Harry Crowe Foundation Conference 'The Limits of Academic Freedom'

The Harry Crowe Foundation Conference 'The Limits of Academic Freedom' was held 1-3 February 2013 in Toronto. The Foundation was established in 2002 by CAUT to carry out education and research on the role of post-secondary teaching and research in contemporary society, named after the person whose academic freedom case gave rise to the CAUT. The conference heard from 22 speakers and drew roughly 95 participants, including eight YUFA members. The conference papers will ultimately be collected in an edited volume. In addition and in the meantime, summaries of the presentations and discussions by the YUFA participants are offered below.

OPENING ADDRESS: "ACADEMIC FREEDOM -- A CONTESTED CONCEPT"

SPEAKER: JON THOMPSON – PROFESSOR EMERITUS, UNIVERSITY OF NEW BRUNSWICK
Notes contributed by Penni Stewart

The opening address of the Conference was given by Jon Thompson, Emeritus Professor of Mathematics and Statistics at the University of New Brunswick. As YUFA members may recall, Professor Thompson gave important expert testimony on academic freedom issues in the 2007 Arbitration on Academic Freedom involving Professor David Noble. More recently, he is the author of *No Debate. The Israel Lobby and Free Speech at Canadian Universities (2012),* a report of a CAUT sponsored inquiry into a conference held at York.

Professor Thompson began by noting that the "issue of limits may be as old as the concept of academic freedom." The topic remains perennially important and even more so today as neoliberal attacks on academic freedom grow in ferocity. In response, the Canadian Association of University Teachers (CAUT) has developed a comprehensive policy which recognizes academic freedom as an individual right with no explicit limits. Although Professor Thompson noted that one important, albeit implied, limit is that "members of the academic staff do not have a right to limit the freedom of other members of the academic staff." Key elements of CAUT Policy include: Freedom of research and publication; freedom of teaching; freedom of intramural speech and freedom of extramural speech. In contrast to the CAUT Policy, a 2011 Statement on Academic Freedom developed by the Association Of Universities of Canada (AUCC) puts forward a far narrower view of academic freedom.

For Canadian academic staff, the expansive idea of academic freedom can be traced back in part at least to a 1958 CAUT inquiry conducted by Professors Vernon Fowke and Bora Laskin. It arose from the firing of Harry Crowe, a professor who had written a letter to a colleague criticizing his university administration and religion. In Thompson's words "the 1958 dismissal of Harry Crowe (who later became Dean of Atkinson College) by United College – an institution with religious aims – polarized the City of Winnipeg and galvanized CAUT." Fowke and Laskin argued that academic freedom ought to include the right to criticize an employer and to "not be limited by the religious aims of the institution."

There is no end to the various methods by which academic freedom has been limited. Using examples from recent and historical cases, Thompson described how the law has been used in cases such as that of Lee Lorch, emeritus Professor of Mathematics at York, who was fired from several American universities because of his opposition to segregation and other racist policies. Institutional autonomy has also been used to suppress academic freedom by punishing internal critics. Colleagues also oppress and limit each other. A key theme picked up in several later papers was the way in which disciplinary orthodoxies or norms have been used to restrict the rights of academic staff to pursue teaching or research unfettered from collegial discipline.

Thompson ended with a warning about the importance of defending intramural and extramural expression both of which are coming under renewed attacks through policy such as the AUCC 2011Policy on Academic Freedom. Especially, academic staff must defend and mobilize around the right to speak out as public intellectuals.

PANEL I: ACADEMIC FREEDOM AND PROFESSIONAL NORMS

JOAN WALLACH SCOTT – HAROLD F. LINDER PROFESSOR OF HISTORY, INSTITUTE FOR ADVANCED STUDY

MARK GABBERT – HEAD, DEPARTMENT OF HISTORY, UNIVERSITY OF MANITOBA

MATTHEW FINKIN – ALBERT J. HARNO AND EDWARD W. CLEARY CHAIR IN LAW, UNIVERSITY OF ILLINOIS
Notes contributed by Mina Singh

Penni Stewart read the paper submitted by Joan Wallach Scott, Harold F. Linder, Professor of History. In this paper, the focus was that academic freedom (AF) is more an individual right. AF is a contract between public and the university. The tensions of disciplinary regime, orthodoxy and individual thinking were discussed. Disciplinary committees have power dynamics. The concepts of discipline and disciple as synonyms and antonyms were discussed, as well as there cannot be a prototype of history or historian. Paul Carrington's work on "Critical Legal Studies" was highlighted and viewed as disrespectful and irreverence for a discipline. AF can suppress innovative thinking.

