

Academic Matters

OCUFA'S JOURNAL OF HIGHER EDUCATION
LA REVUE DE L'ENSEIGNEMENT SUPÉRIEUR DE L'OCUFA

Debating speech on campus

Shannon Dea

Free speech and the battle for the university

Richard Moon

Understanding freedom of expression

David Newhouse

Debwewin: To speak the truth

Linda Rose-Krasnor and Michelle Webber

The role faculty associations play protecting
speech rights

James L. Turk

The Ford government's troubling
free speech mandate

Jasmin Zine

The weaponization of free speech on campus

Andrea Calver

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Academic Matters is published two times a year by OCUFA, and is received by 17,000 professors, academic librarians and others interested in higher education issues across Canada. The journal explores issues of relevance to higher education in Ontario, other provinces in Canada, and globally. It is intended to be a forum for thoughtful and thought-provoking, original and engaging discussion of current trends in postsecondary education and consideration of academia's future direction.

Readers are encouraged to contribute their views, ideas and talents. Letters to the editor (maximum 250 words) are welcome and may be edited for length. To provide an article or artwork for Academic Matters, please send your query to Editor-in-Chief Ben Lewis at editor@academicmatters.ca.

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Academic Matters accepte volontiers des articles écrits en anglais ou en français.

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OCUFA; Mark Rosenfeld, Executive Director

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ISSN 1719-010X

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Cover illustration: Marie-Claude Carignan



Something to talk about

OVER THE PAST few years, the debate about freedom of speech on university campuses has increased in intensity. Often sparked by high profile and provocative speakers from outside the academy, this debate has focused on expression rights, whether some groups are granted more privileged expression rights than others, how those rights may be exercised in such a way that harms certain individuals or groups, and whether reactions to certain speakers or events constitute a form of censorship.

Unfortunately, as visible and intense as these discussions have been, they seem to have produced more confusion and frustration than clarity. Is this rooted in the substance of the debate or in its framing? Does inviting a provocative speaker to campus really provide the best test of whether free speech is alive and well at our universities? Does threatening to discipline individuals and cut institutional funding create better speech on campus or silence faculty, students, and staff? How do we foster free speech on campus while maintaining a safe and secure educational environment?

Universities are spaces for rigorous intellectual debate and innovative thinking, but they are also communities of teachers, researchers, administrators, workers, and learners who are all committed to the advancement of knowledge.

These communities are diverse and ever changing. They are spaces where students encounter new ideas, new people, and new socio-political dynamics for the first time. They

should be spaces where ideas can be proposed and challenged, but they must also be spaces where all feel comfortable engaging in this discourse.

In this issue of *Academic Matters*, we intend to take a step back and explore both the substance and shape of this broad debate with the hope of providing a thoughtful and constructive discussion.

How can faculty and other members of the campus community foster a supportive, constructive environment that nurtures an innovative community of thinkers where all are included and feel empowered?

Shannon Dea speaks from personal experience, recounting how the Faculty Association of the University of Waterloo responded to a controversial speaker who came to their campus. Indeed, as Michelle Webber and Linda Rose-Krasnor detail, faculty associations play an important role defending the rights of their members and supporting others in the campus community.

What are the some of the legal and political considerations we should have in mind when contemplating discussions about free speech? How might that shape how we respond?

Richard Moon provides insight into the legal landscape upon which this debate rages, and proposes ideas for fostering free and inclusive expression. Examining the provincial directive requiring universities and colleges to develop new free speech policies, James L. Turk asks what these policies will mean for the future of postsecondary education

in the province and questions whether these policies are actually even needed.

How can we better understand the ways in which a right to speech does not necessarily translate into an ability to exercise that right, and how do existing academic structures encourage or discourage speech on campus?

David Newhouse offers a thoughtful overview of indigenous perspectives on truth, academic freedom, and tenure, which have only recently started to be meaningfully reflected in academic discourse. Meanwhile, Jasmin Zine provides a compelling argument that, far from providing space for new voices, the free speech debate is actually being used to normalize hate and bigotry and suppress already marginalized voices on campus.

In a special contribution, Andrea Calver discusses her time working with the California Faculty Association in its efforts to mobilize its membership and build a stronger union in the shadow of a recent US law that weakens union rights.

I am so thankful for the fantastic group of astute and insightful individuals who agreed to lend their expertise to this issue. They tackle some very complex questions, the answers to which play an important role in defining the academy. These are questions we will need to continue considering as we work to foster an inclusive educational environment where everyone feels comfortable engaging with new ideas, whether they agree with them or not.

I hope you enjoy reading this issue as much as we enjoyed putting it together. As always, we love to hear your thoughts. A reminder that every article in this issue, and many more, are available on our website: AcademicMatters.ca. Thanks for reading. **AM**

Ben Lewis is the Editor-in-Chief of Academic Matters and Communications Lead for OCUFA.

Free speech and the battle for the university

Shannon Dea



At the University of Waterloo, a controversial talk had the faculty association looking for creative ways to respond. How did the faculty association avoid the “free speech trap”?

À l'Université de Waterloo, une causerie controversée a incité l'association des professeurs à chercher des moyens créatifs de réagir. Comment l'association des professeurs d'université a-t-elle évité le « piège de la liberté d'expression »?

THE FREE SPEECH TRAP

In April of this year, with just a week's notice, members of the University of Waterloo learned that a local club, the Laurier Society for Open Inquiry (LSOI) had booked a campus venue for a panel discussion on immigration featuring two prominent white nationalists, Faith Goldy and Ricardo Duchesne.

For many of us, the news set off alarm bells. In the last year or two, white nationalist groups have made well-coordinated efforts to organize events on university campuses in both Canada and the US. It's a win-win situation for them. When their events happen, their organizations gain the respectability conveyed by association with a university. When their events are refused, canceled, or protested and shut down, it provides fodder for the groups to

details of the location of her Santa Monica home. Streisand sued to have an aerial image of her home removed from an online website and, in doing so, drew the world's attention to the fact that the home was actually hers, dramatically increasing visits to the website she was suing. FAUW didn't want to draw attention to the LSOI event by protesting it. Wouldn't it be great, we thought, if white nationalists held an event and no one cared, much less showed up?

However, it quickly became clear that people very much cared about the event, irrespective of whether FAUW did or said anything about it. And the more we thought about it, the more important we thought it was to show the racialized, Indigenous, and new Canadian faculty, staff, students, and alumni who would be most hurt by the event that we had their backs.

There have been repeated efforts by fringe groups
to lay traps for universities by organizing on-campus events
featuring speakers calculated to provoke a response.

whip up public sentiment against universities for being “politically correct” (all while garnering more publicity for themselves).

By contrast, it is a lose-lose situation for universities. Either they play host to white nationalists—thereby creating a toxic climate for the Indigenous and racialized members of their campus communities—or they refuse them and get attacked by the media, the public, and donors for not supporting free speech.

As Vice-President of the Faculty Association of the University of Waterloo (FAUW), and as someone who has been intensively researching and writing about academic freedom since January, I was one of the key people involved in deciding what, if anything, FAUW should do about the planned event.

At first, we considered doing nothing. It was the university, not FAUW, that had accepted the booking. Accordingly, it fell to the university, not FAUW, to deal with the event. Besides, we didn't want to help produce a Streisand effect for the panel.

The Streisand effect is so named because it has its origins in Barbra Streisand's 2003 attempt to suppress

A DIFFERENT WAY OF RESPONDING TO CONTROVERSY

As a faculty association, we weren't interested in shutting the event down. Like any faculty association, we represent members with a wide range of views about the scope and limits of free expression on campus. But we wanted to give those faculty members who wished to show their support for the multicultural and Indigenous communities on campus a mechanism for doing so. We wanted to answer the event with something constructive.

After some to-ing and fro-ing, we landed on the idea of creating an online crowd-funding campaign where those who wished to could respond to the planned event by leaving a supportive note and donate funds toward university groups devoted to Indigenous, racialized, and international students.

When creating a crowd-funding page, you have to stipulate a goal for how much money you hope to raise. We had no idea what kind of goal to set. We thought about it for a bit, and then pulled \$5,000 out of the air as a nice round number. I quickly created the online campaign and

tweeted out a link to it, and then boarded an overnight flight to the UK.

When my plane landed five and a half hours later and I turned on my phone, it vibrated with the dozens of automated messages I had received from the crowd-funding site and Twitter retweets. We had already exceeded our \$5,000 goal, and were quickly climbing towards \$10,000.

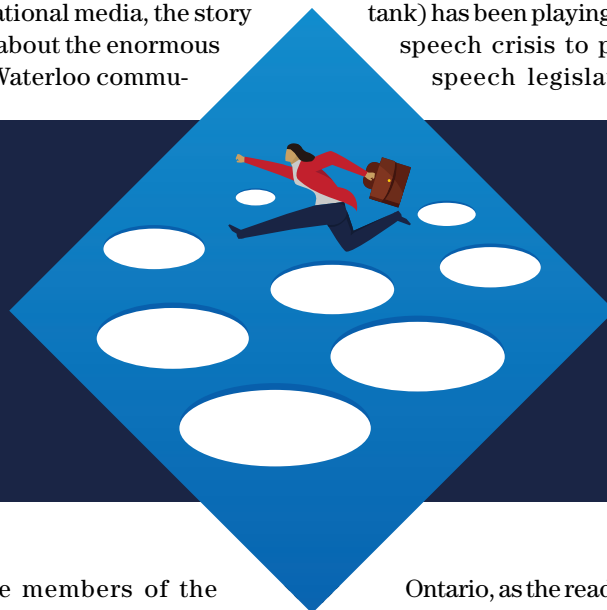
As was widely reported, LSOI canceled the panel within two days of it being announced due to the high security costs the University of Waterloo said would have to be paid by the event's organizers. Shortly thereafter, FAUW shut down the crowd-funding site, having topped \$13,000 in donations. And we had avoided the Streisand effect.

In both the local and the national media, the story that made its way to press was about the enormous support that the University of Waterloo commu-

narrative that “snowflake” students are threatening free speech on campus.

However, as Zack Beauchamp and Matthew Yglesias (among others) have shown, there is little evidence that free speech is in crisis on North American campuses.¹ In a recent survey of US undergraduate students, most respondents supported free speech. Of the thousands of speaker invitations issued each year, only a few dozen are protested and, of course, when protests do occur they are themselves instances of free expression.

Nonetheless, in the US, as is well documented by the American Association of University Professors (AAUP), the Goldwater Institute (a conservative and libertarian think tank) has been playing on the narrative of a campus free speech crisis to promote so-called campus free speech legislation in state governments. In



nity had shown to non-white members of the university. On conservative media and on the right-wing outskirts of social media there was criticism of the university for levying a steep security fee from LSOI, but—apart from one brief comment from Goldy herself—there were very few complaints against FAUW for launching the crowd-funding campaign.

Things could have gone much worse. Indeed, they have before and will again. The Goldy affair was just one salvo in a larger conflict.

