

# SAFS Newsletter

*Society for Academic Freedom and Scholarship*

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

Number 39

www.safs.ca

January 2005

## **WOMEN MAKE GAINS IN CANADA RESEARCH CHAIRS FOLLOWING UPROAR OVER GENDER DISPARITY**

*Karen Birchard*

The number of women receiving appointments to Canada Research Chairs has taken a significant jump after months of criticism over the gender imbalance among the prestigious posts. More than a third of the latest appointees, announced last week, went to female academics.

"We're not surprised at the increase because we have been trying to sensitize the universities, but we are most assuredly pleased by the number of women in this round," said Julie Dompierre, a senior program manager at the Canada Research Chairs secretariat, which manages the program.

The government created the billion-dollar program in 2000 with the aim of establishing 2,000 new chairs by 2005. The number of women appointed to the chairs, however, has not been in proportion with their representation on faculties, and universities have increasingly come under fire for failing to nominate women proportionally.

Until the latest round, only 17 percent of the chairs had gone to women, even though more than a quarter of full-time faculty members are women. Last week, female professors were named to 67 out of 194 new chairs. But even with those appointments, the overall percentage of women in the program has climbed to only 20 percent. More than 1,300 chairs have been filled so far.

Last year, eight prominent female professors filed a complaint with the Canadian Human Rights

Commission, asking for an investigation (*The Chronicle*, January 9, 2004, or *SAFS Newsletter*, April 2004, p. 1).

"The human-rights action is moving very slowly," said Wendy Robbins, one of the complainants, noting that she was pleased with last week's announcement. "But even without a decision by the commission, the publicity has been a wake-up call for the universities."

The universities are apparently getting the message. For example, Simon Fraser University, in British Columbia, was among the institutions with the fewest female chairholders.

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

ISSN 1704-5436

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## PREFERENCES AREN'T NECESSARY

*Linda Chavez*

For more than three decades, supporters of affirmative action have argued that racial preferences in higher education were absolutely vital if blacks and other minorities were to obtain college and professional degrees. In July 2003, the U.S. Supreme Court seemed to agree, at least with respect to law school admissions at the University of Michigan.

Writing for the majority in *Grutter v. Bollinger*, Justice Sandra Day O'Connor said, "In order to cultivate a set of leaders with legitimacy in the eyes of the citizenry, it is necessary that the path to leadership be visibly open to talented and qualified members of every race and ethnicity," approving the use of explicit racial preferences to do so. "We expect that 25 years from now, the use of racial preferences will no longer be necessary to further the interest approved today," she wrote in the 5-4 decision.

A new study, however, debunks the myth that those preferences are necessary even now, providing stunning evidence that affirmative action may actually hurt the chances of blacks to obtain their law degrees.

Richard H. Sander, a law professor at UCLA and a self-described Democrat and lifelong supporter of affirmative action, has recently completed the most comprehensive look ever at the effect of affirmative action on the academic achievement of black law students. The study appears in the November issue of *Stanford Law Review*. Looking at the performance of black and other students at 21 law schools in the mid-1990s, Sander notes in the introduction to his study, "there has never been a comprehensive attempt to assess the relative costs and benefits of racial preferences in any field of higher education."

Sander focuses on what he describes as the "costs" and "benefits" of affirmative action to blacks. He is less concerned about the harm such programs may do to better-qualified white and Asian students who have been passed over in the admissions process than he is about what happens to the less-qualified black students who are admitted in their place. He argues that his data demonstrate that blacks are harmed by the very programs aimed at helping them. Most black applicants, he writes, "end up at schools where they will struggle academically and fail at higher rates than they would in the absence of preferences. ... Perhaps,

In the latest round, four out of five chairs at Simon Fraser went to women. The program's managers say they are receiving record numbers of nominations for women, so more rounds of appointments like this one are likely.

*The Chronicle of Higher Education*, Wednesday, November 17, 2004. □

## NOMINATION FOR SAFS BOARD OF DIRECTORS

**2004-2005**

The Nominations Committee consisted of Clive Seligman (President), Doreen Kimura (Past-President), and Chris Furedy (York University) and Natalie Allen (UWO) as two SAFS members not currently on the Board.

The eight nominated current Directors are: **Grant Brown, Andrew Irvine, Tom Flanagan, Steve Lukper, John Mueller, Clive Seligman, Harvey Shulman and Peter Suedfeld.**

Any member of SAFS may nominate individuals for election as Director. These nominations must be received at the SAFS Office by April 15, 2005. Each member nomination shall contain the following information: (i) the signature of the person nominating and the signatures of two (2) seconders; (ii) the full name and address of the person nominated; (iii) a statement of the status and attributes of the person nominated, showing each person's qualifications to be a director; (iv) a written consent signed by the person nominated agreeing to be nominated for election and serve, if elected.

For your information, none of the current board resigned in the past year.

most remarkably, a strong case can be made that in the legal education system as a whole, racial preferences end up producing fewer black lawyers each year than would be produced by a race-blind system."

Among first-year law students, Sander reports, 52 percent of blacks earn grades that put them in the lowest 10 percent of their class. Only 8 percent of blacks earn grades in the top half of their class. And their performance does not improve with time. About 19 percent of black students in this study dropped out without completing law school, compared with 8 percent of white students. Of those who completed law school, however, about half continued to earn grades that put them at the bottom 10 percent of their class. Consequently, only about 45 percent of black law school graduates pass their bar exams on their first attempt, compared with about 80 percent of white graduates.

Sander estimates that if black students were admitted through a race-blind process, so that their skills were properly matched to the schools' own admissions criteria, far more black students would do well, graduate and pass the bar. He estimates that the end of racial preferences could end up producing nearly 10 percent more black lawyers.

My own [Center for Equal Opportunity](#) has published studies of 57 public colleges and universities and nine professional schools revealing the extent of racial preferences, which are both wide and deep -- affecting not only the most elite schools but even less competitive colleges, and providing a very substantial advantage in admissions to blacks and to somewhat less extent, Latinos. We've shown that, judging from their tests scores and grade point averages, black students, in particular, are often admitted to schools for which they are poorly prepared, and we've reported that they are less likely to graduate from these schools. But we've seldom had access to data to show how they performed while in school. Prof. Sander has now provided that data -- and the picture it paints are gloomy indeed.

