even helped enforce the strike, telling a student trying to enter a barricaded class that he had to abide by his faculty association's strike vote.

In a statement Tuesday, the university said "students choosing not to attend their classes are invited to respect the choices of those who prefer to attend." It added that all demonstrations have to be respectful and in accordance with university regulations.

National Post, March 24, 2015. □

MARK MERCER IS NEW SAFS PRESIDENT

After 15 years, Clive Seligman is stepping down as president of SAFS. The SAFS Board of Directors has unanimously voted to appoint current board member, Mark Mercer, as the fourth president of SAFS, beginning in May, 2015.

Mark Mercer received his doctorate in philosophy from the University of Toronto in 1991, and held postdoctoral fellowships at Berkeley and Simon Fraser. He began teaching at Saint Mary's University, in Halifax, in September 1999. He was made Chair of the philosophy department in 2010 and promoted to Full Professor in 2013. Dr. Mercer works mainly in philosophy of mind and ethics. As well, he has a passion for teaching ancient Greek philosophy.

Dr. Mercer began contributing opinion pieces to newspapers on issues of academic freedom and university life in 2006, just before he joined SAFS. He has served on the SAFS Board of Directors since 2009. □

SAFS ANNUAL GENERAL MEETING

Saturday, May 9th, 2015, 9:00 am – 3:15 pm

Western University, Somerville House, Room 3317

9:00 – 10:00	Informal conversation with other SAFS members Welcome remarks
10:00 – 10:45	Clive Seligman , SAFS President <i>“Reflections on SAFS Pursuit of Defending Academic Freedom and Scholarship”</i>
10:45 – 12:00	Panel Discussion of case of Dalhousie’s Dental Students <u>Speakers:</u> Ken Westhues , University of Waterloo Mark Mercer , Saint Mary’s University
12:00 - 1:00	Buffet Lunch [in Somerville House – The Garden, Room 3320]
1:00 – 2:15	Keynote Speaker: JANICE FIAMENGO <i>Professor of English at the University of Ottawa</i> From Micro-Aggression to BDS: Can Humanities Education be Saved from Social Justice?
2:15 -2:30	Refreshment Break
2:30 -3:15	Annual Business Meeting [members only]

Registration Fee: \$30.00 per person, may pay at the door. (Registration includes coffee and lunch, but not parking).

To confirm attendance (please reply by MAY 1^h) and for further information: E-mail: safs@safs.ca, or write to SAFS, Unit 11, 1673 Richmond Street, #344, London, ON, N6G 2N3. For further info contact: Daniella Chirila, e-mail: dchirila@uwo.ca, or by phone: 519-661-2111, ext. 84690.

Getting there: From the 401, take Wellington Road North to its end, then jog one block west to Richmond Street, go North to University gates (on your left), just North of Huron Street. On campus, follow this road over the bridge, turn left at the light and continue to traffic circle. **Visitor parking** is on your right next to Alumni Hall once you are almost around the circle. Rate: \$7.00 flat rate. From Highway 7, take Highway 4 South (it becomes Richmond Street) At the fork after Fanshawe Road you can either stay left on Richmond to University gates (now on Richmond Street) as above, or stay right and go down Western Road, turn left at 3rd light (Lambton Drive). *Visitor parking is on your right as you enter traffic circle.* **Somerville House is across the traffic circle.** On Saturday there is usually no one at the Information booths.

Accommodation: On-campus rooms at Western Bed & Breakfast are \$62.00 per night including continental breakfast. A modern, air-conditioned residence, located in Elgin Hall on University Drive, off Richmond St. North. (www.StayAtWestern.ca). The Station Park on Pall Mall (1-800-561-4574), and Windermere Manor (1-519-858-1414), have UWO rates at ~ \$120.00 per night. □

FREE SPEECH UNDER SIEGE

John Carpay

“I can’t stand what you’re saying, therefore I will silence you.”

This sentiment is rapidly becoming the normal practice at Canada’s public universities, which accept mob rule as a way to censor controversial ideas on campus. Christie Blatchford was invited to speak at the University of Waterloo about her book *Helpless: Caledonia’s Nightmare of Fear and Anarchy*, but loud, unruly “protesters” forced the cancellation of this event in 2010. U-Waterloo’s president, Dr. Hamdullahpur, learned nothing from this incident, allowing MP Stephen Woodworth to be shouted down by “protesters” in 2013, while campus security watched passively.

In April 2014, the University of Ottawa condoned the forcible shut down of a presentation by Dr. Janice Fiamengo, by “activists” who disagreed with her opinions against radical feminism. This was consistent, of course, with Ottawa-U previously allowing a mob to prevent a scheduled speaking event with controversial author Ann Coulter from taking place.

Men’s Issues Awareness events at the University of Toronto and elsewhere have been blocked, disrupted and effectively shut down. Alternatively, the university administration censors these events by permitting them to proceed only if the campus club pays hundreds of dollars in “security fees” to cover the real or potential risk posed by obstructionists who disagree with the club’s viewpoint. Last week’s physical blocking of a pro-life display at the University of Alberta, with disruptive protesters hiding it from view entirely, is the latest example of mob censorship that is condoned by university presidents.

Disruptive protesters, who silence their opponents by making it impossible for the public to hear or see a controversial message, claim that they are merely using their own free expression rights. But even a Kindergarten student can tell the difference between making her own painting, and placing a sheet of paper on top of the painting of the girl sitting beside her. University students who cannot grasp this simple distinction have likely been educated beyond their intelligence. Put simply, preventing someone else from

communicating her opinion is not the same as expressing your own.

Those who obstruct and disrupt their opponents’ events claim that the opinion which they have silenced is so obviously wrong that it doesn’t deserve a hearing. But who should get to determine which opinions are sufficiently odious to warrant being censored by a small mob of “protesters” or “activists”? Should people, if they feel “very” hurt and offended, be allowed to silence the peaceful expression of messages they disagree with?

Not all university presidents agree that free expression includes the right to block, obstruct and disrupt others’ messages and events. In 2011, then-president of the University of British Columbia, Stephen Toope, directed campus security to uphold the free speech rights of a student pro-life group in the face of threats on Facebook to block the students’ display. Campus security informed the would-be blockers that they had every right to engage in their own peaceful counter-protest, but warned against censoring the pro-life display by obstructing it from view. Campus security protected freedom of expression from mob rule, upholding the rule of law in the best interest of everyone at UBC.

Unfortunately, University of Alberta president Indira Samarasekera has taken the opposite approach. On March 3 and 4, U of A campus security condoned the physical obstruction of a pro-life display on campus, which was set up by a registered student club with the University’s permission. The Code of Student Behaviour expressly prohibits the obstruction and disruption of university-related functions, activities and events, but campus security took no action against those who broke the rules. If the campus security guards were unwilling or unable to control these “activists,” they could at least have demanded to see their student ID, and commenced disciplinary proceedings against them.

Dr. Samarasekera and other university presidents are buying an artificial and very short-term “peace” by condoning the mob censorship, by physical means, of politically incorrect views on campus. In so doing, they send the message to all students that it’s OK to physically shut down opinions and events one disagrees with. These university presidents undermine the free exchange and debate of ideas on campus by

inviting more and more little mobs to consider: “Why debate your opponent when you can simply silence her?”

National Post, March 10, 2015.

Calgary lawyer John Carpay is president of the Justice Centre for Constitutional Freedoms (Jccf.ca) and acts for the pro-life students at the University of Alberta in defence of their free expression right. □

THE DECLINE OF HARVARD BY CODDLING SHEEPLE

Barry Cooper

Over the Christmas break, I did some work at Harvard. On the first walk between my hotel and the archive, I noticed several changes since my last visit, years ago. Inside one of the gates was a sign: Tobacco-Free Harvard Yard.

It was not just smoke free, but, starting last summer, devoid of tobacco products. Some objected to the ban because anyone transiting the yard can easily avoid the deadly fog of second-hand carcinogens. Others observed that Harvard students are as aware of health risks as anyone, so the paternalism and implied infantilizing of students insulted their intelligence.

One of the supporters of the ban said that, because of so many visitors, “it was actually a type of global health intervention at the micro-level.” At least Harvard’s self-importance remains unimpaired.

Last spring, I had read a piece by Jessica Korn in the undergraduate newspaper, *The Crimson*, that called for “academic justice” to replace academic freedom. No research “justifying oppression” would be permitted. Since she had one of my friends there in mind, I paid attention.