The second presenter was Mark Gabbert, Head, Department of History, University of Manitoba. In this talk, AF as an institutional right was the focus. What type of speech in the classroom or extramurally violates AF? The case of Angela Davis in 1960's/70's, her involvement in communist party resulted in her being barred from teaching at universities in California. How does one separate AF from political freedom? AF, is it freedom from institutional censorship? Emphasis on norms is very popular with the employer. We have Freedom to Teach, so long as the course is in the right key, reference was made to tuning the degree programs. What are the norms/ Who gets hired, and who does not? Is there a reverence for norms by the institution? Should those who are unfit for the norm be fired? The notion of benevolent interference was discussed, and the cases of the librarian being sued for opinions on a publishing company and Ward Churchill were illustrated.

The third speaker was Matthew Finkin, Albert J. Harno and Edward W. Cleary Chair in Law, University of Illinois. Are we just reiterating reflexive piety? The discipline of economics was used as a sample to showcase changes in a discipline. Also the issue of ghost writing, and the legal/ethical aspects were discussed. Commercialization, internationalization and profitability are creeping into tenure and promotion files.

PANEL II: ACADEMIC FREEDOM AND INSTITUTIONAL AUTONOMY

LEN FINDLAY – PROFESSOR OF ENGLISH, UNIVERSITY OF SASKATCHEWAN; PRESIDENT, ACADEMY I, ROYAL SOCIETY OF CANADA

PATRICK DEANE – PRESIDENT, MCMASTER UNIVERSITY

DAVID RABBAN – DAHR JAMAIL, RANDALL HAGE JAMAIL AND ROBERT LEE JAMAIL REGENTS CHAIR IN LAW, UNIVERSITY OF TEXAS
Notes contributed by Richard Wellen

The session on "Academic Freedom and Institutional Autonomy" demonstrated how debate about the university's social independence and self-governing status can expose rival conceptions of academic freedom. In order to

understand these issues it is useful to consider CAUT's own "Policy on Academic Freedom" which emphasizes the distinction between institutional autonomy and academic freedom.

The CAUT policy acknowledges that academic freedom can be protected by institutional autonomy insofar as the latter asserts the independence of post-secondary institutions from "outside influence" such as the state or the market. But institutional autonomy can also be used to justify actions, policies and governance arrangements that may limit the academic and expressive freedom of faculty members, either directly or indirectly. This is why the CAUT policy proposes that "the employer shall not abridge academic freedom on any grounds, including claims of institutional autonomy." In many of the panel discussions the question emerged of whether and to what extent universities – as self-governing social institutions - have the right to regulate allegedly inappropriate or offensive speech or behavior by professors in their teaching, research or in their other professional and extra-mural activities. Are there circumstances in which it is legitimate for universities to demand that professors refrain from criticizing or dissenting from the mission or policies of their institutions? Would our answer to this question differ in the case of universities with a denominational mission? In all of these cases CAUT's policy favours the individual and professional autonomy of professors over institutional autonomy.

CAUT's policy is not shared by all influential voices in the academic policy community. For example, The Association of Universities and Colleges of Canada (AUCC) has issued a recent revised policy statement assigning clear priority to institutional autonomy, asserting that academic freedom must be based on the freedom of universities to "set their research and educational priorities." In his presentation, David Rabban, a professor of Law at University of Texas, showed how a similar conception of the primacy of institutional autonomy has developed over time in Supreme Court jurisprudence in the U.S. Since the 1970's constitutional support for academic freedom has been defined in terms of the right of the institution to determine and administer its mission. Although this conception of academic freedom has been used by U.S. courts to uphold affirmative action admissions policies it can also have the effect of limiting the freedoms of individual faculty members. Rabban therefore emphasized the importance of faculty organizing and bargaining to protect academic freedom through their unions and associations.