Racial preferences not only harm whites and Asians who are passed over for admissions to colleges and professional schools in favor of less qualified blacks and Latinos, they do real harm to the very students they were intended to help.

*Linda Chavez is President of the Center for Equal Opportunity.*

*Townhall.com., November 10, 2004. □*

## ANNUAL GENERAL MEETING

May 14, 2005

### *Advanced Notice*

SAFS Annual General Meeting will be held at the University of Western Ontario on May 14, 2005. Our keynote speaker will be Stephen Balch, President of the National Association of Scholars. Further program details will be provided later. Suggestions for presentations, panel discussion, symposia, and the like are encouraged. Members wishing to participate as speakers at the AGM should contact the President.

Please mark this date on your calendar, and we hope to see you at the meeting in May.

## HIGH BIAS: IT'S TIME TO BRING SOME INTELLECTUAL DIVERSITY TO AMERICA'S COLLEGES AND UNIVERSITIES

*John Fund*

Much of this election year was taken up by a debate over media bias, with charges and countercharges flying over how CBS, the New York Times, Fox News Channel and National Public Radio covered the campaign. Now a series of studies may shift the debate to another form of bias: the lack of intellectual diversity on university campuses, whose faculties are overwhelmingly liberal.

Some moderate voices are raising the alarm over the problem. A Nov. 9 staff-written editorial in the Columbia Spectator, the mainstream student newspaper at New York's Columbia University, called for a greater range of views on campus. "In all other areas of campus life, students do not hesitate to call for diversity," the editorial said in pointing out the complete absence of conservatives from history, philosophy and humanities departments. "It should be self-evident that a faculty that speaks with unanimity on some of the most divisive issues of the day is not fulfilling its duty. Students across the ideological spectrum must demand that Columbia address this need."

The Spectator editorial comes at a time when several

Jewish students are charging that they have been intimidated by anti-Israel professors. Several of the students told their stories in a new 25-minute film, "Columbia Unbecoming," produced by the Boston-based David Project. Student Ariel Berry says that Prof. Joseph Massad told students that "the Palestinian is the new Jew, and the Jew is the new Nazi." Columbia alumna Lindsay Shrier said Prof. George Saliba told her, "You have no claim to the land of Israel. You have no voice in this debate. You have green eyes. You're not a Semite. I have brown eyes. I am a Semite."

Such incidents have led both the New York Sun and Rep. Andrew Weiner, a Brooklyn Democrat, to call for dramatic reforms on Columbia's campus. This month, Lee Bollinger, Columbia's president, asked the university's provost to investigate the claims made in the film, partially backpedaling from a statement he had made in May supporting the findings of a university committee that found no evidence of "systematic bias" in Columbia classrooms.

Conservatives contend that assurances by liberals that the professional ethics of professors will keep them having their politics dominate the classroom and smothering alternative views just doesn't pass muster. A forthcoming study by Stanley Rothman of Smith College looked at a random sample of more than 1,600 undergraduate faculty members from 183 institutions of higher learning. He found that across all faculty departments, including business and engineering, academics were over five times as likely to be liberals as conservatives.

Mr. Rothman used statistical analysis to determine what factors explained how academics ended up working at elite universities. Marital status, sexual orientation and race didn't play a statistically significant role. Academic excellence, as measured by papers published and awards conferred, did. But the next best predictor was whether the professor was a liberal. To critics that argue his methodology is flawed, Mr. Rothman points out that he used the same research tools long used in courts by liberal faculty members to prove race and sex bias at universities. Liberals criticizing his methods may find themselves hoisted by their own petard.

Furthermore, a new national study by Swedish sociologist Charlotta Stern and Santa Clara University economist Daniel Klein found that in a random na-

tional sample of 1,678 responses from university professors, Democratic professors outnumber Republicans 3 to 1 in economics, 28 to 1 in sociology and 30 to 1 in anthropology. Their findings will be published in *Academic Questions*, the journal of the National Association of Scholars.

A separate study by the Center for the Study of Popular Culture in Los Angeles, run by conservative activist David Horowitz, looked at voter registration records of faculty members in six academic departments in 32 top schools. It found there were 10 Democrats for every Republican. Mr. Klein says a second study he co-authored looked at voter registration records for faculty at Stanford and the University of California, Berkeley. It found that among assistant and associate professors, there were 183 Democrats and only six Republicans. Since many of the Republicans were full professors close to retirement, Mr. Klein concluded that "in the coming decade the lopsidedness must become even more extreme. At Berkeley and Stanford, the Republican is an endangered species."

Robert Brandon, a Duke University philosophy professor, is one liberal who has at least made an effort to explain why conservatives are seldom seen in academia. "We try to hire the best, smartest people available. If, as John Stuart Mill said, stupid people are generally conservative, then there are lots of conservatives we will never hire. Mill's analysis may go some way towards explaining the power of the Republican Party in our society and the relative scarcity of Republicans in academia."

But Mr. Klein says a better explanation of liberal dominance is the theory of "groupthink," which holds that insular groups tend to adopt a set of uniform beliefs and then act to exclude anyone who doesn't hold those views.

One way to combat groupthink would be if donors to universities and regents began pressuring faculties to adopt an Academic Bill of Rights that would forbid university faculties from hiring, firing, and granting or denying promotion or tenure on the basis of political beliefs. When Mr. Horowitz suggested the idea be adopted at Colorado's public universities, he was accused of advocating "quotas" and "McCarthyism." He calmly explained that his plan eschews quotas and only requires universities to judge professors on their merits, not ideology. After several legislative hearings,

Colorado university officials voluntarily adopted a variation of his Academic Bill of Rights to ward off a more muscular one the Legislature was considering.

Colorado has also gone further and adopted a reform that could serve as a model for how to make higher education more accountable to students and the taxpayers which pay its bills. Starting next year, the state will start shifting its higher-ed dollars from direct payments to universities to vouchers that will go directly to students. The idea is hardly radical. It is taken from the GI Bill of Rights, which is widely credited with giving returning veterans a chance at college through a program that won universal acclaim.