There was also an article in *The New Yorker* by Jeanne Suk who teaches at the law school. She reported that it has become risky to discuss rape as a criminal offence. One of her colleagues was told to avoid the term “violate” — as in “does this activity

violate the law?” — because it might induce traumatic memories.

Often such complaints are accompanied by demands for “trigger warnings.” These are intended to strike a balance between academic freedom and hurt feelings. This is not censorship, advocates say, but sensitivity training. How sensitive is enough? Being sensible rather than sensitive is not an option.

Another anecdote: after the Ferguson grand jury refused to indict police officer Darren Wilson, the law students asked to have their exams postponed because they were so traumatized.

When I asked what had happened to Harvard, I was told to read two books. My friends were academics after all. One, *Why Teach?* by Mark Edmundson, and a second, *Excellent Sheep*, by William Deresiewicz, would explain things.

Having done so, I can recommend them not only as accounts of a pathology that has invaded the greatest university on the continent, but one that has made significant inroads at the University of Calgary as well. During the mid-1980s, universities began to model themselves on businesses. Administrators were no longer academics who avoided teaching and disdained research, but senior leadership teams who rewarded themselves accordingly. Their eyes were very high as they sought prestige and profit.

Admissions offices became marketing departments.

If the student-customers didn’t find Latin and Greek sufficiently appealing, should we dissolve the classics department? The question answers itself because the best students, as former U of C president Harvey Weingarten said, attend the business school where they are credentialed for workplace productivity and success.

Such students are polite, mild, well-mannered, well-groomed, well-spoken and well-medicated. Everything they do goes on a resume. As Deresiewicz put it, they “think for themselves, but only because we want them to.”

Teachers interested in their students’ long-term welfare ask them what they want from their lives. You know,

things like happiness. When universities become corporate villages rather than scholarly enclaves, such questions disappear. When students know what they want but have no clue why, there are costs.

The celebration of “HaskayneHappyness” day last week at the business school was billed as a break from the stress and depression of January. No one noticed that the need for such a break meant that the students attracted to Haskayne were not happy in their studies.

Poor kids.

Calgary Herald, February 4, 2015.

Barry Cooper teaches happy political science students at the University of Calgary. □

NO, PROFESSOR, YOU SHOULDN'T TREAT THE OVERSIZE TODDLERS IN YOUR CLASSROOM LIKE 'CHILDREN'

Noah Rothman

On campuses across the country, authoritarianism is back in vogue. Orwellian concepts like “free speech zones,” pens into which those who intend to speak freely and openly are consigned so as to not offend the fragile little porcelain dolls who presumably make up the majority of the nation’s student bodies, are condoned. Classes for which students pay exorbitant and inflated prices to attend are canceled so as to allow enrollees to attend progressive protests. Even at the graduate level in exclusive institutions like Harvard, students pen mortifying manifestos touting their victimhood and insist that this dubious claim should yield them even more privilege and freedom from labor and scrutiny.

These are the actions of children, and that’s exactly what University of Chicago Law School Professor Eric Posner has called them. “Students today are more like children than adults and need protection,” read the subhead in a controversial piece he wrote for Slate. But Posner is not lamenting the retarded emotional and intellectual growth of the next generation of Americans; he is celebrating it. In a fantastically self-contradictory essay on the subject, Posner averred that America’s college students are little more than infants

who demand to be mollicoddled by the benevolent autocrats at the head of the classroom.

“There is a popular, romantic notion that students receive their university education through free and open debate about the issues of the day,” Posner wrote. “Nothing could be farther from the truth.”

“Students who enter college know hardly anything at all—that’s why they need an education,” he continued. Take that, America’s public high schools. “Classroom teachers know students won’t learn anything if they blab on about their opinions,” Posner added. “Teachers are dictators who carefully control what students say to one another.”

To an extent, he is correct when he contends that professors police their students’ speech and writing, and most responsible teachers would never allow certain dangerous ideas to take root among their students. This does, however, defeat the purpose of education. Colleges should be places where students are able to freely explore intellectual concepts, even dangerous and prejudicial notions, with the idea being that daylight is the most potent disinfectant.

Posner contended that the speech most in need of policing is the kind that might offend those young folk who are consumed by identity politics. Homophobic or anti-Semitic rhetoric is offensive, but those concepts are not as a pressing a threat to liberty today as are, say, erecting complex ideological justifications for censorship while contending that this suppression of free thought is not only noble and righteous but clamored for by the insipient masses.

And here we encounter the first of Posner’s glaring self-contradictions. He contended that it is the educator who serves as benign “dictator” when enforcing codes of appropriate thought, but Posner later asserted that it is the student who demands paternalism from his or her educators. “While critics sometimes give the impression that lefty professors and clueless administrators originated the speech and sex codes, the truth is that universities adopted them because that’s what most students want,” Posner argued. “If students want to learn biology and art history in an environment where they needn’t worry about being offended or raped, why shouldn’t they?”

There is something pathological in causally equating

rape, as violent and invasive a crime as anyone can imagine, with an individual conducting a subjective assessment of their sensitivities and determining that they have been slighted. It is a logician of suspect ability who determines these two offenses to be of roughly approximate gravity.

This staunch defense of what a vocal minority of hypersensitive youth construe to be offensive suggests that Posner is engaged in a defense of his own preferred codes of conduct more so than he is upholding the values of his charges.

Which leads us to Posner's second contradiction: The professor explicitly insisted that college-age young people "are children" and should be treated as such. "Not in terms of age, but in terms of maturity," he condescended. "Even in college, they must be protected like children while being prepared to be adults."

Now, who knows? Perhaps Posner's pupils really aren't ready to leave the nest. It's not impossible, especially given the dominant impulse among America's elites to file down life's sharp edges, that the students in Posner's classroom are ill-equipped to navigate the world around them. But no sooner does Posner assert that he is surrounded by children inhabiting the bodies of adults that he asserts that the process of mental if not physical maturation has grown stunted over the years.

"Society seems to be moving the age of majority from 18 to 21 or 22," Posner insisted. "Perhaps over-programmed children engineered to the specifications of college admissions offices no longer experience the risks and challenges that breed maturity. Or maybe in our ever-more technologically advanced society, the responsibilities of adulthood must be delayed until the completion of a more extended period of education."

Again, Posner is not entirely off base in his diagnosis of a social ill (though he doesn't seem to consider it such). The process of maturation *is* decelerating over the generations, but his prescription for addressing this issue is to reinforce the conditions that he admits might have led to this lamentable state in the first place. If modern children are spared the "risks and challenges that breed maturity," the solution to that problem is not to create hermetically sealed environments in which

the perennially pubescent subject is cosseted in a cocoon of inoffensive ideological homogeneity. Posner laments the suboptimal state of affairs, but defends his role in perpetuating them.

If Posner is truly broken up about the vulnerability of the next generation, and it's not at all clear that he is, than one might expect him to take his own advice and to stop treating young adults like infants. Not because they are ready for that challenge, but because they are not. Unless the graduating student chooses to continue his or her education, or ascends directly to a position with an anti-defamation league, no one in the world outside gives a whit about their fragile egos.

The best gift that a teacher can give a student is to disagree with them, even to regard their views as dangerous. If that sounds irresponsible, educators, trust a conservative with a post-graduate degree: It is not a rare occurrence. But the goal shouldn't be to censor or shame them, but to make them defend their ideas for their peers. That adversity forces growth. It places demands on the individual to be compelling and comprehensive. The earlier a student learns that it is his or her job to please others and not to find themselves or to be comfortable with their own idiosyncrasies, the faster they will become productive and resilient members of society.

Posner doesn't misdiagnose the problem with the class of 2019, but he does fail in the effort to proscribe the correct remedy. The cure for the problems associated with perpetual adolescence is not to create a safe space for that cancer to metastasize. It is incumbent on a well-trained surgeon, as it were, to excise the tumor.

Hotair.com, February 13, 2015. □

SUBMISSIONS TO THE SAFS NEWSLETTER

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

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UNIVERSITY'S 'WORDS CAN HURT' EFFORT NIXES 'LAME,' 'FAT,' 'HOMO,' 'MAN HATER,' 'EXOTIC'

Jennifer Kabbany

What ever happened to “sticks and stones may break my bones but names will never hurt me.”