Threats to academic freedom do not always operate directly through administrative decisions or denials of tenure targeted at controversial or unpopular professors, and so on. Such threats also operate through socio-economic forces and agendas which may be implicit in commercialization initiatives, reliance on external donations and the political and economic pressure to prioritize marketable activities. Len Findlay, CAUT Chair of Academic Freedom and Tenure gave a potent account of how neo-liberalism has led to a profound shift in the practical and cultural dimensions of academic life. He noted a chill on faculty activism on campuses and a growing displacement of collegiality by careerism. Moreover, the fact that so many academic staff are now employed on a "precarious" contract basis creates a structural obstacle to academic freedom as does the constant state of fiscal emergency which is used to justify a greater managerial style of governance. In Findlay's narrative of resistance academic freedom is strongly tied to the right of faculty to be involved in solidarity campaigns with social movements and to bring advocacy into their work.

Patrick Deane, President of McMaster, saw the financial pressures facing university administrators as amplifying the conflict between institutional autonomy and academic freedom. Deane was particularly frank in his portrayal of the fate of academic freedom in a time of fiscal restraint. He worried about the impact of targeted government funding in reshaping the university, which in his view constrains both institutional autonomy and academic freedom, often to the detriment of the larger society. As a university president, Deane made an impression by passionately defending individual academic freedom, especially faculty members' rights to criticize their institutions. At the same time, he saw the balance between institutional autonomy and academic freedom as a

practical matter, suggesting that academic freedom is not meant as a freedom enjoyed for its own sake, but rather as part of a context-specific bargain with society.

PANEL III: ACADEMIC FREEDOM AND RELIGIOUS BELIEF

JOHN BAKER – PROFESSOR OF PHILOSOPHY, UNIVERSITY OF CALGARY

WILLIAM BRUNEAU – PROFESSOR EMERITUS OF EDUCATIONAL THEORY, UBC

GERALD GERBRANDT – PRESIDENT EMERITUS, CANADIAN MENNONITE UNIVERSITY

JOHN WIENS – FACULTY OF EDUCATION, UNIVERSITY OF MANITOBA
Notes contributed by Richard Wellen

A later session on academic freedom and religion provided another platform for looking at the tension between institutional autonomy and academic freedom. Several of the speakers explored the issue of "faith tests" at universities with a denominational mission and whether they were consistent with academic freedom. The break out sessions featured a broad ranging discussion on threats to collegial governance that pose a systemic threat to academic freedom and how faculty associations could respond to them. Many agreed that the major challenge lay in the fact that universities are not independent of broader social and economic forces and that, as professors, we have to contribute to the public policy debate on the role of the university. We have to make the case, for example, that universities cannot be governed well if they are managed like a business. The most hopeful observation was that most university administrators would agree that universities can't do what they do well unless academic freedom is protected.

PANEL IV: ACADEMIC FREEDOM AND EQUITY

RICHARD MOON – PROFESSOR OF LAW, UNIVERSITY OF WINDSOR

ANVER SALOOJEE – PROFESSOR OF POLITICAL SCIENCE, RYERSON UNIVERSITY

DAVID SCHNEIDERMAN – ASSOCIATE PROFESSOR OF LAW, UNIVERSITY OF TORONTO
Notes contributed by Eve Haque

RICHARD MOON (WINDSOR)
In his presentation, Moon focused on the issue of speech stating that in fact there were few limitations to speech outside of hate, obscenity and defamation laws. Thus, the issue with speech is most often adjudicating whether it is hurtful/offensive; however, there are few legal rules around this. Of course there are such things as civility standards but these are most often cultural or conventional standards and therefore can vary. Often speech is angry, frustrated or emotional but this may be necessary for effect. So, Moon's question was: what standards of civility should we have?

He outlined that rules vary according to institutional context; 'civil' discourse (ie. politely stated, etc.) may still be racist/misogynist. So, he asked, should there be enforceable standards of civility and respect on campus, or is the campus similar to the larger public sphere and therefore governed only by the laws/legislations that apply to the public arenas. Obviously the classroom is a different sphere (ie. not public) because there is a captive audience and an acknowledged hierarchy and set of responsibilities. The question here is about speech outside of the classroom; that is, should racist, sexist and homophobic speech (even if not extreme) be limited on campus?