Debating such reforms is perfectly legitimate given that about half of the budget of public university systems come from taxpayers. Private universities derive about 35% of their budgets from public money, largely research grants. In addition, much of the student loan and grant money used to pay college tuition flows from taxpayer sources.

Richard Vedder, an economist at Ohio University, argues that its time to scale back taxpayer subsidies to universities and move towards a voucher plan so that schools would have to compete for students as paying customers. That might also end the punishing double-digit tuition increases many schools have been imposing. Our colleges and universities would benefit not only from some intellectual diversity, but also some diversity and competition in how they pay their bills and how students and taxpayers hold them to account.

*Wall Street Journal*, Editorial Page, November 22, 2004. □

#### SUBMISSIONS TO THE SAFS NEWSLETTER

The acting editor welcomes short articles, case studies, news items, comments, readings, local chapter news, etc. Longer items are preferred on a 3.5" (MS-DOS) disk in Word Perfect or Word 95, or by e-mail attachment.

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## PROPAGANDA IN THE CLASSROOM

*Barbara Kay*

Today's column is in part an amateur poll on intellectual harassment in our universities. I'm asking Canada's future educators and lawmakers -- students in, or recent grads from, the humanities and social sciences -- if they're being ideologically brainwashed by their professors. So without further ado: Do you see a balanced ideological perspective in your courses? Does your professor direct you to alternative points of views? Is dissent or diversity of opinion encouraged in discussion? Are Judeo-Christian perspectives denigrated or mocked? Are grades a reflection of the merit of your arguments or conformity with the professor's ideology?

There are already numerous published surveys, polls and journal articles on the indoctrination of students by academics, but none deal with Canadian universities. They all catalogue the near-monolithic domination of the academy by leftists in the United States. For example, one recent study shows that amongst American university teachers, Democrats outnumber Republicans 15 to one. That's on average. In anthropology, Democrats cast 30 votes for every one Republican. Similar results doubtless apply in the faculties of sociology, education, English literature, and women's studies (probably more like 1,000 to one there).

Voting stats aside, there is evidence that leftist views play out in propagandist behaviours. A survey by The American Council of Trustees and Alumni finds almost half of students are exposed to only one ideological viewpoint, with teachers sanctioning none but their political views in class. An ACTA spokesperson comments: "If this were a survey of students reporting widespread sexual harassment, there would be an uproar."

American conservatives are fighting back. The most dynamic amongst them is fiercely anti-Marxist crusader David Horowitz, founder of FrontPageMagazine.com. Horowitz has sponsored an Academic Bill of Rights to protect students from intellectual abuse by radical administrative "educrats" who have enshrined multiculturalist dogma in stifling speech codes at American colleges. He is successfully shepherding the bill's adoption through a gamut of legislative bodies from student assemblies to Congress. Horowitz's advance guard, Students For Academic

Freedom, monitors and exposes classroom bullying, discrimination against conservative guest speakers and the use of extracurricular "clubs" for recruiting students to radical political organizations.

Web sites such as NoIndoctrination.org promote open inquiry in academia, providing "a forum for college students to report courses and programs that in their opinion contain severe bias or amount to indoctrination." A typical testimonial: "Although I received an A in this class, it was ... because I provided the specific politically correct responses in all my papers and exams."

Is the situation in Canada equally dire? University of British Columbia philosophy professor Andrew Irvine notes that there are few funding sources for this kind of research, but that anecdotal evidence suggests most Canadian universities suffer from the same repressive groupthink as their U.S. counterparts. He also notes "a significant bias in Canadian universities against hiring conservatives, especially in the humanities and social sciences." (An exception to the rule is the University of Calgary, where a critical mass of conservative scholars has cultivated an ideologically-neutral oasis.)

University of Toronto psychology professor John Furedy, who has written extensively on the subject of academic freedom, describes a conflict between traditionalists, consecrated to the acquisition of knowledge for its own sake as the university's prime function, and leftist academics, who see both knowledge and the university as instruments for social change. Traditionalists value debate and the disinterested search for truth. Leftists, who prefer to groom disciples rather than empower independent thinkers, are unapologetically partisan. He characterizes the unchallenged political correctness entrenched in campus life today as "velvet totalitarianism."

Unlike the United States, we have precious few institutions to monitor academic freedom in the universities, champion the merit principle and promote ideological neutrality in teaching and hiring practices. One such is the admirably vigilant, membership-funded Society for Academic Freedom and Scholarship ([www.safs.ca](http://www.safs.ca)).

So students (and parents), please send me your responses. Confidentiality is assured. Validate my keen assessment, or shame me for my wildly off-the-

mark rush to judgment: It's your call. Survey 101 results TBA.

*National Post*, Wednesday, December 15, 2004. □

**SAFS LETTER TO PRESIDENT AND VICE  
CHANCELLOR FREDERICK H. LOWY,  
CONCORDIA UNIVERSITY**

October 12, 2004

Dear Dr. Lowy:

I am writing to you on behalf of the Society for Academic Freedom and Scholarship to express our concern regarding the way an invitation to former Prime Minister Ehud Barak of Israel to speak to the Concordia University community has been handled.

As we understand it from several newspaper accounts, the local Hillel chapter was denied by your administration the opportunity to invite Mr. Barak to speak on campus. Based solely on that piece of information various charges have been levelled at Concordia including: attempting to bar Mr. Barak from speaking at Concordia; caving in to a small group of students who threatened (or might threaten) to disrupt or prevent the speech; and of violating free speech and academic freedom at Concordia.

We also understand from your public statement that your administration concluded that the safety of those wanting to attend the presentation could not be guaranteed at a campus venue. In your public statement you explained that Concordia is willing to co-sponsor Mr. Barak at an off-campus site that could be better protected, such as Place des Arts or a hotel.

Unfortunately, the dominant issue seems to have become whether Mr. Barak would be allowed to speak on campus or forced to give his speech at an off-campus venue. If Mr. Barak had been invited, accepted the invitation, and a date for the talk arranged, then we suspect the ultimate location for the talk, even if off-campus, might not have evolved into an important issue. Regrettably the site of the speech has now become a legitimate concern for academic freedom.