MANUFACTURING A CAMPUS FREE SPEECH CRISIS

Since about 2014 in the US and 2016 in Canada, there have been repeated efforts by fringe groups to lay traps for universities by organizing on-campus events featuring speakers calculated to provoke a response—speakers like Richard Spencer and Milo Yiannopoulos in the US, and like Faith Goldy in Canada. Such rosters guarantee the presence of protestors, and the whole cycle helps to construct the

Ontario, as the readers of *Academic Matters* know all too well, the new Progressive Conservative government launched the school year by announcing it would require all Ontario postsecondary institutions to create and enforce free speech policy, with the threat of having their funding cut if they fail to comply.

The AAUP warns that campus free speech legislation is “a solution in search of a problem” since free speech is alive and well on university campuses. Campus free speech legislation is less a defence of free speech than an attack on three core tenets of the modern university: institutional autonomy, collegial governance, and academic freedom. Campus free speech legislation undercuts institutional autonomy and collegial governance by imposing academic policy on universities rather than allowing that policy to emerge from universities’ own academic bodies (like faculty senates).

Strikingly, the new Ontario policy obliges colleges and universities to adopt free speech policies based on the so-called Chicago Principles. The Chicago Principles are a set of principles about freedom of expression created by a University of Chicago ad hoc committee and adopted as a vision statement for that university. They are the product of

an elite American private university; they are not the product of collegial governance; and they are not even policy at the University of Chicago. And yet, the Ontario Government wishes to impose them on all postsecondary institutions in the province. What a massive encroachment on institutional autonomy! Not only is the government forcing all institutions to toe the same line, but it is imposing an American document created for a very different sort of institution than we have in Ontario.

THE ROLE OF COLLEGIAL GOVERNANCE IN ADVANCING ACADEMIC FREEDOM

It is a fundamental principle of Ontario universities that scholars themselves—by virtue of their roles and qualifications, and because they are not beholden to partisan politics or corporate objectives—are the ones who should dictate the university’s academic operations. This happens through the process of collegial governance. Whether or not to have a free speech policy and the contents of that policy are matters for a university’s senate because these policies are, at heart, academic matters.

If freedom of expression is an indispensable condition of the university commons, it is because of the university’s scholarly purpose. A university isn’t a town square where anyone has the right to say anything they like. Nor is it a theatre where the actors are obliged to say the same scripted lines over and over and the audience is supposed to remain silent. Rather, the particular expression tied to the university’s academic mission is that which falls under the umbrella of academic freedom.

Academic freedom is the freedom for university members who participate in scholarly fora to freely inquire, research, teach, learn, collect, curate, speak, and disseminate. It is, moreover, the freedom to criticize the university and the freedom to engage in extramural expression. This is a special family of freedoms that goes beyond constitutional protections of free expression. It is the university members’ roles in the university’s central mission of pursuing truth and advancing knowledge that affords them this special class of freedoms.

Academic freedom is both broader than constitutionally protected freedom of expression, and more focused. It is broader in the sense that it covers not only expression, but also inquiry, methodology, learning, curation, etc. It is

Academic freedom is the freedom for university members
who participate in scholarly fora to
freely inquire, research, teach, learn, collect, curate, speak, and disseminate.

Writing for *The Conversation*, University of Saskatchewan President Emeritus Peter MacKinnon argues that “Freedom of expression is... an ‘indispensable condition’ of the university ‘commons.’... I define this as the space for the debate, discussion and collaboration that are both inherent in, and essential to, the idea of the university.” The language MacKinnon invokes is tightly associated with the academic mission of the university. Yet MacKinnon has little to say about the role collegial governance plays in academic decision making. Moreover, the concept of academic freedom is strangely absent from both MacKinnon’s argument and from broader discussions about who gets to say what on campus and when.

more focused in that it is exercised for the purpose of advancing knowledge.

TOWARDS BETTER SPEECH

A reporter recently told me a story about a very senior university administrator who indicated a particular town square and rhetorically wondered why speech should be more limited on campus than in the square. “Why,” he asked, “should we have less expression than the square does?” In my view, this comparison reveals a misunderstanding of what makes universities distinct. Universities contribute to

society not by producing more speech, but by producing better speech. Our business is quality, not quantity.

Wilfrid Laurier University President Deborah MacLachy recently celebrated Laurier's new Statement on Freedom of Expression with a short media junket in which she argued that "universities should aim at not just free speech but better speech." In response, some of the usual suspects challenged the notion of better speech. "I wonder who gets to judge what qualifies as 'better' speech," opined William McNally in the *National Post*, with the implication that such judgment would inevitably reflect political biases.

There is a straightforward answer to this query. What makes speech on campus consistently better than speech from a downtown soapbox is that the former is the product of scholarship. Every single day in every single university lecture hall, well-educated scholars engaged in sincere inquiry disseminate expertise and evidence in service of a slightly better understanding of the world we live in.

This is what makes universities special—not that there are lecterns, but that those who stand at the lecterns bring with them a wealth of knowledge and data. Indeed, they often use those lecterns to share

Look, I actually agree with those who state that members of the university community should engage in debate, listen to opposing views, and foster dialogue between polarized communities. But we ought not to do so willy-nilly. Our scholarly mission tells us why we should debate controversial topics. That means not just any topics will do.

We debate controversial topics because debates over some controversial topics have led to new discoveries and innovations. We have academic freedom protections precisely because controversial debates have often been crucial to the advancement of knowledge. But we have those debates to advance knowledge, not for the mere sake of having debates. And it is our own highly qualified scholarly community—not unofficial external clubs cynically designed with the aim of sowing controversy—that is best able to judge which difficult, thorny, controversial debates are most likely to lead to the next big scholarly discovery.

FAUW got off lucky in its tangle with LSOI, but we cannot count on luck going forward. As free speech continues to be invoked in a political battle for the most fundamental principles of the university, it is incumbent on professors and administrators to understand what is at stake, and to respond to each new chal-



perspectives and theories that are controversial. That is why tenure exists—to permit scholars to say unpopular and impolitic things—not for the mere sake of being impolitic, but with the goal of getting things right, of telling the truth even when it is a hard truth for those in power to hear.

Many free speech advocates who bemoan the current state of universities have more to say about campus debates than they do about other forms of scholarly dissemination, like lectures and publications. They seem to imagine research as proceeding by way of debate, as if the scholarly world were a fantasy football table at which, from an initial set of pairings, we battle until only the champions remain.

lenge with the scholarly mission of the university as their guiding beacon. ■■

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1. <https://www.vox.com/policy-and-politics/2018/3/12/17100496/political-correctness-data>

Understanding the right to freedom of expression AND ITS PLACE ON CAMPUS

Richard Moon



As free speech on campus flares up in the media, it is important to understand the nuances of the debate. How do universities foster an inclusive campus that balances the expression rights of different members of the community?

Alors que la liberté d'expression sur le campus est de plus en plus présente dans les médias, il est important de comprendre les nuances du débat. Comment les universités favorisent-elles un campus inclusif qui équilibre les droits d'expression des différents membres de la communauté?

The university's purpose also requires that faculty and students adhere to certain standards of communicative engagement.

THE MAKING OF A CRISIS

Recent media reports give the impression that disputes about free speech on Canadian university campuses are increasing in number and severity. It is possible, though, that we are simply hearing about these disputes more often and that they are no more frequent now than they were a decade ago.

Free speech disputes, particularly those occurring on US campuses, may be receiving greater attention in the media because they are seen as skirmishes in a larger culture war between polarized left-wing and right-wing political positions. Some of these campus disputes seem to be manufactured by those who are interested in framing political disagreement in these grand terms, and in exposing universities as centres of political correctness that are hostile to conservative views.

The recent announcement by the Ontario government that all universities and colleges in the province will be required to create free speech policies that must include, among other elements, “principles based on the University of Chicago Statement of Principles of Freedom of Expression” sends the misleading message that there is a free speech crisis on university campuses and that it is necessary for the government to intervene in the affairs of universities to address this.

Adopting the Chicago Principles would make US First Amendment doctrine the standard for the protection of speech on Ontario campuses. If the provincial government thinks these principles are a good model for Ontario universities, it does not understand free speech law in Canada or the complex speech environment of the university.

FREE SPEECH AND ITS LIMITS

In the general public sphere, expression is subject to relatively few legal restrictions. Canadian law includes “content” restrictions on obscenity, hate speech, defamation, and false advertising. Notably, the *Criminal Code* prohibits the incitement of hatred against an identifiable group, and the “wilful promotion of hatred” against such a

group. Hate speech is also restricted by some provincial human rights codes, although not the Ontario code. There are also laws that regulate the time or location at which expression may occur and are concerned with coordinating expression with other activities in public spaces.

Expression may be subject to greater limits when it occurs in a particular institutional setting. Racial generalizations and insults may not breach the criminal ban on hate speech (which catches only a narrow category of extreme speech), but when they occur in the workplace or in schools they may be considered unlawful harassment or discrimination under anti-discrimination laws. Employees in a workplace are a captive audience who cannot easily avoid repeated insults from co-workers or managers. Different standards of civility or respect apply because the workplace is both closed and hierarchical and because it has a particular function that may be undermined by these forms of speech. The workplace is not a democratic forum, a place of free and open discourse, even if employees retain expression rights that are compatible with its function.

THE UNIVERSITY'S MISSION AND THE PROTECTION OF ACADEMIC FREEDOM

The Canadian courts have held that universities are not government actors subject to the *Charter of Rights*—although a few lower courts have suggested that some forms of coercive university action may be subject to the *Charter*. Whether or not a university is subject to the *Charter* and the constitutional obligation to respect the right to freedom of expression, a university is an institution in which the free exchange of ideas and information is important and ought to be protected.

The university is not simply a public forum, like the streets and parks; nor is it an ordinary workplace or place of business. It is a place of learning. Its purpose is the discovery and dissemination of knowledge through research and teaching. This purpose makes the university different from other institutions and workplaces, a difference that is reflected in an institutional commitment to academic freedom—the freedom to explore and advance ideas and information (that may sometimes be unconventional and controversial).

Academic freedom is rooted in the university's research and teaching mission, and it carries certain responsibilities

Common spaces on campus are still part of a workplace and educational environment.

and is subject to constraints. Notably, research funding and publication, and professional advancement within the institution, are subject to review based on professional standards.

The university's purpose also requires that faculty and students adhere to certain standards of communicative engagement—and in particular that members of the academic community be treated as interlocutors, as conversation partners, who should be addressed and heard. The objection to sexist or racist speech on campus is not simply that it is irrational, sometimes vitriolic, and unlikely to contribute to thoughtful discourse; it is also that this speech seeks to undermine the standing of some members of a community dedicated to learning and scholarship.

It is often said that academic freedom and freedom of speech are not the same thing and should not be conflated. If we understand free speech (or freedom of expression) as a constitutional right that is subject to few, if any, limits, then it is important to make such a distinction. But if we can separate freedom of expression from its constitutional frame (and from the libertarian interpretation given to it by US courts) we may be more comfortable recognizing that it is an important value and practice throughout society and that its character and scope are shaped by the particular institutional context in which individuals interact and converse. On this view, academic freedom may be the shape free speech takes within the context of the university and its mission.

THE MANY SITES OF CONVERSATION

The university is composed of many sites or forums, each contributing in a particular way to the university's larger mission. The rules of speech will be different in each.