Obviously as a community, the university has structures of power/hierarchy that members may want to challenge. So the question emerges: what is the role of administration in these instances? Some examples that Moon raised

included the case of Israeli Apartheid Week and the heavy handed tactics used by administration to try to shut down their events. These include the uneven application of draconian campus space and security allocation rules (examples include University of Toronto among others), the banning of posters and the monitoring of professor's office doors during IAW (example: Carleton President Roseann O'Reilly Runte's famous campus ban of the IAW poster, which was a strategy then copied by many other universities).

Moon referenced a report by the unofficial Parliamentary committee called the Canadian Parliamentary Coalition to Combat Anti-Semitism (which conflates the criticism of Israeli state policies against Palestinians with anti-semitism). This report, he stated, identified Canadian University campuses as a key site of these discourses and this in turn has made IAW a flashpoint for the development of speech regulations on campus and heavy handed prophylactic responses by administration (often disguised as codes for civil speech, space allocation for events, etc.) which carry very high costs for academic freedom. Moon concluded by emphasizing that we have to defend the scope of public debate on campuses.

ANVER SALOOJEE (RYERSON)

Saloojee spoke about how Academic Freedom (AF) as it is conceptualized in the Canadian Academy (including the CAUT definition of Academic Freedom) is rooted on 19th century liberalism. However, he noted that AF has always been subject to prevailing sociopolitical conditions of its era as well. Thus, AF is historically contested and socially constructed. Saloojee's focus was on the relation between the right to AF and the right to freedom from discrimination.

He began by outlining his central thesis that discrimination, harassment and a poisoned work environment erodes AF for many and therefore these practices should not be able to hide behind the cloak of AF. Rather, he called for a reimagining of AF in light of other freedoms in order to advance the cause of the social good. In light of these statements, Saloojee asked how we could reconcile AF with the increase in diversity on university campuses.

Saloojee asked us to recall that in the early period of liberalism, there was not a concept of harm which, for example, included women. Therefore, our conception of public good is always changing. Furthermore, the opening up of universities in North America in the wake of anti-colonial and civil rights movements has meant a dramatic increase in the diversity of our university campuses and the diversity of knowledges that are brought into the academy.

Saloojee cautioned against the current narrow conception of public good to what is only good for the taxpayer as opposed to a larger understanding of the social good. This has led to the predominance of the academy as a 'marketplace' of ideas where we are positioned as consumers who can cherry pick the ideas we like, as if ideas are located outside of power relations. Saloojee states that this is exemplified in the case of Philippe Rushton whose AF freedom to publish his racist 'research' was vigorously defended by CAUT. In this case, Saloojee stated, we are told that more speech is what is required, in keeping with the 'marketplace of ideas' conception of the academy. Saloojee, who is a long serving CAUT executive member and a member of the CAUT AF committee, stated that if a case like Rushton were to come to CAUT today, he would resign before he would agree to endorse CAUT's defense of such a case as he believes that CAUT's position on Rushton is one that harms the public good.

Saloojee stated that with freedom comes a responsibility to social justice. Historically marginalized groups have through great struggle recently been gaining access to the academy and in turn have challenged exclusionary practices at various levels of the institution. This means that the question of freedom from discrimination with respect to AF has become even more acute. Saloojee is clear: the practice of discrimination poses the greatest

threat to AF. We must also be aware that there are a host of our colleagues who have no practicable rights to AF given their contingent status.

In the present, AF needs reshaping to reflect current social and political values. AF must be located within the current context of the academy. AF has a complex interplay with the right to freedom from discrimination. The politics of AF is messy, contested and must be ongoing if it is not to become stale, outdated and irrelevant. Saloojee ended his talk by amending an oft repeated phrase made by other presenters at the conference, that the best way to protect AF was to practice it. Instead, Saloojee suggested, that the best way to protect academic freedom is to practice it *and not undermine the academic freedom of others.*

DAVID SCHNEIDERMAN (TORONTO)

This talk was disjointed and therefore hard to follow in places; however, the speaker seemed to be building on the theme taken up by the first speaker that AF needs to be distinguished from freedom of expression. He stated that he hated sharp distinctions between institutional autonomy and AF and raised the example of a 'civil workplace' policy at OCAD that was very difficult to interpret and enforce. Unsurprisingly, such workplace codes of conduct regarding civility present a great threat to AF, as was mentioned by the first panelist and as it has been increasingly observed across various campuses.