Pacific Lutheran University is another campus admonishing students through its “Words Can Hurt” campaign to use nice language, and not say anything that might offend anyone in the least.

The private, Tacoma, Wash.-based school’s website explains:

The first posters, which appeared in 2012, featured students tearing up phrases including “That’s so gay,” “Lame,” “Retarded,” “Ghetto,” “Fat” and “Illegal.”

“We then decided to expand the words,” [Diversity Center administrator Angie] Hambrick said. “We really wanted the campaign to be about individual choice—words that they’re hearing and words that they’ve chosen not to say. They’ve heard those words—maybe even used them—but they now understand these words have impact even when the intent is not to hurt. We have to take responsibility for the impact on others, and on ourselves.”

A memo on the school’s website explains the campaign originally launched through “a generous grant from The Pride Foundation, a Queer philanthropy and advocacy organization in Seattle in 2012.”

“The words and phrases of the campaign continue to expand— Dumb Blonde, Lame, Passive, Angry, Exotic—since at the heart of the campaign is each participant’s personal responsibility and choice,” the memo adds.

The campaign has been plastered on billboards in the region thanks to a Clear Channel Communications donation. The campaign is also spreading to nearby high schools.

“Now those original posters—along with newer ones featuring more students, more I-won’t-say-these-words plus faculty and staff—are showing up on 112

billboards throughout the Puget Sound region, in Tacoma Public Schools, on the PLU campus, on social media, on the PLU website—and in a brand-new K-12 downloadable teachers kit,” the school’s website states.

Pacific Lutheran University is not the only school actively admonishing students on what they can and cannot say. The University of Michigan recently launched a similar campaign that warns students not to say similar so-called mean words. The University of Maryland launched a similar campaign three years ago as well.

The College Fix, February 12, 2015. □

STUDENTS TOLD THEY CANNOT LAMPOON U.S. PRESIDENTS BECAUSE CAMPUS FORBIDS 'MOCKING'

Andrew Desiderio

Lawsuit filed to reverse speech policies at Dixie State

Students at Dixie State University have filed a lawsuit against their school after administrators refused to approve their request to distribute flyers to promote their libertarian club, hand outs that rebuked big government by playfully lampooning George W. Bush and Barack Obama.

Campus officials denied the flyers on the grounds that they violated school policy, which does not allow students to disparage others, according to the lawsuit. But the students, members of Young Americans for Liberty, allege their free speech rights have been infringed, and a leader of the group said in an interview administrators are “silencing and marginalizing” them.

The lawsuit also cites an incident in which a security guard for the Utah campus actively monitored the group’s “free speech wall” display for so-called hate speech.

The plaintiffs – students William Jergins, Joey Gillespie and Forrest Gee – have demanded in their lawsuit that the public university’s “excessive” policies

be revised to comply with the First Amendment. They also seek monetary damages and legal expenses.

“All YAL at Dixie did was represent a view different from that of the administration at Dixie State and the status quo, and because of that we were barred from promoting our club and marginalized in pursuing the activities we wanted to on campus,” Jergins said in an interview with *The College Fix*. “Especially on a university campus, people who represent differing views and are brave enough to stand up and express them should be celebrated.”

One flyer stated “learn to hold your leaders accountable” and featured a picture of President Bush with the caption “miss me yet?” next to a photograph of a grumpy cat with the caption “Why aren’t you in prison?” Another flyer featured President Obama with the air quote: “Get in my BELLYYYY!” over the caption “don’t be consumed by the state!” The third flyer pictured Che Guevara with the words “real rebels don’t support centralized state authority.” Each flyer also listed the time, date and location of the group’s meetings.

The three flyers were reviewed last October by the dean of students and the administrative assistant to the dean of students and were denied because they “mocked individuals” in violation of Dixie State policies, the lawsuit stated, adding the flyers were only approved for distribution after the students agreed to remove the images of the three political figures.

The lawsuit also states the university’s director of student involvement and leadership told members of the libertarian campus group that their request to set up a “free speech wall” could only be held in a designated “free speech zone” on campus.

But the free speech zone is located in an area on campus with no classroom buildings, so students have little reason to pass by, the lawsuit states. Moreover, the “free speech zone” comprises only around 0.1 percent of Dixie State University’s 100-acre campus, the suit adds.

What’s more, a campus police officer spent 30 minutes looking over the “free speech wall” to search for anything that could be deemed “hate speech,” according to the lawsuit. The presence of the officer

during the October event also caused student participation to decrease, it alleges.

Overall, Jergins said, the university is “silencing and marginalizing” the club by limiting the free expression of ideas and thoughts on campus.

“It is our right not only as students and citizens of the United States, but as human beings [to] express our opinions and be heard by those who are willing to listen,” Jergins said. “It is also our right as human beings to hear and learn from the opinions of others when they are brave enough to express them.”

He continued: “Regrettably, Dixie State’s administration has chosen to pretend as if we are neither students, United States citizens, nor even human beings and has not only completely ignored but actively infringed upon our rights as such. So we’re suing so that our rights, and the rights our fellow and future students will be recognized and respected.”

When contacted by *The College Fix*, a Dixie State spokesman declined to comment on pending litigation. As for potentially being ostracized on campus by peers, faculty and administrators for taking the legal action, Jergins told *The College Fix* he has not encountered any backlash, adding administrators have yet to contact him about the lawsuit, nor release a statement on it.

He also said the students with whom he has spoken have all been very supportive of his efforts.

“The restrictive policies at Dixie State, I feel, have made it very hard to start clubs and to get them operative and attracting new members after they’re started,” Jergins said. “In speaking with other students, it has been my impression that they’ve recognized this and know firmly both what a restriction it puts on student life and on their learning environment.”

The lawsuit was filed in conjunction with the Foundation for Individual Rights in Education.

“Dixie State is a public university bound by the First Amendment, and the First Amendment is quite clear that you have the unequivocal right to criticize or mock political figures,” FIRE President and CEO Greg Lukianoff said in a statement. “One has to wonder how Dixie State students can engage in serious political

discussions—or any discussion at all—when they are forced to follow the university’s ridiculous policies, which go so far as to forbid any poster in a residence hall that students or administrators can claim creates an ‘uncomfortable’ environment.”

College Fix reporter Andrew Desiderio is a student at George Washington University

The College Fix, March 27, 2015. □

CONGRATULATIONS, UNIVERSITY OF OKLAHOMA, IN YOUR OUTRAGE YOU JUST VIOLATED THE LAW

David French

This week several University of Oklahoma frat boys were caught on tape singing a vile, racist song (and, no, it wasn’t “unconscious” racism or “coded” racism — it was straight up segregation-era hate). The video triggered a tidal wave of outrage on and off campus. A top football recruit “de-committed” to OU and committed to Alabama, the national fraternity expelled the local OU chapter, and students, coaches, professors, and administrators marched in protest.

To this point, the matter is rather simple. The SAE students engaged in racist expression, and private citizens countered with expression of their own — doing what the marketplace of ideas does best, countering bad speech with better speech.

Then, the government got involved. OU president David Boren has summarily expelled two students allegedly responsible for the chant. I agree with Eugene Volokh. This action is almost certainly unconstitutional. I’m not going to repeat his entire analysis, but his first point should be sufficient:

[R]acist speech is constitutionally protected, just as is expression of other contemptible ideas; and universities may not discipline students based on their speech. That has been the unanimous view of courts that have considered campus speech codes and other campus speech restrictions. The same, of course, is true for fraternity speech, racist or otherwise; see *Iota*

Xi Chapter of Sigma Chi Fraternity v. George Mason University (4th Cir. 1993). (I set aside the separate question of student speech that is evaluated as part of coursework or class participation, which necessarily must be evaluated based on its content; this speech clearly doesn’t qualify.)

Our public universities are becoming national leaders in trampling the Constitution to legislate their brand of “inclusive” morality. FIRE’s Robert Shibley gets the issue exactly right:

Censorship isn’t necessary for those who are confident in the truth of their views. It’s a signal of insecurity and displays a fear that if an idea is allowed to be expressed, people will find that idea too attractive to resist. Somehow, college administrators are convinced that if they don’t officially punish racism, their students will be drawn to it like moths to a flame. But there’s simply no reason to expect that. Given the history of campus activism in our nation from the civil rights movement onward, there are myriad reasons to expect the opposite.