Speech may be subject to significant limits in the classroom or meeting room, determining who speaks and when, and the manner and subject of the speech. We expect exchanges in the classroom to be respectful, because the classroom is a place of learning based on thoughtful discussion, because the members of the class are in an ongoing relationship, because they are part of a captive audience, and because there is a hierarchy in the classroom based on the teacher's authority.

The rules of speech may also be stricter in a university residence. Individuals should be free from discriminatory speech in their living environment. The university is also a workplace, with many employees who are engaged in admin-

istrative tasks, secretarial support, and infrastructure maintenance. University employees should be protected from degrading or harassing speech in the same way that workers in other offices or workplaces are protected.

But what about speech outside the classroom or meeting room or residence—speech that is part of a political event in a common or open space or an extra-curricular panel or talk in a designated space? Should speech that occurs in these spaces on campus be subject to rules of civility or respect enforced by the university that are stricter than those applied to general public discourse?

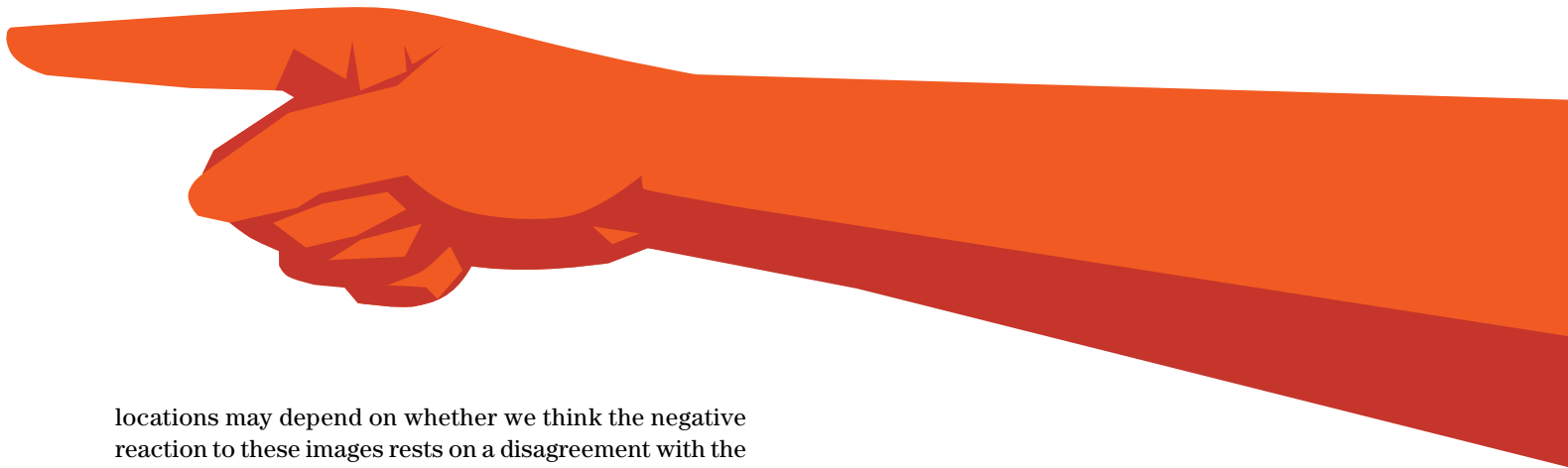
The advancement of the university's educational purpose or mission requires free inquiry and open debate; but there can sometimes be a tension between the freedom to explore new ideas and challenge orthodoxies, and the recognition or inclusion of others in the academic community as members and interlocutors.

SPEECH IN COMMON SPACES

The right of a student, staff, or faculty member to express themselves in the common spaces of the university should be similar, although perhaps not identical to an individual's right to communicate in a public space such as a park. These common spaces on campus are still part of a workplace and educational environment. Students and others should be protected from racist insults or sexual comments when moving through the campus, particularly when we recall that university students may still be coming to grips with their identity and place in the world.

Individuals should not ordinarily be protected from messages they do not want to hear—messages they regard as wrong or hurtful. But in the common spaces of the campus, students may find it difficult to avoid exposure to speech they experience as hurtful or degrading.

This is what is at issue in the controversy about graphic demonstrations on campus opposing abortion. Whether we think such speech should be confined to easily avoided



locations may depend on whether we think the negative reaction to these images rests on a disagreement with the general message of the display, or on a visceral or emotional reaction to the imagery (recognizing that it may be difficult to distinguish between them).

VISITING SPEAKERS

The issue is different in the case of a speaker who is invited by a campus group to give an extra-curricular talk. No one is required to attend such a talk and so, whatever the speaker may have to say, no one can complain that they are being directly and unavoidably confronted with offensive images or hurtful assertions. Should the university be able to shut down racist or bigoted speech that is not so extreme as to breach hate speech law but still may be understood as questioning or undermining the standing of the members of certain groups?

There are several reasons why it may be impractical for a university to ban a broader category of bigoted speech at extra-curricular events than is caught by the existing legal restrictions on hate speech. First, there is the difficulty in defining the scope of such a ban. The courts already struggle to determine when speech is so extreme that it breaches either the criminal or human rights code ban on hate speech.

Second, university administrators may be tempted to define the scope of unprotected speech quite broadly to avoid visible strife on campus. The desire to maintain the institution's public image may lead administrators to improperly shut down expression that falls within the bounds of academic freedom or freedom of expression.

What about an invited speaker who has in the past expressed racist views? Hate speech laws apply only after a court has determined that a speaker has expressed hateful views—in other words, these laws apply only after the speech has taken place. Should a university be able to exclude a speaker because it reasonably believes they are intending to express views that are hateful and unlawful?

Conservative provocateur and self-promoter Ann Coulter, who was invited to speak at the University of Ottawa, has said plenty of things in her career that, if said in Canada, would likely breach our hate speech laws. It seemed entirely appropriate then that the President of the University of Ottawa wrote to her in advance of her talk to let her know that Canada has hate speech laws and that she would be expected to respect those laws during her talk.

Interestingly, the Ontario government, in announcing its plan to require universities to produce a free speech policy, said, "The policy will not only protect free speech but ensure that hate speech, discrimination and other illegal forms of speech are not allowed on campus." Leaving aside the question of what the government means here by "discrimination" as an illegal form of speech, this statement might be read as calling on universities to prevent hate speech from occurring—in other words, to ban speakers such as Ann Coulter and Faith Goldy. Certainly, this is not what the government intends, but it does reveal the muddled thinking that occurs when a government intervenes in the affairs of universities for contrived, political reasons.

COUNTER-DEMONSTRATIONS

University administrators have struggled with how to deal with counter-demonstrations. Such demonstrations occur when some members of the university community believe that an invited speaker has, or will, express views that are bigoted or hurtful. Even if they are not required to attend the talk, these individuals may feel they have an interest in what happens on campus. Universities are not open to all speakers. Some speakers

A commitment to freedom of expression means that an individual must be free to speak to others and to hear what others have to say without interference from the state.

are invited and others are not. Members of the university community are within their rights to argue that someone should not have been invited because their views are foolish or offensive or racist—particularly if universities rely only on criminal law standards to determine when an individual should be prevented from speaking, or prosecuted after having spoken.

However, there have been a few occasions when protestors on Canadian campuses have sought to prevent a speaker from addressing an audience. If the speaker's expression does not cross the line into unlawful racist or sexist speech (which is for the university and not individual members to decide) then a counter-protest, while permitted, must not interfere with the event. While the university may be concerned about the reaction spinning out of control and leading to violence, it must not respond by suppressing the primary speech (or the counter-speech) except in extraordinary circumstances—when no other response is practically available to prevent violence.

Universities have sometimes required the sponsors of controversial speakers to bear additional security costs for the event—when they anticipate that there may be an attempt by others to disrupt the talk. Security costs, though, serve as a device to exclude controversial speakers. They are a form of censorship—an example of what is sometimes referred to in the US as the “heckler’s veto”. A threat of disruption by those opposed to the speaker cannot be a reason for the university to suppress the speech either directly or through the imposition of oppressive security costs.

THE UNIVERSITY AS AN ENCLAVE OF FREE SPEECH

A commitment to freedom of expression means that an individual must be free to speak to others and to hear what others have to say without interference from the state.

Importantly, the listener, and not the speaker, is seen as responsible for the views they adopt and the actions they take, whether these actions occur because they agree or disagree with the speaker's message.

Underlying the public commitment to freedom of expression is the belief that humans are substantially rational beings capable of evaluating the claims of others, and the assumption that public discourse is open to a wide range of competing views that may be assessed by the audience. The claim that bad speech should not be censored, but instead answered by better speech, depends on both of these assumptions—the reasonableness of human judgment and the availability of competing perspectives.

But these beliefs or assumptions seem more and more difficult to maintain. Audience fragmentation (and the echo chamber effect) and the absence of filters and systems of accountability on internet platforms and other media have contributed to the decline of reason-based argument and thoughtful, respectful engagement. Public discourse is becoming increasingly polarized. When there is engagement on an issue, it is often confrontational, uncivil, and unconcerned with persuading others or understanding their views.

Canadian universities can resist attempts to bring the culture wars onto campus as long as they remain committed to an idea of free speech that protects the individual's freedom to explore and advance ideas but expects these individuals to do so in a way that respects others in the university as members of an academic community who also deserve to be heard. Universities can then focus their attention on some of the more serious limits on student learning and academic research, including the erosion of government funding, high student fees, and their reliance on private funding. **AM**

Richard Moon is a Professor of Law at the University of Windsor.

This comment draws on R. Moon, “Demonstrations on Campus and the Case of Israeli Apartheid Week” in J. Turk ed., *Academic Freedom in Conflict* (Lorimer, 2014).

DEBWEWIN: To speak the truth

NISHNABEK DE'BWEWIN: Telling our truths

David Newhouse



Indigenous perspectives on truth, academic freedom, and tenure have only recently started to be meaningfully reflected in academic discourse. If embraced, these longstanding approaches to scholarship within Indigenous communities can make important contributions to our campus communities.

Ce n'est que récemment que les perspectives autochtones sur la vérité, la liberté universitaire et la titularisation ont commencé à se refléter de façon importante dans le discours universitaire. Si elles sont adoptées, ces approches de longue date de l'instruction au sein des communautés autochtones peuvent apporter d'importantes contributions à nos communautés universitaires.



Challenging structures of power

Universities are speech communities with a structure of power. Within these communities, a set of norms and rules determines who can speak, what can be said, how one can speak, and the consequences for violating these sometimes unwritten rules. Recently, voices that have previously been silent because they were not welcomed or present on university campuses are now speaking forcefully and challenging existing power structures.

One set of voices that has been absent is that of Indigenous faculty and scholars, largely due to the historically small numbers of Indigenous faculty and students on campus. This is starting to change. Through Indigenization initiatives, universities have been hiring more Indigenous faculty while Indigenous student enrolment has increased significantly over the past decade. Their voices, both individually and collectively, are bringing a new set of ideas, ways of doing things, and perspectives about the purpose and functioning of the academy.

Indigenous scholars encounter academic speech communities that are often remarkably different from those in which they grew up, where independent thought, speaking one's mind, respect, and humility were cultural norms rooted in Indigenous knowledge and ways of seeing and doing.