The speaker then turned to examples having to do with student rights' to unfettered free speech about professors through social media, focusing mainly on the case of the two University of Calgary students who claimed their Charter rights were violated when the school punished them for criticizing a professor on Facebook [link]. This example seemed disjointed with respect to the rest of the panel for a couple of reasons. First, the charge that the University of Calgary brought against the two was not based on the restriction of their freedom to post their speech online, but rather on the idea that their views amounted to "conjectures, and unsubstantiated assertions that are injurious to individuals or institutions and their hard-won reputations." Schneiderman's valorization of the court's decision in favour of the students as an example of hard-won AF was in direct contrast to the previous speaker's emphasis on the need to unravel relations between freedom from discrimination and AF. Though Schneiderman's account did not include the specific content of the student's posts, it should be noted that they described their female professor of colour as a 'shoe', 'lazy', 'inept' among many other historically stereotypical negative descriptions rooted in colonial and misogynist conceptions of women of colour. Indeed, one post suggested Prof. Mitra should be "drawn and quartered" for all to see. Since then, professor Mitra has left the University, again not mentioned in the presentation. The fact that the court siding with the brothers would be understood by Schneiderman to be an excellent example of AF in practice demonstrates very clearly the tensions between dominant conceptions of AF and the right to freedom from discrimination.

Aside from one of the presentations (Saloojee), this panel was not really about AF and equity. The first and third papers were focused on AF and speech/expression, which was a topic that was also taken up on other panels. The extreme marginalization of the issue of academic freedom and equity at the conference (only one panel and even then really only one paper) was disappointing and points to the need for Harry Crowe and CAUT to take seriously the question of academic freedom and equity; particularly if AF is to evolve in order to remain relevant and reflective of the demographic changes that are taking place in the academy. As well, although there was a break out session on equity (among other topic based break out sessions) none of the panelists attended the break out session on equity which limited the extent to which we could build on the presentations; perhaps this was an oversight in how the conference was organized, but it did truncate follow through and deeper discussion of issues raised in the presentations. However, the break out group did come up with a list of issues discussed during the session on their own (see below [link to break out summary]). One of many questions that remains unexplored in relation to AF and equity is how do we contend also with institutional discrimination (particularly in light of

questions about institutional autonomy and AF) which is often systemic and serves to thwart the AF of individuals or groups of faculty members. This is an important question for our unions because they can often become complicit in these issues/cases as well.

CONCLUDING THOUGHTS

Overall, although it is important to have opportunities to discuss AF and the Harry Crowe conference was potentially such an opportunity, this event did not engage substantively with the pressing questions of AF in the present. Many of the issues that increasingly diverse campuses present in relation to AF were not discussed, even on panels where they could have fit in. For example, concerns about CSIS/RCMP presence on campuses and the monitoring in particular of Muslim students and sometimes their instructors would have fit well on the panel on religion and AF. Although we were attending a conference on academic freedom in Toronto Canada, many of the invited presenters were from the US so there was extensive discussion of American precedents and legal cases. However, what was not raised once was the biggest AF case unfolding very publically in the US at the time of the conference; the silencing campaign that was going on at Brooklyn College against an event – one of the many sponsors being the Political Science department – which featured speakers Judith Butler (who has written on AF as well) and Omar Bhargouti [link]. Among other threats of reprisal against this event, the city council also sent a letter threatening to withdraw future financial support for the college if it allowed the event to go forward. Give the substance of Moon's presentation, the discussions of this case may have been instructive for AF on Canadian campuses.