Instead of government crackdowns on a viewpoint, it is far better to let the marketplace of ideas determine the social consequences for racist speech. In this instance, the OU members of SAE are not only likely to spend the rest of their college careers as pariahs but to be hounded to the ends of the earth on social media and exposed for posterity on Google.

When I was at FIRE I fielded a call from an angry administrator demanding to know what he could do to “take action” after a handful of Klansmen posted racist flyers on a community bulletin board. He forwarded the flyers, which were full of typos and barely legible. I asked him whether he thought his students would be persuaded by this nonsense or would use it as an opportunity to express their support for their African-American brothers and sisters. The latter, he said, and he explained the groundswell of student expression in response. “There’s your ‘action,’” I told him. Let the students send their own message. If the Klan wants an argument, it will lose.

I hope these students find the courage to sue — not because anyone agrees with their words but because the First Amendment needs a defense. They said terrible things, but they did not violate the law. Ironically, the only lawbreaker here is a university so

incompetent that it created First Amendment martyrs out of students who redefine the word “crass.”

National Review: The Corner, March 10, 2015. □

MEN IN DALHOUSIE DENTISTRY FACEBOOK PAGE APOLOGIZE FOR SEXUAL POSTINGS

Michael Tuttons

HALIFAX — Male dentistry students at Dalhousie University who participated in a Facebook page that contained sexually violent content about female classmates have expressed remorse in an open letter to the community.

The university in Halifax posted a joint statement dated Sunday by 29 members of the fourth-year dentistry class on its website, with the unidentified students who wrote what is described as an open letter saying they wanted to comment before an academic standards committee rules on what discipline will be applied.

The members of the class who agreed to the statement are participating in a restorative justice process the university started after the Facebook site’s contents became public.

The letter says 12 male students who participated in the Facebook site believe their actions were “hurtful, painful and wrong,” and that they harmed their classmates, patients, the university, their profession and the public.

“Through the restorative justice process we are doing the work required to be sorry — to confront the harms we have caused, to accept our responsibility, to figure out what is needed of us to make things right, and to gain the knowledge, skills and capacities to be trusted health-care professionals,” the men say in the letter.

“The need for change in ourselves became very clear through deep reflection on our failures and harmful actions.”

According to the CBC, members of the Facebook

group voted on which woman they’d like to have “hate” sex with and joked about using chloroform on women. The CBC said in another post, a woman is shown in a bikini with a caption that says, “Bang until stress is relieved or unconscious (girl).”

There are three parts to the letter posted on the university website. One is written by the men in the class, a second section by the women and a third written by all the participants in the restorative justice process.

The response from six women who were the target of the posts on Facebook says what was said was harmful and reflected “a broader culture” within the university and society.

But the six women say they don’t agree with a university decision to segregate the men from their classmates and keep them out of clinical practice.

That decision fragmented and alienated the class at a time when they were particularly in need of support from their classmates, the women say, adding that they feel safe with the 12 members of the Facebook group.

“Many have asserted that all women feel unsafe, but this is not the case for us — we feel safe with the members of the Facebook group involved in this restorative process,” the women say in the letter.

They describe themselves as strong and professional women who are capable of speaking for themselves in the case.

“The restorative process has provided a very important space for us to engage safely and respectfully with our colleagues and others to convey our perspectives and needs.”

The men say they have participated in a series of workshops to consider what they wrote and how to repair the damage since the restorative justice process started in December.

They have met at least once a week as a group with the organizers of the restorative justice process and have also had individual meetings to consider what actions would help make amends, they wrote. The sessions have included educational workshops from experts in

sexualized violence, psychology and counselling, law and human rights, religion and conflict resolution.

The men say they have also participated in discussions on misogyny.

Text of statement issued by members of a dentistry class at Dalhousie University

Below is the full-text of an open statement from the participants in Dalhousie University's restorative justice process related to Facebook group posts made about females members of the fourth-year dentistry class at the school:

We, the 29 members of the class of DDS2015 participating in the restorative justice process, offer this public update to share some information about the process and our experience so far. This statement reflects our collective experience and sentiments. It is divided in order to offer some reflections directly from the members of the Facebook group engaged in our process, from the directly impacted women within the restorative justice process, and from the entire participant group. Our process includes 12 members of the DDS2015 Facebook group, six women named in the Facebook posts made public, and 11 women and men from the directly affected class of DDS2015.

We are providing this statement at this time because we anticipate an update from the Academic Standards Class Committee (ASCC). The ASCC has been kept informed of the work within the restorative process aimed at remediating behaviour and addressing the harms related to the incident. We want to share some of this information with the broader community and the public so that they are able to understand our perspectives and experience within the process as well.

From the Members of the DDS2015 Facebook Group in the Restorative Justice Process

From the beginning of this process in December we felt incredibly remorseful and took ownership of what we did (individually and collectively). Our conduct as members of the Facebook group was hurtful, painful, and wrong. It has impacted our classmates, friends, families, faculty, staff, patients, the university community, the profession and the public. Our actions have led to significant consequences for us, but also for others. Many of the consequences we have

experienced both personally and professionally are a natural result of our actions and we own those consequences. Our actions have also had profound consequences for others that we own with deep regret. We know that our conduct has damaged trust in many important relationships. We know that we must work to earn back this trust. Since December we have been engaged in the intensive and difficult self-reflection and development required to start the process of earning back the trust of our colleagues, families, professors, the university community, the profession and the public. This will take time but we will work each day to model the personal and professional core values to which we are committed and that will guide us now and in the future. We hope one day to regain the trust of those we have harmed and impacted.

Our silence has been interpreted by some as cowardice — as if we are hiding from our responsibilities. It has been very tempting to satisfy calls for us to say we are sorry. Doing so would have made us feel better, but it would have been self-serving if not based upon the hard work necessary to gain the depth of understanding required for meaningful and sincere apology. We are committed to continue to work through the restorative process to develop this understanding. We know much more than saying 'sorry' is required. We are doing the hard work to figure out how to truly be sorry. We owe meaningful apologies to those we have impacted most directly first.

Through the process we have had the opportunity to offer some of these apologies already and they have been accepted. We continue to work to be worthy of their acceptance. Only after we have done more of this work would we be ready to offer broader apologies to the community and the public. Through the restorative justice process we are doing the work required to be sorry — to confront the harms we have caused, to accept our responsibility, to figure out what is needed of us to make things right, and to gain the knowledge, skills and capacities to be trusted health-care professionals. This is difficult and time consuming work – and it should be. We are committed to seeing this through. The process has engaged individuals from the faculty, university, the profession and the public. Involvement from these groups will continue and expand as the process moves to further examine the broader circumstances, causes and consequences of this situation. We have already learned much about ourselves, the consequences of our actions, and our

contribution to the culture and climate within the faculty and the university. Our work has included: providing detailed accounts of our participation in the Facebook group and events following its discovery as part of the investigation; regular contact with the restorative facilitators since December (at a minimum weekly, in many cases daily); participation in regular and ongoing meetings with facilitators individually, in small groups and with the entire group to explore harms and impacts, accept responsibility and consider what actions are necessary to make amends. Sessions have included educational workshops and training modules supported by experts in the fields of public safety and security, sexualized and gendered violence and trauma, psychology and counselling, law and human rights, religion, and conflict resolution. In addition, we have taken specific in depth educational workshops to better understand misogyny and rape culture and bystander intervention.

We do not know what the outcomes of the process will be because this work is still underway. We know that we cannot go back and undo what has happened, but we are committed to making this experience matter – to contribute to the change that is needed. The need for change in ourselves became very clear through deep reflection on our failures and harmful actions. We also recognize that we have an opportunity and responsibility to contribute to necessary changes in the climate and culture within our faculty, the university community and in the profession we aspire to be a part of one day. We are committed to giving back and making a positive contribution to our communities. We have been given the opportunity, through this restorative justice process, to confront what we have done, the harm it has caused, and to learn what we need to do to become the trusted professionals we want to be. We are very grateful for the commitment of time, expertise and support that has made this possible. We will endeavour to be worthy of this opportunity and to contribute back to the community in equal measure.