For the most part, what we call Indigenous knowledge had previously been part of the academic community through the work of anthropologists who presented it as cultural or folk knowledge. Over the last two decades, it has started to become part of the academic speech community in a new way, through a new set of actors—Indigenous Elders and Indigenous faculty—whose lives and academic work are grounded in both Indigenous and conventional Western knowledge. Most Indigenous scholars subscribe to an ethical speech community developed by Mi'kmaq Elder Albert Marshall: *Etuaptmunk* or “two-eyed seeing.” This ethic seeks to bring Indigenous knowledge and western knowledge into conversation and dialogue with each other in the continued search for a better world.

In an age of reconciliation, Canada's universities are called upon to make significant contributions to this important national project. They are expected to research

and uncover new truths, and use their considerable powers to foster a climate of reconciliation. The university is a moral and ethical actor in a larger national project of righting the wrongs of the past and creating a just future. It played a role in colonization and is now re-orienting itself for a role in decolonization and reconciliation through a process called Indigenization. Indigenization can be thought of as an ethical project aimed at creating a new speech community that values Indigenous voices and Indigenous knowledge.

Indigenization brings with it several challenges surrounding the core tasks of teaching, research, and service: What should be taught? Who should be teaching? What constitutes valid research? How is this research communicated? What is our service relationship with Indigenous communities? How do we deal with those who are strongly critical of the Indigenization process? What should be done when the views of academics differ from those of the Indigenous leadership? What does academic freedom mean in this new ethical speech community?

Academic freedom and truth telling

Academic freedom is generally understood, in the words of the CAUT, as “freedom to teach and discuss; freedom to carry out research and disseminate and publish the results thereof; freedom to produce and perform creative works; freedom to engage in service to the institution and the community; freedom to express one's opinion about the institution, its administration, and the system in which one works.”

Freedom, however, carries ethical responsibilities. As Indigenous academics working in the academy, we bring ideas from our national intellectual traditions, generally through what we have come to call Indigenous Knowledge. Knowledge Holders (Elders) have expectations about how this knowledge is treated by the academy: respect for how this knowledge is created, how it is transmitted, who transmits it, when it can be transmitted and more importantly what can be brought into the academy. Their expectations constitute an ethic of care for the academy. How does one practice respect for Indigenous knowledge in a community based upon the notion of challenge as a fundamental approach to determining truth?

Academic freedom is not absolute. It is enacted with a goal of mutual benefit. The foundation of academic freedom

Professors have a responsibility to tell the truth,
and should be protected while doing so—provided that they do it
with respect, kindness, and honesty.



is the necessity of telling truths and the freedom from reprisal for doing so. So, the question becomes, can Indigenous scholars bring our truths into the academy and place them alongside other truths?

There is a strong ethical truth-telling tradition embedded in traditional Indigenous teachings. In the Debwewin Jury Review Implementation Committee's Final Report, Elder Allan White of the Naotkamegwaning First Nation describes the term Debwewin:

Debwewin is a very strong word—an Anishinaabe word—it not only means truth, it encompasses the heart, the heartbeat of the drum, the heartbeat of the individual, what excites the spirit of the body. If you are untruthful, if you deny Debwewin, things will not go the way we want them to go.

Debwewin is one of the Seven Grandfather Teachings—the core ethical and moral teachings of Anishinaabe Elders—to live in “a good way,” to live without conflict or contradiction, and to live in peace with all relations. Debwewin does not mean absolute truth or the only truth. It means to speak only to the extent we have lived or experienced.

Careful deliberation and diverse perspectives

Leanne Simpson, writing in *Dancing on our Turtle's Back*, points out that the Anishinaabe have a long history of careful deliberations. Aanjigone, she writes, is “the idea that one needs to be very, very careful with making judgments and with the act of criticism. Aanjigone is a concept that promotes the framing of Nishnaabeg values and ethics in the positive. It means that if we criticize something, our spirit being may take on the very things we are criticizing...” The tradition is also represented by Naakgonige, meaning “to carefully deliberate and decide when faced with any kind of change or decision...to make decisions slowly and carefully.”

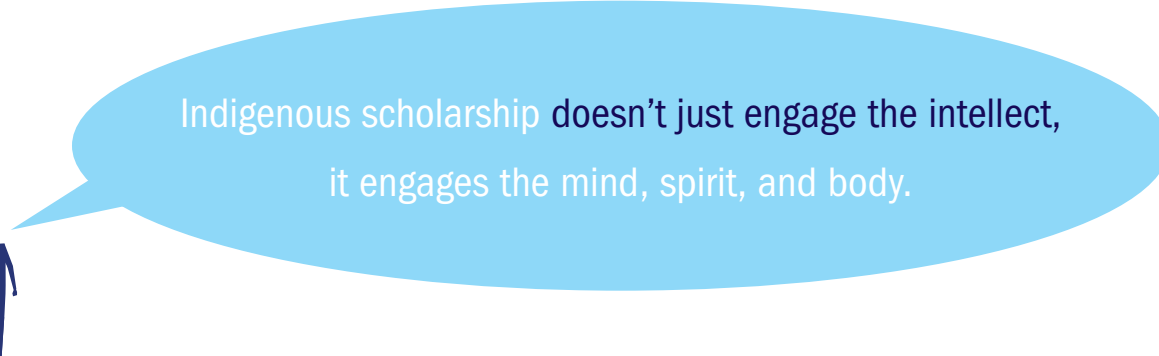
Within the Haudenosaunee, the concept of Ganigonhi:oh, “the good mind” illustrates an ethical responsibility to use one's mind in a way that balances reason and passion. The Condolence Ceremony, used for the installation of Chiefs, is intended to restore the good mind for leaders so that they may carry out their responsibilities:

We now do crown you with the sacred emblem of the deer's antlers, the emblem of your chieftainship. You shall now become a mentor of the people of the Five Nations. The thickness of your skin shall be seven spans, which is to say that you shall be proof against anger, offensive actions and criticism. Your heart shall be filled with peace and good will. Your mind shall be filled with a yearning for the welfare of the people of the League. With endless patience you shall carry out your duty and your firmness shall be tempered with tenderness for your people. Neither anger nor fury shall find lodging in your mind. All your words and actions shall be marked with calm deliberation. In all your deliberations in the Council of the League, in your efforts at law-making, in all your official acts, self-interest shall be cast away. Do not cast over your shoulder behind you the warnings of your nephews and nieces should they chide you for any error or wrong you may do, but return to the Great Law which is right and just. Look and listen for the welfare of the whole people, and have always in view not only the present, but also the coming generations, even those whose faces are yet beneath the surface of the ground—the unborn of the future Nation. (Gayanashagowa, Wampum 28)

Many years ago, I had an opportunity to speak with Eber Hampton, the President of the First Nations University of Canada, about the academic culture of the university and the challenges it faced. He recounted a story about the negotiation of their first collective agreement. The sticking point was the idea of permanency or tenure. The Board was reluctant to agree to it.

In order to find a way forward, Eber brought together an Elder's committee to advise the board on how to address the issue. He explained Western academic culture, the roles of professors, and the way permanency is linked to academic freedom. The proper functioning of the university requires professors the freedom to research and teach what they feel is important and to speak without fear of reprisal.

The Elders deliberated for a few days and provided the following advice: Professors have a responsibility to tell the truth, and should be protected while doing so—provided



Indigenous scholarship doesn't just engage the intellect,
it engages the mind, spirit, and body.

that they do it with respect, kindness, and honesty. The Elders, who were mostly Cree, Dene, and Saulteaux, provided an answer consistent with their values. They braided Indigenous values with academic values.

In 1972, François Mianscum, a Cree man, appeared in a court case and was asked to swear on the Bible that he was telling the truth. He responded that he did not know whether or not he could tell the truth—he could only tell what he knew. François understood truth as being subjective and based on a diversity of experiences.

John Borrows, a Chippewa legal scholar, explains that, for Indigenous scholars, these diverse truths are seen as important and necessary parts of a larger whole. Through a long dialogue, a better understanding of truth emerges from the interplay of diverse perspectives. This contrasts with the European truth tradition, in which multiple truths are positioned in competition with one another, and only a single, agreed upon truth emerges from the process of challenge.

Complex understanding

Reconciliation adds Indigenous scholars and scholarship to the academy and challenges, sometimes gently and sometimes forcefully, the ethics of the speech community. Central to building an Indigenous academic culture is: the ability to determine the problem to be examined; the parameters of the problem; the nature of inquiry into the problem; the method of inquiry; the data to be gathered; the analyses to be used; the way the data is interpreted; the construction of options and solutions; the dissemination of results; the translation of these results into action; and the eventual re-examination and reappraisal of the scholarship and its ideas. Inherently, these acts challenge the power of academics who have made these choices for us for so long.

Indigenous scholarship comes to the table with a central notion of complex understanding. Complex understanding occurs when we begin to see a phenomenon from multiple perspectives and understand the relationships among these perspectives. Complex understanding does not seek to replace one view with another, but to find a way of ensuring that all views are considered. A phenomenon is not one thing or another, but all things at one time. Complex understanding allows our understanding to shift. It is grounded in a view of a constantly changing reality capable of transformation at any time.

Complex understanding is based on dialogue rather than dialectic. In this sense, it is deeply rooted in traditional Indigenous notions of how one comes to understand. It can create a broader and deeper understanding of phenomenon, fostering a conversation among different disciplines, perspectives, knowledge systems, and methods of inquiry. All without necessarily inviting competition. Challenge is present through the attempt to understand and explain sometimes differing and sometimes similar views.

I recall a talk by a young Indigenous scholar who was studying community dynamics. Educated as sociologist, she characterized what she saw as factionalism. I asked how, based upon her own intellectual traditions as a Haudenosaunee person, she would describe what she saw.

She responded that she saw the search for one mind (which is the Haudenosaunee way of describing the process of deliberation and debate). We chatted for a bit and, after a while, one of my colleagues said that it doesn't matter what it's called, it's still factionalism. Sociology, I remarked at the time, was a little more than 75 years old. The search for one mind was about a thousand years old. Over the past three decades, we have come to understand that both can exist simultaneously.

Engaging in Indigenous scholarship

Indigenous scholarship doesn't just engage the intellect, it engages the mind, spirit, and body. It considers all in its exploration. Living in an animate universe requires an awareness, a respect for, and a commitment to take care of the lives around us—both human and non-human. Research inquires into aspects of these lives and requires that we build good and respectful relationships with those we study.

At the start of a research project, ceremonies may be conducted to pay respects to these lives and seek permission to begin our inquiry. We also need to take care of our own spirits and minds so that we undertake our inquiries in a good way. While a sound methodology is important, so is the state of our spirit, our minds, and our bodies.

Indigenous scholarship brings with it a willingness to engage other disciplines and ways of knowing. It does not reject the knowledge that has been gained by the West in its exploration of physical, social, or spiritual reality. Indigenous scholarship brings these ideas to the table and considers them alongside Indigenous ideas, accepting or rejecting them on the basis of their usefulness. The truth test in Indigenous knowledge is: Does this help us to survive and live well?