The academic freedom issue is that Concordia University has appeared to have lost control of its

campus, and that radical elements within (and perhaps outside of) its jurisdiction seem to be dictating who may be invited to campus to speak and in what venue. This perception, which we hope is not borne out in fact, suggests that normal academic judgement and criteria were not applied with regard to Mr. Barak's invitation. Ultimately, if such a perception persists, Concordia University will lose credibility as an institution dedicated to the advancement of knowledge through a disinterested search for truth. Indeed, at this time it may be very difficult to combat the emerging image of Concordia University as a place that does not protect academic freedom. It is in Concordia University's interest, as well as our democracy's, that the integrity of the Academy is rigorously maintained.

Accordingly, we call upon Concordia University to take positive action to declare its control over academic matters and immediately invite Prime Minister Barak to speak on campus at Concordia. The university should not wait to find a co-sponsor. Instead, Concordia should sponsor this talk through one of its own existent academic speaker programs. If Mr. Barak accepts the invitation and an acceptable date is arranged, then your administration, in consultation with your own security police, the Montreal Police Department, the RCMP, and Mr. Barak's security team should take a fresh look at the security of venues. If the only satisfactory venue at the end of that review proves to be off-campus, then so be it. The important point is that safety issues must be seen to be judged on their own merit and not as smokescreens that undermine academic freedom.

Finally, I note that Harvey Shulman, a member of our Board of Directors, is also a member of the faculty at Concordia. Accordingly, he did not play any role in the writing of this letter.

Sincerely,

Clive Seligman, President

cc: Mr. Alain Benedetti, Chair, Board of Governors  
Mr. Michael Di Grappa, Vice-President (Services)

### **PRESIDENT FREDERICK LOWY'S RESPONSE TO SAFS**

October 25, 2004

Dear Dr. Seligman:

I am writing in response to your letter of October 12. Let me first apologize for the delay in responding. You will appreciate that we have been busy dealing with this situation and other Concordia matters.

As you correctly stated, the dominant issue for some of the media and many academics who have written to us is concern for freedom of expression at Concordia University. Let me assure you that freedom of expression is not at risk at Concordia. We continue to have a vibrant, diverse and open campus.

We have many visiting speakers, including controversial speakers, who address a variety of contentious issues on campus, including various perspectives on the Israeli-Palestinian conflict. However, since the violent protests that prevented Mr. Netanyahu from speaking at Concordia in September 2002, we set up a formal Risk Assessment Committee to examine every proposed event at the University. Their mandate is not to censor the topic or the speaker. Their only mandate is to assess the impact of the proposed event upon the university, its academic programs and our students, professors and staff, irrespective of the politics of the situation or who are the proposed sponsors.

With respect to the proposed speech by Mr. Barak, we concluded that our existing facilities could not accommodate the event safely if there should again be a violent protest. This conclusion was reached after evaluating the advice of local and national police authorities. We then immediately offered to co-sponsor the event with Hillel at a suitable off campus site approved by the police. When Hillel declined to participate in an off campus event we invited Mr. Barak to speak under Concordia auspices and at the University's expense at Montreal's Place des Arts. This is where our convocations are regularly held.

Clearly, a Concordia graduation at the Place des Arts remains a Concordia event. The same would be true of a Concordia sponsored speech by Mr. Barak at the same site. (It is of interest that recently a McGill University event involving a controversial speaker, Iranian Nobel Peace Prize winner Shirin Ebadi was held off campus. I am not aware of anyone expressing concern about academic freedom at McGill as a result.)

Those who accuse Concordia of barring Mr. Barak, or caving in to bullies or violating free speech are well off the mark and, perhaps unwittingly, are demonizing Concordia and perpetuating the false image of an

intolerant campus in discord. Nothing could be further from the truth.

We regret that Mr. Barak refused the invitation to speak at the Place des Arts. Had he accepted, or had Hillel agreed to co-sponsor the speech with the University, Mr. Barak's views would have been heard by all those interested. It is the unwillingness to consider Concordia's legitimate security concerns that has threatened free speech.

It may be of interest to you that we are examining with the help of security experts, what alterations to our campus would be required to permit high level statesmen to speak safely here.

For your interest I attach copies of a column by Henry Aubin in the Montreal Gazette and an article we submitted to the Toronto Star that further explains our position.

Sincerely,

Frederick H. Lowy, MD, OC, LLD  
President and Vice-Chancellor, Concordia University

cc: A. Benedetti ; M. Di Grappa ; D. Frost; D. Murphy; M. Singer; H. Shulman. ☐

#### **SAFS Board Of Directors (2004-2005)**

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## **UQAM GOES THE WAY OF CONCORDIA**

### **EDITORIAL**

What happened at the Universite du Quebec a Montreal yesterday was depressingly familiar. The names and addresses might have changed, but it was the same dreary tale of mob rule and intimidation triumphing over reason and open debate. And in the aftermath, the reputation of yet another Montreal university as a haven of free speech lay tattered in the mud.

This time the mob focused its fury on U.S. ambassador Paul Cellucci, who had been invited to speak to a UQAM think-tank. The goal was not to challenge Cellucci or debate his views, all of which would have been perfectly acceptable and indeed invigorating, but to silence him. And to their shame and the university's detriment, the mob succeeded.

UQAM's administrators, uneasy about their ability to handle the security threat posed by the self-appointed censors of the Bloquez l'empire "collective," cancelled the ambassador's appearance. Another voice silenced, another debate quashed, another defeat for democracy.

This nasty cycle has got to stop. It began when a violent mob forced Concordia University to cancel an appearance by former Israeli prime minister Benjamin Netanyahu in 2002. At first, it seemed Concordia would back down again this year when the same crowd threatened to disrupt a scheduled speech by another former Israeli prime minister, Ehud Barak. But after some hemming and hawing, the university, to its credit, promised to provide a secure locale for him on its Loyola campus.

Still, the ranters and window-smashers have won too many victories, and yesterday's back-down will only embolden them. Hooligans cannot be allowed to decide who speaks on Montreal campuses. And if that means universities have to invest in better security, then so be it.