From the Women of the Class of DDS2015 involved in the Restorative Justice Process

As women directly impacted by the Facebook posts released to the media, we decided to participate in this restorative justice process as a way to address the harmful conduct revealed by the posts and our experiences of the broader culture they reflect within

our faculty, university and society. We respect that everyone who has been directly impacted by this situation deserves equal opportunity to proceed in a way in which they are comfortable. We wish to be accorded the same respect for this justice path we have chosen. We made this choice informed of all of the options available to us and came to our decision independently and without coercion. We have exercised restraint in discussing our perspective in the media but, to be clear, we do not feel that the coverage on social and mainstream media has been representative of our unique or common experiences. Many people (some with good intentions) have spoken about us and in the process often attempted to speak for us in ways that we have experienced as harmful, silencing and re-traumatizing. Our perspective and decision to proceed through this process has often not been honoured or trusted but dismissed or criticized based on the decisions or perspectives of others. We are strong, well-educated professional women with words of our own to explain what we are going through and how we want to proceed. We have chosen individually and collectively to use our words carefully and selectively in public so as not to add fuel to the media fire which has been extremely hurtful to all of us. Some of the political tactics and debates surrounding this situation have made it challenging to proceed with a restorative justice process in the way we wished and these outside factors have caused renewed harms. At times, the volume of public opinion has drowned out our voices on what we need and want in this situation. We feel, for example, that our views were not central to the decision making process to segregate members of our class known to be involved in the Facebook posts. While this decision may have satisfied others' needs or interests, it has done nothing for us in terms of instilling a sense of safety or respect. Instead, it fragmented and alienated us at a time when we were particularly in need of support from our class community. Many have asserted that all women feel unsafe, but this is not the case for us – we feel safe with the members of the Facebook group involved in this restorative process.

The restorative process has provided a very important space for us to engage safely and respectfully with our colleagues and others to convey our perspectives and needs. The process allows us to be involved in a manner that both respects and values our unique perspectives and the level of commitment and connection we desire. Additionally, it allows us to

address underlying systemic and institutional issues influencing the climate and culture in which we live and learn. We want this process to make a significant contribution to bringing about a change in that culture and hope that we will be given the respect, time and space needed to do this work.

From All Participants of the Class of DDS2015 involved in the Restorative Justice Process

We are all committed to working together within the restorative justice process to deal with the specific and broader issues and harms connected to the Facebook group. Through this process we are dealing with the immediate incident at hand while also investigating the contributing factors that got us here as a class, faculty, and university. We hope this letter sheds some light on our process so far, on what we hope to accomplish, and on some of the challenges we have faced. We believe that the education and perspective that we are gaining through our participation in the restorative justice process will allow us to be better health-care providers, colleagues, and representatives of Dalhousie University. We ask, as a group, that our privacy and our right to pursue this restorative process off the public stage be respected. The constant public attention has been harmful and even sometimes threatening to us, our families and friends. We will engage with the broader communities and issues involved through the restorative process, but first need to continue to work to understand and address the immediate harms involved. We hope that through this process our voices and experiences will make significant contributions to the important public discussions about sexism, misogyny, inclusion, and professionalism.

National Post, March 2, 2015. □

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.

Elive Seligman, President

THE MODERN UNIVERSITY RISKS BECOMING A COCOON OF SELF-INDULGENCE AND ANTI-INTELLECTUALISM

Rex Murphy

Lighthouses of reason, or beacons of folly? Which more readily applies to some modern universities? If you have been happy enough to read a *New Statesman* piece recently, there would be little hesitation in opting for the latter. The column discussed that only-in-a-university puffball of a controversy over *The Vagina Monologues*. The VM, for those fortunate enough not to have heard of it, is an Eve Ensler opus/art project that offers soliloquizing genitals as an avenue to feminist empowerment, a concept kitten-cute in all its daring and originality. Not surprisingly, it's been a huge hit on all sorts of enlightened campuses, its combination of vulgarity and Spice Girls feminism being a sure winner with those wishing to storm the barricades of privilege from a front-row seat.

The *New Statesman* piece contained this jewel of progressive reporting: "A U.S. women's college recently announced it would be discontinuing its annual performance of *The Vagina Monologues*: it's exclusionary to talk about vaginas when some women do not have one."

The "women" in question were, by all the ancient indications we have so sturdily relied upon until the blaze of reason started to flicker and dim, men. But the men — on whose behalf students at the all-women university in question, Mount Holyoke, were protesting — were identifying (this is the term of art) as women, but had not yet "transitioned." They were still, as it were, biologically on the other side of the fence. As was explained by the theatre board that cancelled Ms. Ensler's vaginal ventriloquism:

"At its core, the show offers an extremely narrow perspective on what it means to be a woman ... Gender is a wide and varied experience, one that cannot simply be reduced to biological or anatomical distinctions, and many of us who have participated in the show have grown increasingly uncomfortable presenting material that is inherently reductionist and exclusive."

And there you have it. Biological and anatomical distinctions are described by the highly progressive as offering "extremely" narrow perspectives on what it

means to be a man or a woman. And they make some people “uncomfortable.” If you were fortunate enough right now to be standing over George Orwell’s grave in the sweet garden of the churchyard at Sutton Courtenay, Oxfordshire, you would hear, piercing the roar of his revolving corpse, a plaintive, despairing voice crying out: “Bury me deeper. Now. Please.”

Literally, you could multiply the instances of silly thinking and foolish actions by the hundredfold that now burden universities across the West, as the institutions that have carried the light of intellect from the earliest days of Athens, through the Renaissance, right to our present day, have surrendered to every passing fad and fancy of ever-more trivial and mentally bankrupt causes. Such as the Occupy the Syllabus farce at the University of California at Berkeley, which lamented the presence of such feeble intellects as Socrates, Aristotle, Hobbes, Locke and Hegel in a course, they being that terrible triune of white, dead and male.

What is more dismal than the modern campus, with its litany of “safe spaces,” its protection from offence, its bleats about micro-aggressions, the chatter of white privilege and the spate of hysteria over the “rape culture?” The new model of the university risks becoming a cocoon of self-indulgence and actual anti-intellectualism. Administrators, in particular, take a craven posture before any challenge that might land them in the minefields of identity or gender politics.

The universities are running a risky race.

The universities, under the banner of hollow diversity and the even more hollow and self-contradictory banner of tolerance, are mutating into thought-suppressing machines. Any flag raised in the name of identity or marginalization has them prostrate in anxiety and fear. The idea of undergraduate life as a rooting out of intellectual predispositions, of history as anything but a huge case file of oppression, of testing minds as opposed to flattering feelings, is lost.

The universities are running a risky race. The more they quiver before the onslaught of the cause-mongers, refuse to take clear and bold stands against protest intimidation tactics, the more they lose their centuries-old prestige. It is a situation that should concern everybody.

The ability to think clearly, and the absorption of the best that has been thought and said, have given the world all the moral and scientific progress — *real* progress — it has ever known. As universities become more and more the willing hostages of the anti-thought brigades, the more they will diminish in both esteem and worth.

National Post, March 27, 2015. □

UNIVERSITIES ARE TEACHING STUDENTS WHAT TO THINK, NOT HOW TO THINK

Barbara Kay

Every year at this time I am privileged to appear as a guest lecturer for my friend Adam Daifallah’s course on the history of conservative thought at McGill University. Below are lightly edited excerpts from tonight’s lecture.

In his essay, “What are universities for?” philosopher Leszek Kolakowski writes: “The greatest danger is the invasion of an intellectual fashion which wants to abolish cognitive criteria of knowledge and truth itself. The humanities and social sciences have always succumbed to various fashions, and this seems inevitable. But this is probably the first time that we are dealing with a fashion, or rather fashions, according to which there are no generally valid intellectual criteria.”

The counter-culture of the 1960s drew a bright line between all past and present understanding of what universities were for. Standing on one leg, one might say that in the past universities felt it was their mission to teach students how to think, and in doing so it was considered natural to use as a teaching guide, as the 19th century cultural critic Mathew Arnold put it, “the best which has been thought and said” in our culture. Arnold’s dictum governed my own university experience in the golden age of university expansion between 1945 and 1960. My courses were blessedly free of ideology, and devoted to cultivation of students’ critical faculties through exposure to a variety of opinions.

Since the late 1960s, universities have considered it their mission to teach students *what* rather than *how* to think. Students soon internalize the catechism, summed up in the Twitter hashtag #white privilege, meaning: Western civilization thrived on white, Christian, Euro-centric aggression against Others; Western literature and art are the patriarchy's handmaidens; the university's mission is to further a just society and empower the wretched of the Earth; objective "knowledge" is a tool for one dominant race, gender and sexuality to oppress the powerless; reason is but one "way of knowing"; any opposition to identity politics and multiculturalism is racism; there are no hierarchies in cultural values — in matters of gender, art and family, all manifestations are equally valid; and most insidiously, acknowledging and rewarding objective merit is considered an "institutionalized form of racism and classism."