Indigenous scholarship also brings with it a sense of mind and intellect grounded in the Indigenous experience and perspective. It provides a sense of agency, an ability to shape the world through one's thoughts, actions, and feelings. All these factors are important for creating legitimacy in the eyes of Indigenous peoples. If Indigenous scholars cannot speak our truths in the academic community, then the ethics of academic freedom are violated and we are strongly sent the signal that we are not welcome.

For many, Indigenization focuses on the work of the academy: educating students, engaging in research, and contributing to community. However, true Indigenization means more than this. It braids Indigenous values about truth and truth processes into academic culture and avoids repeating the actions of Indian residential schools. For Indigenous scholars, academic freedom also carries responsibility grounded in historic ways of understanding the world, emphasizing responsibility rather than freedom.

Borrows' view that there is diversity in Anishinaabe thought, and that these differences ought to be recognized and reckoned with, should extend beyond the classroom and research. He argues that the reckoning should be framed positively rather than negatively. Like our ideals surrounding free speech and academic freedom, the test is how we deal with the realities of our speech communities as structures of power. How do we deal with unpopular ideas and speech that violate the norms of the community?

Indigenous ethics and respectful spaces

We already have prescriptions against hate speech, personal slander, and verbal attacks. And we have a presumption of civility in our speech acts. However, vigorous debates about ideas too often become ad hominem attacks against individuals and groups, which many find distasteful and do not believe belong in the academy. Borrows would argue that we ought to recognize, respect, and engage. This is the challenge: How do we engage with ideas that we find distasteful or disagreeable?

Two years ago, during the US election, some conservative students at Trent University enthusiastically supported Trump and his "Make America great again" message. A teaching assistant (TA) wanted to ban Trump supporters from the campus. The TA was offended by their signs

and t-shirts and wanted to use the classroom as a site for the distribution of a petition asking that these Trump supporters be banned from campus.

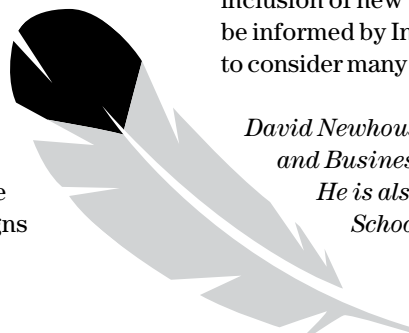
The teaching group debated this request vigorously and eventually concluded that banning the students and their viewpoints was not consistent with the academic culture of our department. We urged the TA to find a creative way to present their counter-arguments. If the issue had been about Indigenous peoples and the students took the position that Indigenous peoples were poor because they were lazy, I wonder what we would have said. Could we have reacted with the equanimity that traditional views demand? Adopting an Indigenous knowledge perspective does not isolate us from debate. It foregrounds the ethics of the speech community.

As Indigenous academics, we attempt to react to these situations using two Indigenous ethical concepts: The ideal of a good way grounded in the Anishinaabe Seven Grandfather teachings and the Haudenosaunee ideal of the good mind. The good mind ideal assumes the mind is capable of both reason and passion. It asks us to balance the two, recognizing that both are important. The good way ideal asks us to respect the inherent dignity of all, balancing the desires and needs of the individual and the community.

These ideas and practices have not been part of the wider academic community, nor part of the conversation about academic freedom. We can create respectful space for them by using the Mi'kmaq concept of two-eyed seeing. Albert Marshall, a Mi'kmaq Elder, has brought forward an ethical concept that can be very useful in academic research.

The concept creates an ethical speech community that provides space for both Indigenous and other forms of knowledge in respectful conversation. It affirms that both sets of knowledge have something to contribute to the understanding of the human condition and ought to be included in our teaching, research, and service as academics. It has proven to be foundational in creating a new research community. Perhaps our conversations about inclusion of new voices and academic freedom might also be informed by Indigenous knowledge. Debwewin asks us to consider many truths not just our own. ■■

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FREEDOM WITH LIMITS?

The role faculty associations play protecting the speech rights of their members

Linda Rose-Krasnor and Michelle Webber



Faculty associations represent a diverse and engaged membership. The campus speech debate presents new challenges, but faculty associations already have tools to protect the rights of their members and support other members of the campus community.

Les associations des professeurs représentent des membres diversifiés et engagés. Le débat sur le discours du campus présente de nouveaux défis, mais les associations des professeurs disposent déjà d'outils pour protéger les droits de leurs membres et soutenir les autres membres de la communauté universitaire.



*It is incumbent on faculty associations
to negotiate and enforce
strong academic freedom language.*

THE DUTY TO REPRESENT

A university social justice group, with members from faculty, staff, and students, organize an event on campus. One of their speakers is a well-known pro-choice abortion activist. The group is informed by the university president that they must cancel their event. The president cites the university's Temporary Use of Space Policy as justification for the decision, stating that security costs to ensure the safety and well-being of all attendees would be prohibitive. One of the faculty members in the social justice group calls the faculty association office to see if it can help.

A faculty member informs their class that a panel presentation will take place during their next lecture. There will be two speakers discussing the Israel and Palestine conflict. A few hours following the announcement, the faculty member receives a call from the university's Office of Human Rights (OHR) informing them of a student complaint about the upcoming presentation. Citing the university's Respectful Work and Learning Environment Policy, the OHR staff members insist that, as an interim measure to protect the student, the panel presentation needs to be cancelled. The faculty member then reaches out to their faculty association.

In an introductory sociology course, a faculty member criticizes the Truth and Reconciliation Commission, questioning its purpose and efficacy. They further criticize efforts towards decolonization at their own institution, insisting that being forced to include Indigenous content in their courses violates their academic freedom. Later that day, the dean contacts the faculty member via email informing them that, under the procedures outlined in the faculty association's collective agreement, they are starting an investigation that may lead to discipline. The allegations are based on student complaints about racist comments made in class. The member puts in an urgent call to their faculty association.

In cases like these, what can faculty associations do to protect the speech rights of their members?

THE COLLECTIVE AGREEMENT

One of the foremost responsibilities for a faculty association is protecting the integrity of its collective agreement by ensuring that the agreement's provisions are correctly and consistently applied. The provision most closely connected to speech rights is likely the academic freedom clause that, in most collective agreements, gives faculty members freedom to examine, question, teach, and learn, as well as the right to investigate, speculate, communicate, and comment publicly without deference to prescribed doctrine.

It is incumbent on faculty associations to negotiate and enforce strong academic freedom language. Such language, for example, commits the university to allow access to a diverse range of knowledge expressions, including those that might be considered controversial, unacceptable, or unpopular. As our first scenario contemplates, academic freedom rights extend beyond our classrooms and can include event organization with controversial speakers.

Along with speech right protections, associations also negotiate specific contractual limits to academic freedom, including restrictions on the infringement of the academic freedom of others. Indeed, one of the arguments made by those who seek to exclude hateful speech from campus is that the expression of such speech does, in fact, infringe on the ability of some individuals to exercise their own academic freedom. Collective agreement provisions related to harassment and discrimination may also place constraints on campus speech.

Faculty associations clearly play a critical role negotiating, implementing, and enforcing the application of collective agreement provisions and university policies that create and maintain a campus environment free of harassment and discrimination. It is important to note that harassment and discrimination clauses may, at times, be in tension with academic freedom provisions, as reflected in our second scenario.

UNIVERSITY POLICY DEVELOPMENT

In addition to negotiating collective agreement provisions, faculty associations also participate in the creation and revision of university policies, including those that may protect or limit speech rights. For example, respectful



Silencing those who feel invalidated and intimidated
may preclude the full and diverse discussions
necessary to fulfill our basic educative function.

workplace policies have long been recognized as constraining speech. As our second scenario illustrates, the frequently broad interpretation of “disrespect” encouraged by these policies, coupled with difficulties in implementing timely and appropriate investigations, is frustrating to those charged with disrespectful, harassing, or discriminating speech, as well as those who feel harmed by such speech.

The CAUT *Report of the Ad Hoc Investigatory Committee To Examine the Situations of Drs. Isla, Van Ingen & Corman, & Messrs. Wood & Fowler* provides an excellent description of how the application of Brock University’s Respectful Work and Learning Environment Policy led to inappropriate charges against instructors for speaking out against a volunteer program promoted by an on-campus religious group.

Given the increasing sensitivity and conflict around campus speech encompassed by these policies, faculty associations should ensure that collective agreement provisions are not violated in the creation or revision of these policies and remain vigilant in monitoring policy implementation. Faculty associations should also move quickly to ensure they have a meaningful role in the development of the new free-speech policies the provincial government is requiring all Ontario universities to implement by January 1, 2019.

BUILDING AWARENESS

Member education is another priority for faculty associations, as it is important for members to understand the many factors (e.g. university budgets, university governance, decolonization) that influence their workplace. For example, our own association, the Brock University Faculty Association, includes an educational agenda item at each general membership meeting, often involving external speakers and/or panel discussions. Educational

components within membership meetings provide an opportunity to organize presentations and facilitate access to information regarding the defining characteristics of problematic speech (e.g. Human Rights Code violations, hate- or violence-inciting speech as defined in the Criminal Code) and the importance of speech rights to research, teaching, critique, and analysis.

Increasing member awareness of the potential impact of hostile, inflammatory, and prejudicial speech could be an important focus for such educational efforts. Openly discussing strategies for supporting members of marginalized groups, including individuals within the association membership, are necessary so that they feel empowered to safely exercise their speech rights.

NAVIGATING THE NEEDS OF A DIVERSE MEMBERSHIP

Faculty associations represent, advise, and support members whose workplace rights have been violated. These members may include those whose classroom speech, social media postings, or public lectures have either been restricted or led to discipline, as illustrated in the third scenario above. In fact, it is likely that grievance and arbitration procedures are increasingly being called into action, as universities are pressured to interpret free speech limits both more broadly and more narrowly.

Regarding possible violations, a faculty association could easily find itself caught in the difficult situation of having to defend one member’s speech rights while pursuing another member’s complaint that the speech was either discriminatory or harassing. Situations such as these have the potential to seriously divide an association’s membership. For example, following the controversy over two faculty members’ responses to Wilfrid Laurier University Teaching Assistant Lindsey Shepherd’s classroom speech, Wilfrid Laurier University Faculty Association President Michele Kramer noted the diametrically opposed opinions of those within the association’s membership. In her December 12, 2017 message to members, she explained the association’s need to fulfill its primary mandate, which was to protect its members’

collective agreement rights. This priority prevented the association from advocating publicly on other issues being advanced by some of its members.

Indeed, some faculty members may strongly object to what they see as overly restrictive constraints on speech that violate academic freedom and compromise the ability to have open discussions, which might include emotional, offensive, controversial, and adversarial points of view. Other members may hold equally strong convictions that such speech is discriminatory, harassing, and/or hate inducing, and should not be tolerated. Furthermore, in addition to potentially violating the human rights of others, silencing those who feel invalidated and intimidated may preclude the full and diverse discussions necessary to fulfill our basic educative function.

TOWARDS INCLUSIVE FREEDOM

Rather than take a position that seeks to uncompromisingly support free speech or to protect vulnerable targets of offensive speech, we suggest faculty associations consider the integrative “inclusive freedom” approach articulated by Sigal Ben-Porath in her 2017 book, *Free Speech on Campus* and reflected in WLU’s *Statement on Freedom of Expression* (May, 2018).