*National Post*, November 19, 2004. ☐

**PRINCIPLED PROTECTION OF UNIVERSITY  
AUTONOMY THROUGH PUNISHMENT  
VERSUS CONCORDIA UNIVERSITY'S  
COWARDLY CONCERNS OVER SAFETY AND  
CULTURE-OF-COMFORT COMPLAINTS**

*John J. Furedy  
University of Toronto*

When faced with those who wish to disrupt academic freedom through violent means, a university that values its autonomy should use those disincentives and punishments that are available to it.

In this connection, there is a scene near the end of Irwin Shaw's *The Young Lions* that senior university administrators might consider. It is 1945, and an American infantry company has recently liberated a Nazi concentration camp holding Jewish and other European prisoners. The senior rabbi approaches the company's commander, Captain Green, and starts to request that a public religious service (the first) be held to remember the dead. An Albanian inmate and former diplomat interrupts, and says to Green:

"If you allow this gentleman to hold his services, I do not guarantee the consequences. I feel I must warn you. There will be riots, bloodshed. The other prisoners will not stand for it..."

"The other prisoners will not stand for it," Green repeated quietly without any tone in his voice.

"No, Sir," said the Albanian briskly, "I guarantee the other prisoners will not stand for it."

The first part of Green's answer is to the rabbi:

"I am going to guarantee something myself. I am going to guarantee that you will hold your services in one hour in the square down there. I am also going to guarantee that there will be machine guns set up on the roof of this building. And I will further guarantee that anyone who attempts to interfere with your services will be fired on by those machine guns."

Green then adds to the Albanian diplomat: "And, finally I guarantee, that if you ever try to come into this room [Green's office] again, you will be locked up. That is all."

I am not suggesting that universities gun down demonstrators, or even threaten to do so. Still, following the riot that occurred when Netanyahu had been invited to speak on campus in October 2002,

Concordia University could have leveled severe academic penalties (e.g., expulsion, firing) on identified student and faculty perpetrators of what were demonstrably criminal acts. And it could have insisted on pressing criminal charges against those rioters who were not members of its academic community. Instead, the Concordia administration dealt very mildly with a few of the student perpetrators, and pressed no charges against non-student, non-faculty perpetrators. Nor did it offer to re-invite Israel's then prime minister under conditions where police protection was provided *and* intending perpetrators of violence were threatened with all the punishments available to the university.

Concordia's administration is not alone among Canadian universities in adopting this culture-of-comfort policy of giving in to pressures that subvert the university as an institution where contradictory and controversial opinions are discussed. As I have detailed over a decade ago ("Black Thursday, Academic Freedom, and the Comfort Criterion in Canadian Universities: The UNB and McGill Cases", *SAFS Newsletter*, 1993, 5), McGill's administration and its department of psychiatry failed to re-schedule a lecture on the false-memory syndrome that was offensive" or uncomfortable to some ideological feminists who succeeded in disrupting the lecture.

The latest public position of Concordia's administration on the Barak invitation has been to argue that "safety" concerns were prevalent, and that it took the advice of a committee in charge of safety in withdrawing the invitation to Barak to speak on the university's campus, but it did offer to schedule the talk in an off-campus locale.

There have been those who have argued that whether a talk occurs on campus or off campus does not constitute a significant difference in terms of a university's commitment to freedom of speech. They hold that the pro-Israel groups who went public and broke off negotiations on the basis of the place of the speech rather than its content were interested in scoring a political, rhetorical victory, rather than in defending free speech. This, essentially, was the position taken by the Concordia administration in replying to SAFS [whose official statement urged Concordia to immediately re-invite Barak, but implicitly recognized some merit in Concordia's "safety" concerns and did not insist on Concordia's obligation to hold the talk on its campus (<http://www.safs.ca/concordiaumain.html>) or see SAFS letter to President Lowy, this issue, p. 6.

Despite these complications, the fact remains that between the Netanyahu and Barak episodes, there have been a number of on-campus talks by controversial speakers who are not perceived as being pro-Israel. This differential treatment constitutes prejudice (here, that of anti-Semitism) even if of a relatively moderate form. It is akin to those legislators (“administrators” of broader society) in the southern United States who used to favor letting blacks on the bus, provided that they sat in the back of the bus. And, to refer to the Shaw scene I cited at the outset, it is as if the Concordia administrators would have preferred Captain Green to take the Albanian’s advice on “safety” grounds, and thereby to avoid the diplomat’s predicted riots and bloodshed.

More recently, B’Nai Brith went to the Canadian Human Rights Commission, charging the Concordia administration with creating an “uncomfortable” climate on campus for its Jewish students. Soon after this event (which, of course, opened the possibility of legal charges against the administration), the Concordia administration announced that it had, after all, found a “safe” place for Barak to speak on campus in 2005, and re-issued an invitation to him.

In my view, this further confirms that the Concordia administration responds to culture-of-comfort considerations and legal threats, rather than to the sort of appeal to principle that SAFS had issued immediately after the Barak affair had been made public. And while the B’Nai Birth actions may have been admired by some pro-Israel pressure groups, I am not among the admirers, even though, as a holocaust survivor and a fan of open societies, I am a strong supporter of the democratic state of Israel.

My personal opinions, however, are of little consequence. What I am concerned about, as a member of the academic community which should defend the principles of academic freedom for both faculty and students, is that the university, as an institution, should not bar the expression of any opinion on the grounds that it offends a group of people who threaten to perpetrate violent acts, rather than offering arguments to refute that opinion. Appealing to Human Rights Commissions on the grounds Jewish or any other students *feel* uncomfortable in the face of opinions they dislike simply reinforces the velvet-totalitarian (see, e.g., “Velvet totalitarianism on Canadian campuses”, *Canadian Psychology*, 1997, 38, 204-211, and 255 –

256), culture-of-comfort assumptions that many Canadian campuses have recently adopted.

There has been altogether too much yielding by Canadian campus administrators to this culture-of-comfort approach. Most administrations have created campus speech codes (that go beyond Canada’s hate-speech laws). Again, there is an ever-growing equity-officers bureaucracy that seeks to influence the curricula in terms of anti-academic considerations such as “inclusiveness”, “diversity”, and the “warming” of certain “chilly climates”. These actions are contrary to the basic epistemological principle that should underlie all higher education—that both faculty and students, i.e., the academic community, is devoted to the search for truth. And if, in the course of that search, doctrines are advanced that are clearly wrong, those doctrines should be censured through contrary arguments, rather than being censored on the basis of safety or comfort. Hence I would have been much more impressed by Concordia’s devotion to the principles of academic freedom had it immediately accepted SAFS’s advice to re-invite Barak, rather than wait until it was threatened by a political pressure group.