Just as Gender Studies considers all men to be "carriers" of the patriarchy, many progressives consider conservatism to be so retrograde, so obsolete, so *inherently* wrong that indulging its proponents with a podium on campus is akin to countenancing immorality. To illustrate, last year about this time I participated in a debate on the state of free speech at Canadian universities. I argued it was endangered. My opponent, a York University academic, did not deny freedom of speech was tightly curtailed on our campuses. But his position was that cultural, gender and racial diversity on campus, admittedly far more advanced today than in my era, is more important than and — I inferred — even incompatible with intellectual diversity. Which did not dismay him at all.

If, across Canada every year, 20 or 30 politically incorrect speakers don't get to speak on campus because their views were offensive [to progressives], my opponent said, so what? Times have changed, he explained; anyone can make their views known on the Internet! And therefore campuses are not obliged to provide a soapbox for every "crackpot." His views shocked me (not least because I am one of those "crackpots" that feminists tried to stop from speaking at McGill some years ago). According to his curious strain of logic, if the Internet is a viable ideas forum for students, why the need for *any* speakers on campus? Obviously, the Internet is no such thing. But his casual dismissal of the need for intellectual diversity is not unusual in academia; rather it is typical.

Strategies for eliminating intellectual debate on campus are manifold. Amongst them: disinviting guests, such as Brandeis' 2014 commencement disinvitation to the heroic Ayaan Hirsi Ali because her views on Islam offend some Muslims, or disrupting the speech of politically incorrect speakers (conservatives, pro-life activists, advocates for men's centres on campus and pro-Israel speakers often need tough security on campuses, but never the other way around); eliminating neutral survey courses, but sanctioning group identity courses designed to promote activism; speech codes to punish "offensive" language to women and minorities; and hiring according to ideology and group identity rather than academic accreditation.

Ironically, the marginalization of conservatism in the universities has produced a counter-revolution amongst conservative thinkers. As former leftist-turned-vehement conservative David Horowitz writes: "excluded conservatives [in the universities] ... are forced by the cultural dominance of the left to be thoroughly familiar with the intellectual traditions and arguments that sustain it. This is one reason for the vitality of contemporary conservative thought outside the academy, and for the inability of progressives to learn from the past."

Conservative thinkers in the fields of history, economics and sociology, knowing they cannot do the research they want to on campus, have been migrating to think tanks, supported by private individuals and companies. This is something Adam Daifallah predicted and urged on in his 2005 book written with Tasha Kheiriddin, *Rescuing Canada's Right*. Look at the recent crop of new conservative Canadian policy advocacy groups: The Manning Centre, The MacDonald-Laurier Institute, the Frontier Centre, The Institute for Marriage and the Family, all having sprung up in the last decade, all sponsoring intelligently provocative work.

Interestingly, UCLA Higher Education Research Institute data shows that self-identified conservative students report higher levels of satisfaction with their university education experience than self-identified moderate or liberal students, with the exception of those in the humanities and social sciences. Not coincidentally, there are fewer conservative students in the humanities and more in fields like political science, political philosophy and economics. Indeed, conservative economists have dominated the Nobel

Prize since its inception in the 1970s.

In a June 2014 article in *New Criterion* magazine, journalist Steven F. Hayward addresses the root cause of conservative students' attraction to these disciplines, and finds it in the fundamental difference of outlook between liberals and conservatives. Chiefly, he says — and I concur — the answer resides in the Left's unrealistic tendency to demand utopian solutions and the realistic conservative tendency to respect human and social limitations. "There is no utopian right," says Hayward. Thus, conservatives like subjects that are concrete rather than abstract and in which objective evidence is what leads to conclusions, rather than theories, ideology, feelings or cultural narratives.

Abraham Lincoln said, "The philosophy of the schoolroom in one generation will be the philosophy of government in the next." The university is therefore our most important cultural institution, and preserving its credibility and excellence — in this case rescuing it from its present lack of credibility and excellence — our highest civic duty.

National Post, March 11, 2015. □

THE PROGRESSIVE IDEAS BEHIND THE LACK OF FREE SPEECH ON CAMPUS

Wendy Kaminer

Is an academic discussion of free speech potentially traumatic? A recent panel for Smith College alumnae aimed at "challenging the ideological echo chamber" elicited this ominous "trigger/content warning" when a transcript appeared in the campus newspaper: "Racism/racial slurs, ableist slurs, antisemitic language, anti-Muslim/Islamophobic language, anti-immigrant language, sexist/misogynistic slurs, references to race-based violence, references to antisemitic violence."

No one on this panel, in which I participated, trafficked in slurs. So what prompted the warning?

Smith President Kathleen McCartney had joked, "We're just wild and crazy, aren't we?" In the

transcript, "crazy" was replaced by the notation: "[ableist slur]."

One of my fellow panelists mentioned that the State Department had for a time banned the words "jihad," "Islamist" and "caliphate" — which the transcript flagged as "anti-Muslim/Islamophobic language."

I described the case of a Brandeis professor disciplined for saying "wetback" while explaining its use as a pejorative. The word was replaced in the transcript by "[anti-Latin@/anti-immigrant slur]." Discussing the teaching of "Huckleberry Finn," I questioned the use of euphemisms such as "the n-word" and, in doing so, uttered that forbidden word. I described what I thought was the obvious difference between quoting a word in the context of discussing language, literature or prejudice and hurling it as an epithet.

Two of the panelists challenged me. The audience of 300 to 400 people listened to our spirited, friendly debate — and didn't appear angry or shocked. But back on campus, I was quickly branded a racist, and I was charged in the *Huffington Post* with committing "an explicit act of racial violence." McCartney subsequently apologized that "some students and faculty were hurt" and made to "feel unsafe" by my remarks.

Unsafe? These days, when students talk about threats to their safety and demand access to "safe spaces," they're often talking about the threat of unwelcome speech and demanding protection from the emotional disturbances sparked by unsettling ideas. It's not just rape that some women on campus fear: It's discussions of rape. At Brown University, a scheduled debate between two feminists about rape culture was criticized for, as the *Brown Daily Herald* put it, undermining "the University's mission to create a safe and supportive environment for survivors." In a school-wide e-mail, Brown President Christina Paxson emphasized her belief in the existence of rape culture and invited students to an alternative lecture, to be given at the same time as the debate. And the *Daily Herald* reported that students who feared being "attacked by the viewpoints" offered at the debate could instead "find a safe space" among "sexual assault peer educators, women peer counselors and staff" during the same time slot. Presumably they all shared the same viewpoints and could be trusted not to "attack" anyone with their ideas.

How did we get here? How did a verbal defense of free speech become tantamount to a hate crime and offensive words become the equivalent of physical assaults?

You can credit — or blame — progressives for this enthusiastic embrace of censorship. It reflects, in part, the influence of three popular movements dating back decades: the feminist anti-porn crusades, the pop-psychology recovery movement and the emergence of multiculturalism on college campuses.

In the 1980s, law professor Catharine MacKinnon and writer Andrea Dworkin showed the way, popularizing a view of free speech as a barrier to equality. These two impassioned feminists framed pornography — its production, distribution and consumption — as an assault on women. They devised a novel definition of pornography as a violation of women’s civil rights, and championed a model anti-porn ordinance that would authorize civil actions by any woman “aggrieved” by pornography. In 1984, the city of Indianapolis adopted the measure, defining pornography as a “discriminatory practice,” but it was quickly struck down in federal court as unconstitutional. “Indianapolis justifies the ordinance on the ground that pornography affects thoughts,” the court noted. “This is thought control.”

So MacKinnon and Dworkin lost that battle, but their successors are winning the war. Their view of allegedly offensive or demeaning speech as a civil rights violation, and their conflation of words and actions, have helped shape campus speech and harassment codes and nurtured progressive hostility toward free speech.

The recovery movement, which flourished in the late ’80s and early ’90s, adopted a similarly dire view of unwelcome speech. Words wound, anti-porn feminists and recovering co-dependents agreed. Self-appointed recovery experts, such as the best-selling author John Bradshaw, promoted the belief that most of us are victims of abuse, in one form or another. They broadened the definition of abuse to include a range of common, normal childhood experiences, including being chastised or ignored by your parents on occasion. From this perspective, we are all fragile and easily damaged by presumptively hurtful speech, and censorship looks like a moral necessity.