In Ben-Porath’s framework, protections of both speech rights and marginalized groups are not necessarily in opposition to each other. She recommends that universities adopt the least possible restrictions on legal speech while simultaneously supporting those individuals and groups who may feel “dignity harm” from the expressed language of others. For example, such support may include providing safe spaces in which those with similar experiences could support each other, targeted resources to bring speakers of opposing views to campus, or assistance in improving individuals’ speaking and organizational skills.

Faculty associations could choose to act consistently with Ben-Porath’s dual and integrative approach. Associations could advance and defend the principle of least restrictive speech provisions in negotiations, consultations, and grievances, while promoting the use of language that leads to a sense of inclusion and invites full participation in the expression of ideas. In addition, associations could provide resources and organize support for faculty members, university staff, and students who may feel excluded or intimidated. It may be that these individuals do not feel able to exercise their own speech rights, or that they feel harmed by the speech of others. Such resources could help alleviate difficulties related to a lack of experience, confidence, or social support.

This focus on providing support and building individual and collective capacity to challenge speech is not an argument that certain types of speech should simply be

banned from campus. Such censorship is antithetical to the principles of free and open discussion required in an academic setting and is protected in most collective agreement academic freedom language.

As our introductory scenarios illustrate, faculty associations could be drawn into speech rights issues in numerous ways—various university mechanisms, policies, and practices potentially intersect with the academic freedom rights of members. Situations where speech rights and freedom from harassing or prejudiced speech seem to come into conflict may be uncomfortable places for faculty associations. However, we take the position that, despite the discomfort, it is in all of our interests that universities remain spaces committed to freedom of expression. ■

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Throughout this article, we use the term “faculty association” to encompass unions and associations that represent professional librarians, as well as faculty.

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A MANUFACTURED CRISIS: The Ford government's troubling free speech mandate

James L. Turk



The Ontario government is requiring the province's public universities and colleges to develop new free speech policies or lose funding. Are these policies actually needed or is there a political agenda behind them?

Le gouvernement de l'Ontario exige que les universités et les collèges publics de la province élaborent de nouvelles politiques sur la liberté d'expression ou perdent leur financement. Ces politiques sont-elles vraiment nécessaires ou y a-t-il une intention politique sous-jacente?

The Ford policy overrides the institutional autonomy that provides a bulwark for real free speech and academic freedom on campus.

A troubling proposal

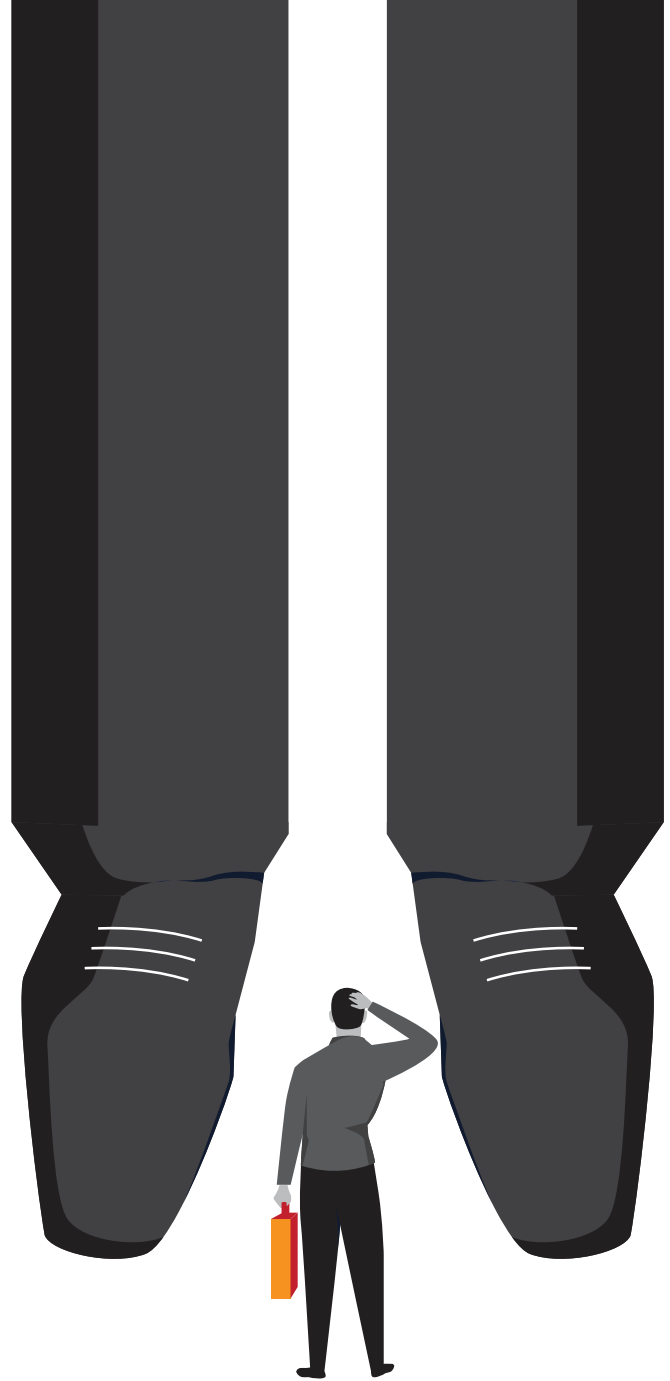
These days, few issues are more fraught than free speech on campus. Student and faculty groups are questioning whether free speech is compatible with social justice. The alt-right has defined itself as the champion of free speech, led by luminaries such as Milo Yiannopoulos, Ann Coulter, Ezra Levant, and Faith Goldy. Conservative politicians beginning with Donald Trump and now Ontario's Doug Ford have joined the fray by threatening funding for universities that fail to protect free speech. Add to this mix the use of the tumult and controversy by some, like University of Toronto's Jordan Peterson, as an opportunity for stardom and a lot of cash.

It is important to get perspective on what's happening, especially for Ontario universities now subject to Premier Ford's free expression policy: "Upholding Free Speech on Ontario's University and College Campuses." Issued on August 30, the policy carries through a Ford campaign promise. It requires Ontario universities to develop, implement, and comply with free speech policies that meet minimum standards set by the Ford government or face the possibility of a reduction in their operating grant funding.

You might think that, as Director of the Centre for Free Expression at Ryerson University and a long-time, outspoken critic of universities when they fail to uphold academic freedom or free expression, I would be delighted with the government imposing this policy. I am not.

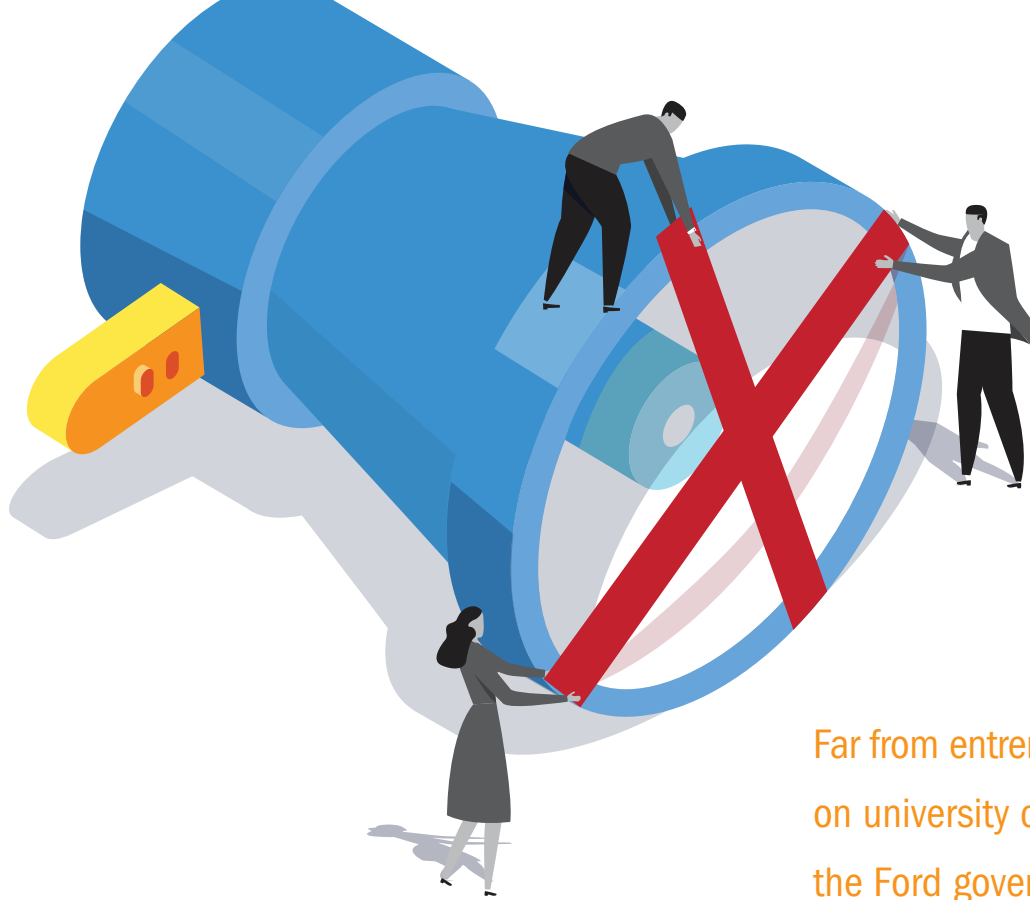
For starters, the Ford policy overrides the institutional autonomy that provides a bulwark for real free speech and academic freedom on campus. For a very long time, it has been recognized that freedom to ask difficult questions, explore unpopular viewpoints, question conventional wisdom—in short to do what is essential to advance knowledge—requires that universities have a significant measure of autonomy from the thin skins and political infatuations of politicians and governments.

Ford's policy puts Ontario university free speech policies under the thumb of the provincial government. It sets



up a government agency, the Higher Education Quality Council of Ontario (HEQCO), to police university free speech behaviour and advise the government about what it finds. The policy then threatens funding reductions for individual universities "if they fail to comply with government requirements".

This threat to cut funding casts aside a longstanding Canadian tradition in which, unlike in the United States, university autonomy is protected because governments set system-wide formulae for funding, and do not deal with the budgets of individual universities. In the United States, state legislatures not infrequently use the real threat of cutting individual university budgets to ensure universities bend to political will. Premier Ford is introducing that practice to Ontario.



Far from entrenching free expression on university campuses, the Ford government policy undermines it.

A false premise

The Ford government policy is based on the false premise that freedom of expression is endangered at Canadian universities. It is not. Despite occasional lapses, universities, along with the conventional media and public libraries, are the principal advocates for, and defenders of freedom of expression in our society. The university's *raison d'être* is premised on free expression. They cannot fulfill their missions of creating knowledge and educating students without it.

General campus freedom of expression is bolstered, almost universally at Canadian universities, through contractual guarantees for academic freedom that ensure academic staff have free expression rights in their teaching and research, as well as the right to criticize the university itself and its administration publicly—an action that would lead to discipline, if not termination, in most other workplaces. There is more freedom of expression on university campuses than anywhere else in Canada.