I think that, basically, the Concordia administration has shown, both in the prior Netanyahu case and the current Barak affair, that its behavior is driven less by a principled protection of university autonomy as espoused by organizations like SAFS, than by cowardly concerns over safety and culture-of-comfort complaints made by political pressure groups. By their deeds will they and Concordia’s administration be judged. ▯

## ELMASRY CASE:

### ISRAELIS LEGITIMATE TARGETS, CANADIAN MUSLIM SAYS:

Comments By Islamic Congress Leader Anger  
Jewish And Other Muslim Groups

*Marina Jiménez*

All Israeli citizens over the age of 18 are legitimate targets for suicide bombers and other attacks by the Palestinian "resistance," the president of the Canadian Islamic Congress says, a view that has outraged other Muslim organizations as well as Jewish groups.

Mohamed Elmasry believes that because all Israeli

men and women must serve in the country's army, they are fair targets for suicide bombings and other "low-tech" weapons Palestinian militants may deploy.

He reiterated his position, first broadcast last Tuesday on The Michael Coren Show, an Ontario weekday current-affairs program on Crossroads Television System, in an interview with *The Globe and Mail* yesterday.

"Israel has a people's army and a draft and therefore they should be considered legitimate targets. They are part of the occupying power, and Palestinians consider them targets for suicide bombers as well as other means," Mr. Elmasry said.

"It's similar to any political struggle where there is an occupying force and occupied people. For example, the Algerians against the French, the Greeks against the Turks, the French [resistance] against the Germans. You have to put it in that context . . . the occupied are using every means available to them including low-tech weapons such as rocket attacks."

He said suicide bombers, who often target civilians on buses, in restaurants and nightclubs in Jerusalem, Tel Aviv, Haifa and other cities, have "mismanaged the resistance.

"Suicide bombings is a technique they are using out of desperation. It's not for me to say if it's okay or not. In the final analysis, it has done more harm than good," Mr. Elmasry said.

All Israeli citizens must serve a term of three years in the army, and then be in the reserves. Mr. Elmasry acknowledged that it is impossible to know which Israelis are currently serving as soldiers, but said out of uniform military personnel at bus stops are legitimate targets.

The Canadian Jewish Congress called Mr. Elmasry's position an invitation to murder all Israelis, regardless of who they are or what they have done. "Their nationality is apparently their crime," said Ed Morgan, the group's national president. "The same logic that endorses targeting Israeli civilians in their home country might equally apply to Israelis visiting Taba, Egypt; or Mombasa, Kenya; or Buenos Aires, Argentina; or, for that matter, Montreal or Toronto."

Several Muslim groups including the Muslim Cana-

dian Congress, the Council on American-Islamic Relations Canada (CAIR-CAN) and the Muslim Lawyers Association denounced Mr. Elmasry's views as well, saying this line of reasoning harms the interests of Palestinians, of Muslims in Canada, and could lead to the loss of innocent lives. "Under international law, Palestinians have the right to armed resistance to an occupying army, but you can't kill civilians and we don't support suicide bombings," said Tarek Fatah, co-founder of the Muslim Canadian Congress. "To say something so hateful will only reinforce negative stereotypes about Muslims."

Riad Saloojee, with CAIR-CAN, noted that under international law, occupied people have the right to resist occupation, but this precludes the targeting of civilians. "Suicide bombings that target civilians also lead to a diminution of the value of human life," he said.

Irfan Syed, a lawyer invited to the Oct. 19 Coren show with Mr. Elmasry to discuss the topic "What is a terrorist," said he and fellow-panelists Peter Merrifield, a terrorism and security consultant, and a B'nai Brith representative, were all stunned to hear Mr. Elmasry's comments. The show's host, Mr. Coren, gave him several chances to clarify his views, he said.

"His comments taken at their plain meaning are unacceptable. They are not the position of our faith and do a disservice to both his organization's work and the Muslim community interests in general," said Mr. Syed, chair of the Muslim Lawyers Association.

Mr. Coren was also surprised: "I have met and interviewed hard line Palestinians . . . but I have never heard anyone say that every Israeli everywhere is a legitimate target."

Mr. Elmasry, a computer engineering professor at the University of Waterloo, in Ontario, said his views are his own, although he was invited on the show in his capacity as head of the Canadian Islamic Congress, which he says represents thousands of Muslims.

"Other members of the organization are free to disagree with me," he said. "We don't have a formal statement on whether armed resistance in particular in the Israel-Palestinian issue is a good idea."

Other executive members of the organization, which has no full time salaried staff, were not available for comment yesterday.

Mr. Elmasry, an occasional columnist for *The Globe and Mail*, has written about the role of the Muslim vote in the recent federal election, and the increased scrutiny of Muslims since the terrorist attacks of Sept. 11, 2001.

His organization also conducts an annual survey measuring "anti-Islam" bias in Canadian media outlets through their use of anti-Muslim phrases including "Islamic terrorist" and "jihad militant." Mr. Elmasry singled out the *National Post* as having a pro-Israel bias, but said yesterday this bias extends to most Canadian news organizations, including *The Globe and Mail*.

*Globe and Mail*, October 23, 2004, page A22.

### COMMENTARY REGARDING ELMASRY AT UNIVERSITY OF WATERLOO

*Jan Narveson  
University of Waterloo*

I have been somewhat acquainted with Dr. Elmasry over the years. I'm rather sorry he's got himself into this mess, but in another way, I'm very glad, for it will help clear the air - a lot, I hope. I don't think Elmasry REALLY meant to say what he is said to have said - whatever he did say. The interesting, and serious, point is that what he said could, without grave injustice, be so readily interpreted as implying just what the newspapers did trumpet across the land. This has forced him to retract - except 'forced' of course is not literally correct. What is correct is that the plain evil of the view ascribed to him wasn't obvious enough to him when he said what he did to keep him from saying it. I hope that from now on, the air will be clearer.