Ultimately, these gaps, oversights and marginalizations point to the narrow conception of AF that framed the organization of the conference; that is, what the panel topics should be, who should be invited to present, the format of the conference, etc. This lack of substantive engagement on issues of equity and AF was reflected not only in the conception and organization of the conference, but also in the marked lack of diversity of speakers and even the attendees. Given the comments during the conference and the feedback from the break out session on equity, it is clear that there is a desire for a substantive and sincere engagement on issues of AF and equity. I hope that in the future we can have such an event; perhaps even organized by the Harry Crowe Foundation and/or CAUT.

PANEL V: ACADEMIC FREEDOM AND THE LAW

LESLIE GREEN – PROFESSOR OF LAW, UNIVERSITY OF OXFORD

JAMIE CAMERON – PROFESSOR OF LAW, OSGOODE HALL, YORK UNIVERSITY

ANGELA REGNIER – PROFESSIONAL OFFICER, CAUT

Notes contributed by Nicky Short

This panel in principle considered a number of issues at the nexus of the law and academic freedom. This problematic, however, had many points of contact with other sessions in the conference, as the presentations and particularly the Q&A afterwards evidenced.

Leslie Green discussed the specific status of academic freedom as a right, and whether it should be understood as specific to the academic profession. He raised the Philippe Rushton case to illustrate the necessity of having a space where people may be wrong or controversial. In contextualizing academic freedom as a vocation-specific right, he posed the question of whether academic freedom extends beyond rights and duties specified in universities' collective agreements.

Jamie Cameron spoke to a number of threads present in the conference, in particular the question of civility on campus and the relationship between university codes of conduct and academic freedom. She noted that policing civility may establish a 'chilling' effect on the exchange of ideas and inhibit communication, dissent and debate. At the same time, on campus as in society more broadly, there are cases for some limits on the freedom of expression, such as hate speech. In her estimation, freedom of expression should be preserved to the greatest extent possible, limited only in cases in which there is compelling evidence that significant harm can or has been done.

Angela Regnier spoke to specific cases the CAUT has encountered regarding the legal protections for those protecting the confidentiality of research subjects and how this may be understood as a question of academic freedom. She framed this as a tension between the "truth-finding" goals of the courts and those of the academy. She shared the case of Professors Bruckert and Parent, University of Ottawa, whose 2007 SSHRC-funded research project on sex work included interviews premised on guarantees of confidentiality. In 2012 the Montreal police attempted to seize the recording and transcripts of one of the confidential interviews. While the University of Ottawa supported the professors' claim that their work qualified for researcher-participant confidentiality privilege, it did not provide any legal support for the faculty members. (See also: http://www.cautbulletin.ca/en_article.asp?ArticleID=3574.)

Regnier thus asked: to what extent does a university's failure to protect research confidentiality affect academic freedom? To the extent there are protections for such confidentiality under law, they are governed by the 'Wigmore Test' which must be applied on a case-by-case basis to determine whether:

• the communications between parties originate in a confidence that they will not be disclosed;

• this element of confidentiality is essential to the full and satisfactory maintenance of the relation between the parties;

• the relation is one which in the opinion of the community ought to be sedulously fostered;

• the injury that would inure to the relation by the disclosure of the communications would be greater than the benefit thereby gained for the correct disposal of litigation.

The tri-council policy on the matter states 'The ethical duty of confidentiality includes obligations to protect information from unauthorized access, use, disclosure, modification, loss or theft. Fulfilling the ethical duty of confidentiality is essential to the trust relationship between researcher and participant, and to the integrity of the research project.' Furthermore, 'Researchers shall avoid being put in a position of becoming informants for authorities or leaders of organizations' and 'Researchers shall safeguard information entrusted to them and not misuse or wrongfully disclose it. Institutions shall support their researchers in maintaining promises of confidentiality'. Regnier suggested two avenues to pursue in protecting research confidentiality: in general, there should be education about how it serves the public interest in protecting the integrity of scholarly inquiry; more specifically, researchers can incorporate elements of the Wigmore test into research proposals and consent forms.