Much of the public understands this. As a result, it is big news whenever the principle of free speech appears to have been compromised at a university—big news precisely because it is such an exception to the pervasive respect for free expression within the academy. I, along with many others, work to help ensure it is big news because, left unchecked, failure to protect free expression on campus destroys the foundation of the university. The widespread media coverage, coupled with the higher education community's and the public's general commitment to free expression, provide the real protection of that foundation.

The health of free expression on campus should not be measured by the absence of any lapses or failures to protect these rights—but by the frequency of failure and the response of the institution and community afterwards. The Lindsay Shepherd case last year at Wilfrid Laurier University is a sign of a healthy system. The university failed badly, but, following public outcry, there was community self-examination and discussion that resulted in the university now having one of the best campus free expression policies in the country.

Given this reality, we can only understand the Ford government policy when we recognize that it is not about saving free expression on campus—which is alive and well—but a deliberate political measure, borrowed from the American right and alt-right, to play to what Premier Ford sees as his political base.

A political wedge

The new policy channels Donald Trump who, in response to the controversy over alt-right provocateur Milo Yiannopoulos at the University of California at Berkeley in February 2017, famously tweeted, "If U.C. Berkeley does not allow free speech and practices violence on innocent people with a different point of view

– NO FEDERAL FUNDS?” Trump’s notion was elaborated shortly afterwards by the *National Review* in an article saying to Congress, “It’s time to crush campus censorship” and subsequently formalized by the Goldwater Institute into a model bill designed to impose free expression rules on US public universities.

Seeing advantage in this use of campus free speech as a wedge issue, Andrew Scheer brought the idea to Canada during the federal Conservative Party leadership contest in May 2017. Following the American right’s script, Scheer declared, “I will withhold federal funding from universities that shut down debate and can’t stand different points of view.” The UK Conservative Party’s higher education minister, Jo Johnson (Boris Johnson’s brother), picked up the refrain, declaring last December that universities failing to protect free expression could be fined. Premier Ford has now put these words into action in Ontario.

Ford’s policy works as a wedge issue by bringing together two very different constituencies. On the one hand, there are those on the alt-right and those sympathetic to their viewpoint who have chosen to weaponize free expression—pushing relentlessly and aggressively at the outer boundaries of speech and vilifying those who express concerns. Think of the denigration of students who are concerned about racist or Islamophobic or homophobic speech as “snowflakes.” In a recent *New Yorker* article, eminent Harvard historian Jill Lepore noted that the guide for those weaponizing free speech “isn’t the First Amendment; it’s the hunger of the troll, eager to feast on the remains of liberalism.” How better to do that than to use the rhetoric of liberalism to attack one of the principal repositories of liberal, Enlightenment values—the university.

The other constituency drawn in are those who genuinely care about free expression but have come to believe, from the high-profile stories of universities’ occasional lapses, that free expression is endangered at universities. Ford’s policy aims to unite these two very different groups against an unspecified university and university-educated “elite” that has betrayed its own liberal values.

Far from entrenching free expression on university campuses, the Ford government policy undermines it. Free expression is not strengthened by diktats. Its strength lies in community recognition of free expression’s foundational importance to the university and society, and in community discussion and debate about the legitimate boundaries of free expression.

Embracing inclusive freedom

While we need to challenge every lapse, we cannot lose sight of the reality that free expression rights are the norm at our universities. We must speak out against policies such as Ford’s and proposals such as Scheer’s. They

undermine university autonomy, misrepresent the reality of free speech rights on campus, make important community discussions about proper limits to free speech more difficult, and build the constituency of the alt-right, whose real goal is the destruction of liberal values upon which the university is based.

The only good that can come from Ford’s policy is if we steer campus discussion away from what must be done to comply with this government directive, and instead address how our campus communities can embrace the concept of inclusive freedom. This idea espouses a commitment to the robust protection of free expression, and the assurance that all members—including those who feel marginalized, silenced, or excluded from full participation—have an opportunity to meaningfully engage in free expression, enquiry, and learning. This is the type of free expression embraced by a true university—something Ford’s policy never mentions. ■■

James L. Turk is a Distinguished Visiting Professor and Director of the Centre for Free Expression at Ryerson University.



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The alt-right and the weaponization of free speech on campus

Jasmin Zine



The free speech debate is being used to normalize hate and bigotry on our campuses. It's important to understand the threat that lies behind those pushing this debate and the real dangers it poses to our campuses.

Le débat sur la liberté d'expression sert à normaliser la haine et le sectarisme sur nos campus. Il est important de comprendre la menace que dissimulent les personnes qui imposent ce débat et les dangers réels qu'il représente pour nos campus.



Adapted from a panel presentation at the 2018 Worldviews Lecture on the Media and Higher Education

UPHOLDING THE GREATER GOOD

Free speech is not an unbridled right, and so I want to reflect on its limits. I would argue that it is vital for universities to differentiate between legitimate dissent that may include unpopular or controversial views and speech acts that incite hatred—and create poisoned and threatening environments.

This critical discernment is what these politically fraught times require and is the work that universities must do to balance free speech as a limited right with the protection of human rights, dignity, and equity. Only then will we be able to uphold the greater good for our campus communities.

With this in mind, I want to address growing concerns about neofascism and white supremacy on campuses and how the so-called alt-right are weaponizing free speech and using it as a rhetorical prop in campaigns of ideological intimidation. These groups engage in tactics of vandalism, harassment, and intimidation under the cover of a “free speech” alibi.

Sacrificing human rights on the altar of free speech has become a strategy in the alt-right toolkit of bigotry. Newly emboldened neofascist groups are coming out from the shadows of internet chatrooms and entering the public sphere. This includes a more prominent presence at our universities.

In Canada we have seen “It’s Ok to be White” posters and white nationalist groups, like Generation Identity, becoming active on Canadian campuses. South of the border, the Anti-Defamation League has reported that white supremacists have stepped up recruiting on campuses in over thirty states. Their anti-Semitic and anti-Muslim leaflets have caused concern while challenging ideas of what should count as free speech. Universities are being baited to allow these ideologues to speak on campus or be accused of censorship.

CONTROVERSY AT WILFRID LAURIER

This past spring, Faith Goldy was scheduled to speak at Wilfrid Laurier University where I teach. Goldy is an infamous alt-right personality, recently fired from Rebel Media because of her ties to Neo-Nazi groups. She has publicly

Sacrificing human rights on the altar of free speech has become a strategy in the alt-right toolkit of bigotry.

uttered the 14-word Nazi creed and has endorsed a book by the founder of Romania’s principle fascist movement, who advocates for the “elimination of Jews” from that country.

Ironically, Goldy’s talk was allowed to take place on our campus on the eve of the International day for the Elimination of Racial Discrimination. After finding out the event was being allowed with the university’s justification that “the free expression of ideas includ[es] those that are unpopular or offensive,” students and faculty responded with a peaceful counter rally. As it turned out, an intentionally pulled fire alarm ended the talk before it began.

Instead of refusing platforms to speakers who may potentially engage in prosecutable hate speech (or treacherously play on its boundaries), many universities waffle to the pressure against censoring the vile rhetoric that masquerades as free speech.

Allowing a platform to speakers who espouse racist, Islamophobic, and transphobic views effectively authorizes these views (despite any attempt by the university to distance the institution from them). This is unacceptable and promotes the normalization of hate and bigotry on our campuses.

The weak pedagogical rationale for allowing speakers from these groups on campus because this “promotes dialogue” is misguided. Students do not need a front-row seat to hate in order to challenge or interrogate it. However, there is a need to underscore and delineate the boundaries between free speech and hate speech.

PUSHING BACK AGAINST THE PROMOTION OF HATRED

Let’s reflect on a flagship hate speech case in Canada: James Keegstra was a high school teacher in Alberta who communicated hateful rhetoric against the Jewish community



HARASSMENT

in his classroom, depicting Jews as evil and denying the Holocaust. In 1984, he was prosecuted under Section 319(2) of the Criminal Code of Canada for publicly and willfully promoting hatred.

The Supreme Court of Canada concluded that even though the legislation infringed freedom of expression, it was a reasonable and justifiable limitation in a free and democratic society to protect target groups from hate propaganda. The Court stated that hate propaganda denotes any expression that is “intended or likely to circulate extreme feelings of opprobrium and enmity against a racial or religious group.”

This precedent needs to be brought to bear on other violations of hate speech or else they will continue to circulate in the public sphere with greater impunity. When universities allow speakers like Ann Coulter who, while speaking at the University of Waterloo, stated that the “US should invade Muslim countries and kill all the leaders,” they are not protecting free speech—they are allowing it to be weaponized and used to incite public hatred.

Alt-right and white supremacist groups are adept at skirting these laws, but universities must consider the consequences of this speech and not let these groups use the free speech alibi as cover. Choosing to ignore racist rhetoric by invoking the dangers of censorship is an imperilled logic.

As public institutions, universities should be concerned about how the consequences of their decisions impact campus life and safety. They should embrace the academy’s fundamental mission to promote democratic ideals instead of capitulating to the normalization of bigotry. This allows the use of free speech to disguise ideological campaigns and affirms universities as spaces where white supremacy can incubate without interference. History has already determined where that rabbit-hole leads.

In a democracy, our rights extend only to the point where they do not infringe on the rights of others. When free speech is not balanced with human rights and dignity, it becomes a constant reminder for all marginalized communities targeted by alt-right groups that universities are not places we belong. We become dispensable under the weight of the neoliberal imperatives universities have adopted and the outside interests they serve.

UNDERSTANDING THE CONSEQUENCES

Of even greater concern beyond this epistemic violence, is the potential for physical violence. On my campus, colleagues have received death threats and students from

the Rainbow Centre have been harassed. Alt-right ideologues, whose followers engage in tactics like doxxing, death threats, and intimidation, create space for a more troubling political agenda.

None of the alt-right ideologues using free speech as their alibi have spoken out against the behaviour of their followers who attempt to silence, harass, and intimidate those who hold opposing views. These so-called champions of free speech are attempting to silence professors they disagree with through strategies such as spies in classrooms and McCarthyist surveillance lists of “radical profs.” Surely these tactics are a form of censorship.

I am heartened by the students and faculty who have stood for the values of equity, social justice, and the greater good, even when their universities have not dared to be brave. These individuals have stood against racism, Islamophobia, anti-Indigenous hate, homophobia, transphobia, sexism, and ableism. They have done this even though they have been thrown under the bus by institutions that value an undifferentiated ideal over the dignity and rights of students, faculty, and staff. Their stand has been working. Alt-right leader Richard Spencer admits that speaking on campuses is “no longer fun.”

Maintaining freedom of expression and at the same time ensuring that universities remain inhospitable spaces for hate and bigotry should not be at odds. It is precisely within this tension that we need to develop clear boundaries that differentiate speech acts and their consequences.

Simply having the right to offend, mock, ridicule, and disparage is not a justification for doing so or allowing this to occur. Most professors would not allow this incivility in their classrooms.

Promoting free speech as a democratic ideal without respecting its limits and taking responsibility for its consequences is antithetical to the greater good of a just and inclusive society.