We know that in too many places in the world, coming right out and saying, in so many words, just what he is alleged to have said would be thought perfectly OK, and even greeted with pretty general enthusiasm.

There is little hope for peace in the middle east, or really anywhere, so long as people are ready to think that such things are "OK." It does not take a lot of thought to see why. Wars are bad enough, but "wars" in which the distinction between combatants and noncombatants is simply ignored by one side are far, far worse. Dr. Elmasry surely knows that.

He should also surely know that the basis for our common human morality has NOTHING to do with Islam in particular. It is independent of religion, and must be understood to be so. Nobody should be allowed to get away with proclaiming that it is only wrong to murder people because Jehova, or Allah, or any of the indefinite number of candidates for a similar position, just happened to feel like taking that view. And the sooner this is generally understood, the better.

Should professors of chemical engineering be fired for fall afoul of that? No. But professors of anything, need to learn this conceptual lesson, and it would not be a bad idea for universities to afford occasion for the lesson to be broadcast and emphasized, fairly frequently.

### EXPECT ELMASRY TO GET AWAY WITH OUTRAGE

*Rory Leishman*

The hate-crime investigation underway by the Halton Regional Police against Mohamed Elmasry, the president of the Canadian Islamic Congress, is both wrong and pointless.

This is not to suggest that Elmasry is innocent of hate-mongering. Quite to the contrary: Nothing could be more clearly and incontrovertibly hateful than his monstrous assertion on the Michael Coren television show that all Israeli citizens over the age of 18 are fair targets for assassination by Palestinian suicide bombers.

Granted, Elmasry now claims that he "was presenting not his own views -- but those of a significant segment of Palestinians under occupation." But this excuse will not wash. In an interview with the *Globe and Mail* three days after the television show, he reiterated as his own the view that all adult Israelis are legitimate targets for death. "Israel has a people's army and a draft," he argued, "and therefore they should be considered legitimate targets."

Section 319 of the Criminal Code provides that every one who, by repeated public statements, willfully promotes hatred against any section of the public distinguished by colour, race, religion, ethnic origin or sexual orientation is guilty of an offence punishable by up to two years in prison. On the face of it, the crown

should have no difficulty in proving Elmasry's guilt under this section.

Nonetheless, Elmasry can rest easy. Section 319 includes a special provision stipulating that a hate-propaganda charge can only proceed with the consent of the attorney general. Given that Elmasry is the most prominent Muslim spokesman in Canada, it's most unlikely that the McGuinty Liberals will consent to having him prosecuted for hate propaganda.

Evidently, Elmasry also has nothing to fear from the Canadian Human Rights Commission. So far our national thought police have shown no disposition to cite him for violating the ban in section 13(1) of the Canadian Human Rights Code on the repeated communication on television or over the internet of "any matter that is likely to expose a person or group of persons to hatred or contempt" by reason of that person's or persons' "race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted."

Canadians who insist that Elmasry should be indicted for propagating hatred and contempt for Israelis ought to ponder the implications: In the heat of debate over Palestinian terrorism, who might be charged next?

Alan Borovoy, general counsel for the Canadian Civil Liberties Association, cites several questionable hate-propaganda proceedings in his book *The New Anti-Liberalism*. For example, in the 1980s, an Arab organization charged a mainstream publisher with promoting hatred for Arabs by publishing the *Haz*, a pro-Zionist novel by Leon Uris.

No one has yet been convicted in a dubious hate-propaganda case, but that's no reason for complacency. Borovoy warns: "Freedom of speech is undermined not only by the convictions that are ultimately registered but also by the prosecutions that are initially threatened. If we cannot speak our minds publicly without the fear of facing a criminal charge, we are not enjoying a meaningful freedom of speech."

Note that Borovoy is referring only to prosecutions for so-called hate propaganda. He agrees that anyone who crosses the line into outright subversion or incitement to violence should be charged, prosecuted, convicted and jailed under the pertinent provisions of the criminal code.

What, then, should be done about the likes of Elmasry? The best remedy lies with decent citizens: They should unequivocally denounce his hateful views. They should cut off relations with him. They should warn others against him and advocate the withdrawal of all honours from him.

Stockwell Day has done his part, by calling upon the Canadian Islamic Congress to fire Elmasry as president. Day has also observed that many Canadians fear "that Muslims in general accept the view that slaughtering the innocent is acceptable. Unless this guy is unceremoniously punted out of his position and unless there are very strong and clear statements refuting what he says, then that fear that many Canadians have will unfortunately grow."

Meanwhile, the board of directors for the Canadian Islamic Congress has unanimously refused Elmasry's resignation.

*London Free Press*, November 2, 2004.

## **UNIVERSITY DECIDES NOT TO DISCIPLINE ELMASRY**

*Nicholas Kohler*

Mohamed Elmasry, the University of Waterloo professor who told a television talk show host that targeting Israeli civilians was an acceptable course of action, will receive no disciplinary action from his employers. Mr. Elmasry's remarks last month sparked widespread condemnation and triggered a review by the university's dean of science, George Dixon. "These statements are in my view entirely unacceptable and inconsistent with the values of inclusiveness and tolerance for which the University of Waterloo stands," Dr. Dixon said in a statement yesterday. Acknowledging Mr. Elmasry's retraction and apology, Dr. Dixon concluded that "no formal discipline will be imposed." In a letter addressed to the dean, Mr. Elmasry, a computer engineering professor who is also national president of the Canadian Islamic Congress, wrote: "The statements were an aberration. It has always been a core belief of mine that killing civilians – any civilians for any cause, is an immoral act."

*National Post*, November 18, 2004, page A18. □

## UNH STUDENT ALLOWED TO RETURN TO DORM

*Brian Dekoning*

DURHAM Timothy Garneau can move back in to a University of New Hampshire dorm and stop living in his car after school officials dropped further sanctions imposed on him for joking about female freshmen gaining weight.

The UNH sophomore said yesterday that Esther Tardy-Wolfe, director of UNH's Judicial and Mediation Programs Office, told him he can relocate to Gibbs Hall but not move back in to his former dorm, Stoke Hall. "I wish I was back in my original room but at the same time, it's a relief to be somewhere to be able to put your clothes in a drawer and be able to sleep somewhere," Garneau said yesterday.