PANEL VI: ACADEMIC FREEDOM AND THE GROWTH OF UNIVERSITY-INDUSTRY COLLABORATIONS

SHELDON KRIMSKY – LENORE STERN PROFESSOR OF HUMANITIES & SOCIAL SCIENCES, TUFTS UNIVERSITY AND CAROL ZICKLIN VISITING PROFESSOR OF PHILOSOPHY, BROOKLYN COLLEGE

RISA L. LIEBERWITZ - PROFESSOR OF LABOR AND EMPLOYMENT LAW, CORNELL UNIVERSITY

JAMES L. TURK – EXECUTIVE DIRECTOR, CAUT

Notes contributed by Kelly Thomson

Sheldon Krimsky provided a history of the threats to academic freedom that have occurred in the USA with an emphasis on the issues that have arisen in the pure sciences and associated professional disciplines. He highlighted the issues in research that has been supported by donations from corporations in medicine. He noted particularly the Bayh-Dole Act in 1980 as the source of much of the US problem as it created "public-private" partnerships that allowed corporations to appropriate the public investment in university research as private property. He outlined some of the agreements that had become contentious in the US. He described how these agreements and the practices around disclosure have led to an environment "rife" with conflicts of interest between corporations and universities that are compromising the public interest. [His presentation slides can be found here.]

Risa Lieberwitz's presentation described the commercialization in the US in terms of both the historical progression (linearity) but also the differing forms this relationship has taken (layering). She noted the role the AAUP played in defining the threats to academic freedom associated with the relationship between corporations and universities and in defining collective principles that should guide such relationships. She also noted the importance of public funding for research (60-70% of funds from public sources) that was critical to creating the wall between the university and corporations. She tracked the recent threats to academic freedom to the drop in public funding in the mid-1970's and the renewed interest in universities seeking funds from corporations. There was an increase in funding to individual faculty members, spinoffs and patents and free use of academic research by industry, i.e. socialized risk but privatized profit associated with research. Industry supported share of support for research has tripled. Issues of conflict are particularly pronounced in life sciences. Problematic practices: seats on boards, partnerships in start up firms, patents, consulting. The AAUP has defined principles and practices to guide University-Industry relationship (posted on their web-site). Now there are even greater concerns as corporations are directly funding core university infrastructure such as campuses; targeted funding for research and teaching; selecting and reviewing research proposals. She argues that currently there is no conflict of interest as business interests has eclipsed public interest; e.g. Cornell's NYC campus is explicitly designed to facilitate business involvement in research and teaching.

James Turk described the risks associated with particular agreements and how the governance of these agreements compromised academic freedom but also the integrity of the process. Discussed in detail how a faculty member was denied tenure in the US when a whole department became involved with 1 corporate donor except for 2 members. The issues became academic integrity, i.e. the system no longer functioning as it was intended due to conflicts of interest. He noted that it is critical for academic staff to make academic decisions, i.e. hiring, strategic directions and that disclosure has not been effective as a counter-balance. Two reports on the CAUT web-site: Guiding principles for university collaboration, updated 2012 and "Big Oil Goes to College". He noted that CAUT had to use access to information to get information on donor relationships with universities which makes it impossible to assess the extent of the problem in Canada. Noted the contributing issues are: increased use of contract faculty and potential to lose control of on-line intellectual property rights. [His presentation slides can be found here.]

Issues worth considering for YUFA from my perspective:

- What are the university's guidelines/principles for the relationship between donors and the university?
- What agreements are there between the University and donors?
- Are the collegial governance issues in any of the existing agreements?

- The Schulich agreement has not been made available to faculty despite repeated calls by individual faculty as well as collegial bodies-why not?

PLENARY: PROMOTING ACADEMIC FREEDOM

Notes contributed by Sheila Embleton

The concluding plenary consisted largely of summaries from the preceding day's breakout groups.

There are challenges in balancing norms and individual rights. Norms may be different in different disciplines, and the individual has the right to contest those norms. There is a feeling that the norms are "closing in", restricted individual rights, and yet the norms are not always generated by the academy itself.

When we speak of institutional autonomy, what do we really mean? Who is the institution? Its administration? Or the faculty? The recent case at Queens where the faculty sent a letter apologizing on behalf to a faculty member who had been disciplined by the Employer is an interesting example of the collegium reasserting itself.

Some attendees raised the question of why we worry more about the religious aspect than quality, including in professional faculties, at religious-based institutions.

Members of the plenary audience called for broadening of the notion of academic freedom, as the current narrative is very conventional, and again reveals the hold of white male notions on the academy. Many academic staff are marginalized.