To quote from Joan Wallach Scott’s essay “Free Speech and Academic Freedom”:

Sometimes it requires extraordinary actions to make one’s voice heard in a conversation that routinely ignores it. Incivility, even today, is most often a charge made against protestors on the left, while the hate speech of those on the right looks for—and finds—protection in the right of free speech. ■■

Jasmin Zine is a Professor of Sociology, Religion and Culture & Muslim Studies at Wilfrid Laurier University.



WE WERE A STRONG UNION BEFORE JANUS, and we will be a strong union after Janus

Andrea Calver

The Janus decision has made it more challenging for public sector unions to be effective in the US. Seeing this threat coming, the California Faculty Association has engaged in mobilizing campaigns to activate their membership and strengthen their union.

La décision Janus a compromis l'efficacité des syndicats du secteur public aux États-Unis. Devant cette menace, la California Faculty Association (association des professeurs de la Californie) a organisé des campagnes de mobilisation pour activer ses membres et renforcer son syndicat.



The Janus decision

“We were a strong union before Janus, and we will be a strong union after Janus.” That was the message in a series of state-wide meetings, conferences, and trainings for California Faculty Association (CFA) members in the critical period leading up to the significant United States Supreme Court “Janus decision” announced in June 2018.

Over the last several decades, public sector unions have faced many challenges in the US as states have sought to limit or ban collective bargaining. In five states it is illegal for teachers, police, or firefighters to join a union, and many other states have passed legislation to weaken unions, including limitations on the scope of bargaining and requirements for annual union recertification.

The Janus decision is national in scope and overturned a long established 1977 Supreme Court ruling that workers could decline to join a union, but they would still have to pay an “agency fee.” Those agency fees could only be used to cover the cost of direct union representation activities, not for lobbying or political activity.

In Janus, the Supreme Court ruled that unions must continue to represent everyone—members and non-members alike—but non-members would no longer be required to pay the agency fee to take advantage of the benefits of union representation. This is often described as the free-rider problem, where an individual can benefit from the dues of others, without having to contribute themselves.

Mobilizing members

Earlier this year, I spent six months in California studying the membership engagement strategies of the CFA. It was a fascinating experience observing the CFA as it worked to educate and mobilize 28,000 members across 23 campuses.

The CFA, like many other unions across California and the US, has been stepping up its member engagement, organizing, and activism to take on the new challenges resulting from increasingly conservative legislatures and courts.

Given what’s at stake—the financial strength that allows the CFA to represent and defend its members—it was surprising how little cynicism or self-doubt there was at

the faculty association’s many meetings and events. California faculty are confident that their union will survive. In fact, many faculty members firmly believe that the CFA will be stronger with a more dedicated and engaged membership. And so the slogan: “We were a strong union before Janus and we will be a strong union after Janus”.

In anticipation of the decision, unions across the US were intensifying membership engagement and organizing. Throughout the winter and spring, the CFA initiated a program of hall-walking and membership blitzes. Faculty members visited fellow faculty in their departments to talk about the current work of the CFA and common member concerns.

These blitzes were overwhelmingly positive experiences. Within Ontario faculty associations, much of our outreach energy focuses on getting people to come to meetings. Every faculty member in North America has seen a dramatic rise in workload over the past decade, and it is increasingly difficult to get members involved.

The strategy to build support and gain visibility by talking to people in their departments and offices created many new connections and relationships. While it may seem intimidating to walk into a department and initiate conversations about a colleague’s workplace challenges, it is actually quite energizing. It provides a collegial environment that inspires conversation, much like talking to a next-door neighbour.

Faculty who go out to talk to colleagues come back invigorated by their experiences. They find it rewarding to make new connections and hear different perspectives. When they share their experiences, they have often gained insight into new ideas for solving their most challenging workplace problems.

Supporting contract faculty

Over the past decade, we have seen a dramatic growth in the number of contract faculty and sessional instructors, or lecturers as they are called in California. Without job security, many contract faculty members work several jobs, some teaching at other universities or colleges, some with other part-time or full-time jobs.

Unfortunately, this increase in contract and part-time

The CFA, like many other unions across California and the US, has been stepping up its member engagement, organizing, and activism.

teaching has led to a reduction in the number of faculty actively working in departmental offices. It is not unusual to come across an office door with a dozen names on it, but no one there. Lecturers may have access to a shared office, but with multiple jobs and limited time on campus, these offices are often empty. It's also simply not practical for twelve people to share an office.

The biggest organizing challenge today is finding contract faculty. Accurate class schedules, office hours, and mapped networks of coworkers and friends have become important tools for contacting this hard-to-reach group.

Throughout the California State University system, 40 per cent of faculty are tenure-stream, while 60 per cent are lecturers on renewable temporary appointments. Since lecturers are not paid to do any research or service, the growth of precarious work has not only exacted a personal and emotional cost on lecturers, it has significantly increased the workload for tenured faculty and transformed many departments. A small number of tenured faculty now juggle the demands of research and service, along with the work of supporting students.

Universities run on service. Within a department, service is responsible for all aspects of the planning and implementation of teaching and research. It can mean many things—designing new courses, creating carefully organized and balanced course schedules, organizing guest lectures, and coordinating departmental hiring committees and evaluation committees. A massive amount of work goes into making every university department function. Service at the university level involves sitting on university boards, senates, and attending many university events, including convocation.

There is one lecturer who sits on the California State University Board of Trustees, the members of whom are appointed by the Governor and who in turn appoint the California State University Chancellor. In addition, the CFA is actively supporting increased participation by lecturers in departmental structures as well as individual California State University campus boards and committees. An important argument in favour of increased representation on university boards and committees is to address the high levels of workload by tenured faculty in service to the university.

Promoting anti-racism and social justice

For several years, the CFA has been committed to being a union actively engaged in anti-racism and anti-bias social justice work.

Most agendas and other official materials include this statement:

As part of our continuing commitment to Racial Justice Work, when we experience examples of racial narratives, racism, or whiteness in our meetings, or as we conduct our business, we will speak up. This means we can interrupt the meeting and draw the issue to one another's attention. We will do this kindly, with care and in good faith. This statement is a reminder that we commit to do this in the service of ending the system of racial oppression.

The CFA started with training for executives and staff, and have used new communication outlets like podcasting to explore anti-racism and social justice issues.

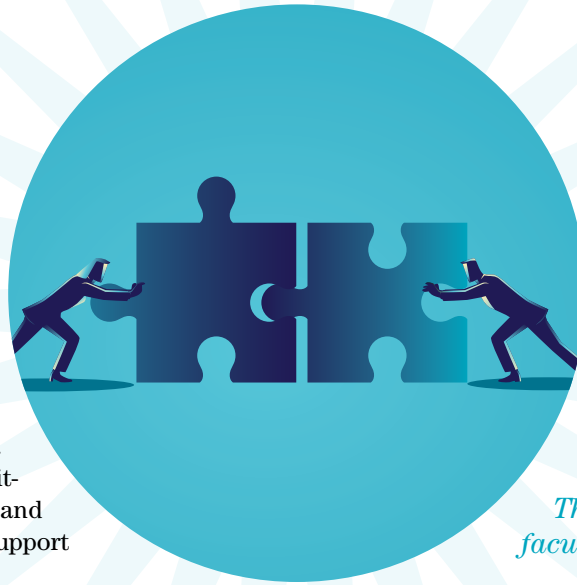
Recognizing that members sit on hiring committees for new faculty, the CFA has initiated an anti-bias training program. In several cases, they have been invited to train both administration staff and faculty who sit on hiring committees.

The faculty association regularly produces data to measure diversity on each campus, including faculty and student statistics on race and ethnicity, tenure status, gender, and the intersections of those issues. Building upon this rich data, the CFA has been engaged in groundbreaking work to quantify "cultural taxation".

Cultural taxation, first defined by Amando Padilla in 1994, is the burden placed on ethnic minority faculty in carrying out their responsibility for service to the university... it is important to note that increases to workload related to student engagement directly impacts scholarship. These two pieces are intimately tied. The more time a faculty member spends with students, the less time they have to dedicate to scholarship. (CFA *Equity Matters Data Book*)

To quantify the level of cultural taxation for racialized faculty, the CFA compares the percentage of students and faculty from racial and ethnic groups, looking for campuses with poor student/faculty ratios.

The CFA has built a structure of caucuses, including the African American Caucus, Asian Pacific Islander Caucus, Disability Caucus, Indigenous Peoples Caucus, Latia/Latino



Caucus, Lesbian/Gay/Bisexual/Transgender Caucus, Teacher Education Caucus, and Women's Caucus, to ensure equity groups have space to meet and organize. These caucuses enable the recruitment and training of members and pursue innovative research that support the CFA's equity goals.

and is nearly four times the governor's original CSU budget augmentation of \$92.1 million.

The recipe for a strong faculty union

Building stronger relationships with students

The CFA has a robust advocacy agenda that involves working closely with other sector stakeholders to lobby the state government.

The partnership between students and faculty members to support high-quality education is of particular importance. The CFA runs an internship program where students work out of faculty association offices on individual campuses, helping to coordinate the campaign. It is quite remarkable to see students and faculty working side-by-side, campaigning for more university funding to improve education quality and a tuition fee freeze to keep university education accessible.

For the CFA, working in close partnership with students has meant real benefits. To compliment focused lobbying at the state capital, the CFA and Students for Quality Education organized a rally attended by 1,000 people, 800 of whom were students. The rally and support from legislators, who had met with faculty and students, were important factors in efforts to increase university funding.

In 2018, the CFA and Students for Quality Education played a pivotal role in achieving a substantial increase to funding for the State University system. According to the CFA:

The \$364 million in additional one-time and ongoing funding will result in enrolment growth to accommodate 3,641 additional full-time-equivalent students and will support that cohort for four years. The increased funding also includes \$25 million in dedicated funding for tenure-track hiring with legislative oversight—earmarked funding for which the CFA alone advocated. The increase far exceeds the CSU administration's original augmentation request of \$263 million,

The California Faculty Association has been working hard to strengthen their union in recent years. This work has been distributed over many campuses, where members are educating, training, and mobilizing their colleagues to step up and become more active in their union. This approach includes:

- being creative and innovative in reaching out to members;
- developing caucuses that promote inclusion and equity within the structures of the faculty association;
- promoting anti-racism and social justice in the work of the faculty association; and
- building mutually beneficial relationships with students.

There will be tough times ahead for the CFA, given the increasingly challenging legal and legislative environment in California and across the US. However, for many years CFA's membership, leadership, and staff have been working hard to build a strong faculty association that eliminates barriers to participation and proactively organizes members. These members get involved because they support better working conditions and an affordable, high-quality education for all qualified students in the state.

The recent Supreme Court ruling will mean that the CFA has fewer resources. To deal with the challenges of doing more with less, the CFA has focused on training leaders to develop personal relationships with members, reduce barriers to participation, and strongly defend the interests of faculty. They have built a strong union that is in an excellent position to survive in the new labour landscape and ensure the voice of faculty makes a difference in shaping the future of the California State University system. ■■

Andrea Calver is the Engagement and Campaigns Coordinator for the Ontario Confederation of University Faculty Associations. In 2018, she took a six-month leave to study the membership engagement strategies of the California Faculty Association.

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