These ideas were readily absorbed on college

campuses embarking on a commendable drive for diversity. Multiculturalists sought to protect historically disadvantaged students from speech considered racist, sexist, homophobic or otherwise discriminatory. Like abuse, oppression was defined broadly. I remember the first time, in the early ’90s, that I heard a Harvard student describe herself as oppressed, as a woman of color. She hadn’t been systematically deprived of fundamental rights and liberties. After all, she’d been admitted to Harvard. But she had been offended and unsettled by certain attitudes and remarks. Did she have good reason to take offense? That was an irrelevant question. Popular therapeutic culture defined verbal “assaults” and other forms of discrimination by the subjective, emotional responses of self-proclaimed victims.

This reliance on subjectivity, in the interest of equality, is a recipe for arbitrary, discriminatory enforcement practices, with far-reaching effects on individual liberty. The tendency to take subjective allegations of victimization at face value — instrumental in contemporary censorship campaigns — also leads to the presumption of guilt and disregard for due process in the progressive approach to alleged sexual assaults on campus.

This is a dangerously misguided approach to justice. “Feeling realities” belong in a therapist’s office. Incorporated into laws and regulations, they lead to the soft authoritarianism that now governs many American campuses. Instead of advancing equality, it’s teaching future generations of leaders the “virtues” of autocracy.

Wendy Kammer is the author of eight books, including “A Fearful Freedom: Women’s Flight From Equality.”

Washington Post, February 20, 2015. □

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JAN NARVESON RESPONDS TO MARK MERCER:

Mark Mercer (*see SAFS Newsletter, January, 2015*) distinguishes two possible rationales for academic freedom: (a) the presumably standard view that it is necessary for and conducive to the discovery of truth and dissemination of knowledge; and (2) the promotion of the enjoyment of intellectual autonomy by individuals in the university community. Mark argues that the former is really subordinate to the latter.

I want to express some doubts about this, and some thoughts on the general issue. My first observation relates to Mark's suggestion that on the second view, academic freedom nevertheless does also promote the pursuit of knowledge. And I want to point out that this is perhaps not necessarily true. 'Perhaps' in the context of 'necessarily' is, to be sure, a weasel word. So I'll say, 'arguably.' Here is the problem. Mark does not say whether he thinks that someone seeking his own intellectual autonomy might also be thereby motivated to be *against* knowledge. Consider the case of the contemporary self-described jihadi who is against western values across the board, including education (especially for women). But that's indicative. Women are (obviously) *capable* of sharing in intellectual activities, pursuing knowledge etc. If jihadis oppose this in their case, they obviously imply thereby that knowledge *as such* is not to be promoted; and they claim (think?) that their own opposition is rooted "authentically" in their own intellects, i.e. claim to be autonomous.

Now, as said, it is arguable that intellectual autonomy need not direct its possessor toward the acquisition of knowledge. Can it direct him to shun it entirely? That is a bit puzzling. Consider someone who is "into" "transcendental meditation" which (so I'm told) aims to cleanse the soul of all intellectual activity. Or is TM itself to be considered an "intellectual activity"? To be sure, TM enthusiasts usually practice it for limited times per day, and perhaps some of them do so because they think it makes the soul more receptive to the pursuit of knowledge afterward. So I want my example to be more extreme - to be devoted to TM as many hours per day as feasible. Does this TM-er thereby show that he has made a *judgment* (i.e., an intellectual, articulated, decision) that all (other?) intellectual activities are to be avoided? And if so, is this

compatible with what Mark means by autonomy? It seems to me it would be hard for him to say No.

And if so, I have to agree with several commentators who hold that universities can hardly be understood to have as their purpose the promotion and support of the sort of intellectual autonomy that could lead to such conclusions. Stephen Pinker is right, I think, to hold that universities are not in general concerned with the building of souls, as such, but only with the intellectual part of the soul.

Now, do they do the latter as *public* goods? That is to say, is the promotion of knowledge to be regarded as, *as such*, what universities are here to promote? At this point, I think we need to attend to the distinction between private universities (which most Canadian provinces, in their infinite wisdom, have made illegal!) and state universities. The reason for attending to this distinction is that it is surely obvious that *private* universities could have the promotion of knowledge as their fundamental purpose. But *state* universities cannot. State universities characteristically are interested in degrees, research that leads to jobs and, especially, to the reelection of the politicians who support it. But knowledge? Hah! Politics doesn't give a fig about knowledge for its own sake. That is for us pointy-headed intellectual types. Knowledge because it promotes (other) ends better than ignorance (at least, mostly it does), yes. Knowledge is useful, and it's power, as has often been advocated. But that's different from knowledge for its own sake. Pursuing the latter would motivate a complaint by the unintellectual that their money is being involuntarily wrested from them to support a cause they don't share. (We don't at this point want to get into the issue of whether any public taxation scheme for any purposes can pass muster. I will take it to be plausible, anyway, to aim at general prosperity, which some (perhaps misguided) persons think can be promoted by adroit imposition of taxes for the purpose. The point is, though, aiming at, say, increased knowledge of metaphysics, or Renaissance art history, are pretty obviously not ends shared by all.

But certainly intellectuals *can be* and, I would argue, in the nature of the case *are*, as Aristotle insists, devoted to knowledge because it is an intrinsic end of the rational part of the soul. That is to say: someone claiming to be devoted to the life of intellect as such thereby claims to care whether p is true or not.

Mind you, hardly any of us are interested in *everything*. There is an infinity of propositions out there that I simply don't care about. (I read a good deal of the news in three newspapers every morning, but I skip over acres of print that are about things that don't interest me. But many things do interest me for their own sakes, and getting at the truth about them matters to me, as it does to anyone devoted, insofar as he is, to things intellectual. And because this is possible, and indeed frequent, it *is* perfect possible for private - but not public in the sense of governmentally supported - institutions to be devoted to it for its own sake. Just as it is also possible for them to be devoted to it for other reasons, as for example religious institutions, who want to promote knowledge *so long as* it's compatible with the religion in question.

One further point. The point was made, by Mark and I think others, that devotion to knowledge could itself lead to curtailment of freedom of speech. An obvious example: we have a class in subject X, and a student insists on standing up and talking about subject Y, despite having no relevance to X. It is quite compatible with the pursuit of knowledge to rule him out of court, and if he persists, to have him ejected for disorderly conduct. It's disorderly *intellectual* conduct. One could plausibly argue that that student's behavior interferes with rather than promotes the pursuit of knowledge.

But Mark fails to appreciate that intellectual autonomy for all is also incompatible with its unlimited protection by all. For obviously some self-described intellectually autonomous persons will call for the elimination of some who fail to share their own autonomously arrived at conclusion. This is actually inherent in any claim that some activity or state is to be pursued for *all*. Automatically, that rules out manifestations of the autonomous (etc.) goal in question on the part of those who insist on its denial for others. (It's the same gimmick as Kant's famous Categorical Imperative depends on. "Can" we will x for *all*? If we do, then we thereby are committed not to permit x in the case where the individuals or groups pursuing x won't allow it for others.) We sometimes must fight fire with fire, and pursue peace by making war (namely on those who in turn make (aggressive) war on the peaceful).

Jan Narveson is Professor Emeritus of Philosophy at the University of Waterloo. □

SCHOLARS ASK SUPREME COURT TO REVISIT FISHER AND RATIONALES FOR RACIAL PREFERENCES

New York (March 16, 2015) - The National Association of Scholars (NAS) has joined a petition to the Supreme Court to hear *Fisher v. University of Texas* once again. This appeal challenges the right of a public university to use racial preferences in student admissions.

Signing on as a friend-of-the-court in a brief filed by the Pacific Legal Foundation, the Center for Equal Opportunity (CEO), Project 21, and the American Civil Rights Institute, the NAS called on the Court to review the *Fisher* case "to make it clear that the use of race in admissions must be supported by clear, coherent goals, adopted after all other means of achieving racial diversity have been tried and shown to be unsuccessful."

In June 2013, the Supreme Court decided that *Fisher* would be remanded back to the Fifth Circuit and that the burden would rest on universities to demonstrate that they have exhausted race-neutral means of achieving racial diversity in admissions.