Are there limits to academic freedom in certain cases, for example, if a faculty member also sits on the Board of Governors, would that limit the right to publish things that might not show the Board in a favorable light?

There then followed a number of specific examples, e.g. the CAUT censure of UNB in the late 1960s which led to a revision to the UNB Act, concerning the structure of presidential search committees; and the way all academic administrators at the University of Calgary are evaluated by all relevant academic staff halfway through their terms. A York attendee spoke of YUFA's e-poll regarding the potential reappointment of one of our deans. The session concluded by coming back to a notion raised earlier in the conference, that academic freedom is an absolute requirement if the pursuit of knowledge is to be in the common good.

DISCUSSION GROUPS – FINDING THE BALANCE: LIMITS AND ACADEMIC FREEDOM

ACADEMIC FREEDOM AND PROFESSIONAL NORMS BREAKOUT SESSION

This breakout group did not remain on the topic of professional norms per se, but spent most of its time discussing the impact workload issues have on the space for research and the scope for faculty engagement in protecting academic freedom. There was some discussion of how broader changes affecting workloads and university governance might be addressed; most participants understood it to be a question of 'thinking globally but acting locally'.

ACADEMIC FREEDOM AND INSTITUTIONAL AUTONOMY BREAKOUT SESSION

In the breakout session participants explored ideas about how to minimize the conflict between institutional autonomy and academic freedom. Nearly everyone agreed that the rise of managerialism in university governance was especially problematic. The discussion quickly focussed on the importance of collegially inclined administrators and the procedures for recruiting them. This, of course, raised a number of issues that we have

been grappling with at York over the last months, including the transparency of the selection and recruitment process of deans, provosts and presidents, and the role of faculty input in each case. A number of participants were able to point to open recruitment processes in which not only was faculty input decisive but the results were also very successful.

EQUITY AND ACADEMIC FREEDOM BREAKOUT SESSION – COMPILED BY DOREEN FUMIA (RYERSON)

It was clear the aim of the discussion was to interrupt the conventional narrative of Academic Freedom. The group wanted to begin with comments that were made earlier with a question: How do we confront the stronghold that whiteness, with all its attendant constructions and deconstructions, has in the academy?

We began by examining the possibilities for a conference such as this one to be organized differently. There were creative suggestions, but suffice to say the purpose of this was to seek to organize in ways that enable a myriad of creative and interactive expressions and discussions, civil or otherwise. If others feel the same way, we can perhaps signal this in our comments on the evaluation form.

The group also discussed broadening the notion of what Academic Freedom might mean. This is an ongoing discussion at CAUT generally and to contribute to this we offer the following discussion points below for both future CAUT events and for discussions in our own Academic Staff Associations.

As a group we tried to imagine how we might explicitly challenge the corporatization of our universities and colleges and we offer the following thoughts/questions that came out of this discussion:

- Is it time we think more consciously about the term Academic Freedom, that is, what would it look like if we take a detailed approach and separate the terms Academic and Freedom to consider who comprises the academy, and how the freedoms of some are founded on the unfreedoms of others?

- Would our discussions be different if we began by redefining "individual right" in ways that take into account building solidarity across alliances with other unions and with students?

- As Toronto Activist Anna Willets says: "Be fearless": If we first acknowledge our (white, male, able-bodied, heteronormative, tenured) power and privilege, would we be less likely to succumb to the corporate power structures that seek to limit us, that is, if we cease to self-regulate, and regulate our colleagues according to corporate rules and power structures, would we find different ways to confront the changes to our labour?

- There was considerable discussion about "prior constraints" and the importance to acknowledge the different and differential histories of power relations. The group discussed ways to keep that front and centre as we move towards transforming practices stemming from new definitions of Academic Freedoms. It is particularly important to interrogate notions and experiences of "prior constraints" in order to interrupt present privilege and power relations that limit many, especially more marginalized academic staff.

- Finally, as a brief overview of this thorough break out session discussion: When considering what Academic Freedom can possible mean to the whole diversity of Academic Staff - untenured/tenured and Contract AS - can we pull together to make a strong case for public education as a *public good*, rather than as a corporate endeavor.