Citing federal privacy law, UNH officials have declined to comment on Garneau's case. UNH President Ann Weaver Hart maintained that position yesterday.

Garneau has been living in his 1994 Ford Contour and staying with friends since he was banned from campus housing Oct. 24 for posting fliers in his Stoke Hall dorm on Sept. 3 that read, "9 out of 10 freshman girls gain 10 - 15 pounds. But there is something you can do about it. If u live below the 6th floor takes the stairs Not only will you feel better about yourself but you will also be saving us time and won't be sore on the eyes."(sic)"

Garneau, 20, of Berlin, said he made the fliers as a joking way to bring attention to annoying waits for the Stoke elevator. He lived on the seventh floor and said students taking the lift one or two floors were causing waits as long as 10 minutes.

UNH's Judicial & Mediation Programs Office initially found Garneau responsible for harassment, disorderly conduct, violating affirmative action policies and lying. Garneau ultimately enlisted the help of the Foundation for Individual Rights in Education, a nonprofit that protects free speech at colleges.

UNH denied Garneau's first appeal of the charges but made an unusual move last week to drop all but the lying charges against Garneau and informed him that he would be eligible for campus housing if he did not

appeal the finding.

UNH also imposed sanctions against Garneau, including probation through May 30, 2006, a mandatory ethics meeting with a judicial office official by Nov. 15, counseling, and writing a 3,000-word reflection essay.

Garneau appealed the decision that found him responsible for lying and UNH responded yesterday, notifying him that they still found he lied but that Garneau can live on campus and does not have to write the essay or attend counseling, according to Greg Lukianoff, FIRE's director of legal and public advocacy.

"This is certainly a victory for students' rights," Lukianoff said yesterday. "We started with a case where a student was living out of his car for posting a flier and in the end he can move back in to a dorm."

Garneau, a political science major who hopes to become a lawyer, said he hoped his case would make UNH and other colleges review policies that might violate students' rights in order to promote political correctness.

"I know they'll look at their policies and make sure they're not violating anybody else's rights," he said.

*The Union Leader*, November 4, 2004. □

## APA SYMPOSIUM ON IRBS: PROTECTING SCIENCE AND ACADEMIC FREEDOM FROM INSTITUTIONAL REVIEW BOARDS

*Kurt Salzinger  
Hofstra University*

The title of this symposium undoubtedly tells a lot about the tenor of the papers that were presented at the last APA convention to a very large audience of 60 interested psychologists. A quick show of hands found many of them were members of Institutional Review Boards (IRB's). Kurt Salzinger introduced the symposium by quoting the oft-heard maxim that "the road to hell is paved with good intentions." IRB's seem a prime example of this maxim.

The first speaker was Harold Takooshian of Fordham

University, who discussed: "IRB's: An impressive solution to a non-problem." Maintaining that at best IRB's are "well intentioned specialists in ethics and methodology" who can help the researcher do his or her work in an ethical manner; he also maintained, however, that "at worst, panels of nonexperts with dubious motives" who can delay or even prevent good work from taking place. He drew on his own years of experience with IRB's (as a researcher, IRB member and chair), as well as on the experiences of others to conclude that the current "best practices" approach is truly inadequate; researchers today require a "bill of rights" to protect them from both politically correct language and "abusive" IRB's.

The second speaker, John Mueller of the University of Calgary presented a paper titled: "Best practices: What perspective, what evidence?" Dr. Mueller applied the criteria for assessing an article for publication to determine the worth of an IRB. Essentially, Dr. Mueller found no data to support the work of IRB's; he found no evidence of need or of benefit; furthermore, he pointed out that changes to what IRB's are doing have been small each time they have been instituted but over time and collectively they have been large in effect in interfering with research.

The third speaker, Richard M. O'Brien of Hofstra University presented a paper titled: "Galileo 1 - - Pope Urban 0: How we learned to limit our IRB." This author who has worked as a member of the local IRB for many years was able to limit the arbitrary power of the IRB by forcing the administration to accommodate IRB practices to the AAUP Collective Bargaining Agreement. Although federally funded research had to follow federal guidelines, requiring unfunded research to be approved by the administration was viewed as a violation of the academic freedom guarantees of the faculty union contract. In effect, this accommodation provided the faculty with an appeals process for unreasonable IRB decisions through the contract grievance procedures. The author recommended that other university faculties employ the same or similar means to contain the research-unfriendly activities of IRB's.

The fourth speaker, John J. Furedy of the University of Toronto presented a paper titled: "Taxonomic chaos in the Canadian Bioethics industry: Après moi la deluge." Tracing a 10-year history in Canada of "raising ethical standards in research," this author pointed to such research-interfering ideas coming out of their considerations as allowing subjects to withdraw the

data collected by experimenting with them, based on their dislike of the investigator's hypotheses. He also called attention to the fact that while senior researchers might have some chance of battling the unreasonable demands of IRB's, younger researchers are at a distinct disadvantage in disagreeing with IRB's with the consequence that future research might suffer even more than the research planned currently.

The discussant, Kurt Salzinger of Hofstra University, described what he called a series of complexities that must be considered in judging whether the IRB's are doing the job they are supposed to be doing, namely of protecting the subjects that are studied. After reviewing all of the complexities, the author came to the conclusion that the best solution to making certain that no harm comes to subjects in experiments, particularly in social and behavioral experiments, is to use the same protective strictures as are employed for the professions. Thus lawyers, psychotherapists, physicians, accountants, masseurs, police officers, and fire fighters, etc. all are required to behave in an ethical manner without having to first submit their planned activities to a board of experts and nonexperts that determines whether that planned procedure is ethical. Unethical behavior is dealt with if it occurs rather than in anticipation of it occurring. Those interested in IRB's and academic freedom can learn more about the Society for Academic Freedom and Scholarship by checking its website, [www.safs.ca](http://www.safs.ca).

Contact: Kurt Salzinger ([psykzs@hofstra.edu](mailto:psykzs@hofstra.edu)).

The General Psychologist (2004), Vol. 39, 17-18. A publication of the Society for General Psychology, Division One of the American Psychological Association. □

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*Clive Seligman, President.*

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