Under that decision, public institutions may use race as a factor in admissions policies only as a last resort when all other possibilities have proven unsuccessful, and they must also demonstrate that they have tried other such means.

Justice Kennedy delivered the opinion in *Fisher* (quoting *Bakke*), enunciating a "strict scrutiny" Standard for colleges seeking to increase racial diversity: "a university must clearly demonstrate that its purpose or interest is both constitutionally permissible and substantial, and that its use of the [racial or ethnic] classification is necessary . . . to the accomplishment of its purpose."

As a follow-up to the decision in that case, the NAS and fellow amicus CEO have sent public disclosure requests to select public universities to ascertain whether college admissions programs are in compliance with the Supreme Court's "strict scrutiny" requirement. Rather than demonstrating their conformity to this standard, these universities have resisted public accountability and sought to keep their admissions practices concealed.

"Universities, when they do reply to requests in response to public disclosure laws, often refer to official statements on their websites stating compliance with the Supreme Court's rulings. But they always find ways to avoid producing responsive documents, as they are legally obliged to do. Instead, they act as if they have something to hide," said NAS public affairs director Glenn Ricketts, who has worked with NAS members and state affiliates to request this information.

At other universities, CEO studies from previous years show that admissions are deeply discriminatory on the basis of race. For example, at the University of Wisconsin-Madison in 2007 and 2008, "Black and Hispanic applicants were preferred at ratios of between 500 and 1500 to 1 over both Asian and white applicants."

In his article, "Why Racial Preferences Are Wrong," NAS president Peter Wood wrote:

Racial preference are profoundly unfair. We are a society founded on the truth that all men are created equal. Our history as a nation is in a large part a history of striving to better live up to this truth. Racial preferences move in the opposite direction by treating some individuals as worthy of preferred treatment merely because of racial attribution.

Contact: Peter Wood, President, pwood@nas.org □

THE NEW PANIC: CAMPUS SEX ASSAULTS

The college sexual assault scare is just the most recent in a line of similar rampant social epidemics. Remember the day-care crisis?

Harvey Silverglate

The campus sexual assault panic — one of many runaway social epidemics in our nation's history that have ruined innocent lives and corrupted justice — has now reached its peak. A return to sanity is called for before more wreckage occurs.

My own first memory of a similar panic is the hunt for

Communists in America in the period following World War II. There was the infamous "Red Channels," an anti-communist pamphlet financed primarily by Alfred Kohlberg, a textile magnate with business interests in China and an ally of Chiang Kai-shek. The publication served as a blacklist for the entertainment industry, ending the careers of anyone reportedly linked to organizations remotely identifiable as "progressive." There was also the House Un-American Activities Committee, and the never-to-be-forgotten Senator Joseph McCarthy. Together, these men helped create a national climate of suspicion that ferreted out very few actual security threats, but ended up punishing many innocents. Remnants of the hunt persisted, but the "scare" essentially died with the senator himself in 1957.

A more bizarre panic emerged decades later in an unlikely place — child daycare centers. In the early 1980s, reports of sexual abuse by child care workers were picked up by national news outlets and struck fear into parents around the country. Allegations of sexual molestation, including rape, allegedly committed on young children by teachers and school employees, flooded police stations. These accusations often crossed over from the improbable to the utterly fantastic (sometimes with a Satanic bent). But a panoply of unscientific physical and psychological tests, bolstered by highly suggestive child interview methods, proved sufficient to land a still-uncounted number of innocent men and women in prison.

District attorneys and jurors alike bowed to extreme public pressure and railroaded defendants (who were presumed guilty upon being accused) without mercy — indeed they still resist righting their wrongs. The panic raged into the 1990s until scientists like Maggie Bruck, and journalists such as Debbie Nathan and Pulitzer Prize winner Dorothy Rabinowitz, raised sufficient concerns to force judges to re-examine and vacate convictions, a process that continues to this day. (Disclosure: I was on the defense team that freed Bernard Baran, and I continue to work on exonerating Gerald Amirault, both of Massachusetts.)

The latest national hysteria over campus sexual assault combines aspects of its predecessors: the salacious outrage that characterized the daycare sex panic and the dubious federal stamp of approval that made McCarthyism's excesses so dangerous. Spectacular — but widely disputed — statistics are touted: 1 in 5

women is sexually assaulted in college, 1 in 3 male students is a potential rapist. The rhetoric popularized by mattress protests and awareness documentaries is a simple one: “Believe the accuser!”

The idea that college campuses are among the most dangerous places for young American women has become so pervasive that when Rolling Stone published one woman’s outlandish account of a brutal gang rape in a University of Virginia fraternity house (a story later proven to be inaccurate on the basis of investigative reporting by The Washington Post), readers swallowed the tale unquestioningly. Finally, the campus disciplinary boards — woefully lacking in even basic standards of due process — are vowing to adjudicate these ostensibly violent felonies and reflexively punishing virtually all who are accused.

Acquaintance or “date rape” is a serious and historically under-enforced offense in the criminal justice system. Sexual violence against women — against anyone — cannot be tolerated. But it’s also true that college campuses are hotbeds of alcohol abuse and sexual activity among young adults often inexperienced with both. Alcohol-fueled and often ambiguous sexual encounters may result in emotional injury. But if the problem is young people’s inability to recognize and respect boundaries, the solution is not to punish a wide range of campus behaviors that would be legally acceptable in the “real world.”

What’s more, the definition of “sexual assault” has become so broad as to encompass nearly all romantic contact. A sexual advance is considered “unwelcome” on subjective, rather than objective, grounds. In other words, if a complainant feels she was violated, then she was. This rationale is the basis for “affirmative consent” (colloquially known as “yes means yes”) laws, which several states have imposed upon their campuses. Ezra Klein, editor-in-chief of Vox.com and a supporter of California’s “yes means yes” law, admits the law overreaches and that under affirmative consent, “too much counts as sexual assault.” Even so, Klein believes that the innocent men (and occasionally women) who will be thrown out of school are necessary sacrifices to the greater cause of combatting sexual assault on campus. Rhetoric and ideology have overtaken rationality and fairness.

College bureaucrats have taken to adjudicating felonies with a vengeance, largely out of fear of losing federal

government funds. In April 2011, the Office of Civil Rights of the federal Department of Education sent a “Dear Colleague” letter to every college and university in the country that accepted federal funds — that is, nearly every school in the nation — advising that unpunished sexual assault would be viewed as a form of unlawful sexual harassment. The ultimate penalty for schools is the withdrawal of federal funding. A more recent update of that letter from the Obama administration advised colleges to reduce the evidentiary standard needed to convict an accused student of sexual assault.

In a race to capitulate, Harvard University one-upped other supine campus administrators last summer by instituting a sexual assault procedure so problematic from the viewpoint of procedural fairness that 28 members of Harvard Law School faculty published an open letter decrying the administration’s “jettisoning [of] balance and fairness in the rush to appease certain federal administrative officials.” The law school then took the remarkable step of actually exempting itself from Harvard’s university-wide sexual assault procedures earlier this year, although the battle for — and against — fairness still rages on.

That battle has been lost at the university level at Harvard, and virtually everywhere in academia. Indeed, earlier this month Columbia University’s administration announced that Columbia students (excepting, interestingly, those women at Columbia’s sister school, Barnard) will be required to participate in a new “sexual respect education program” in order to graduate. The “training” will feature a menu of programmatic options, including an hour-long workshop on “healthy relationships” and various artistic projects. Thus, the sex panic in academia now brings us more training programs, supplementing the indoctrination sessions that have for some time now been features of first year orientation programs at most colleges.

The situation on college campuses has become so dire that civil libertarians are calling for sexual assault investigations to be left to police and prosecutors. Despite the fact that conviction in a criminal court carries severe sentences and other harsh ramifications, frustrated and fearful students, parents, and lawyers seem prepared to risk criminal convictions in their search for investigatory and prosecutorial fairness.

If the past is prologue, it is almost certain that the current campus sexual assault madness will burn itself out, leaving in its wake the wreckage of many young lives. My concern is how long it will be before sanity and decency return.

Harvey Silverglate, a criminal defense and civil liberties lawyer in Boston, is the co-author of "The Shadow University: The Betrayal of Liberty on America's Campuses." He is the co-founder, and current chairman, of the Foundation for Individual Rights in Education. Paralegals Samantha Miller and Timothy Moore assisted the author.

The Boston Globe, February 20, 2015. □

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