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## **When Should Universities Take a Stand?**

“To seek truth and advance understanding in the service of society.”<sup>1</sup> For years now, in the context of my scholarship on academic freedom, I have used this phrase to characterize the academic mission of the university. It is a good starting point for answering the titular question of this volume — *What Are Universities For?* — but the tidiness of my usual formulation does not do justice to the complexity of the modern university as that complexity is revealed in the current contestations over Israel and Gaza. As I wrote this chapter, Harvard University released a faculty working group’s “Report on Institutional Voice in the University” (Institutional Voice Working Group, 2024). The report was Harvard’s response to a call for it to adopt an official policy of institutional neutrality in the wake of its response to Hamas’s October 7 attack on Israel and the events that followed. The report finds that “the university has a responsibility to speak out to protect and promote its core function,” but that “[t]he university and its leaders should not... issue official statements about public matters that do not directly affect the university’s core function.”

In this chapter, against the backdrop of campus responses to Israel and Gaza, I consider the mission of the university and whether that mission is served by institutional neutrality. On my view, it is not so easy (and may be impossible) to prise apart universities’ core functions and

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<sup>1</sup> My thanks to Rens Bod, Sarah Bracke, Samantha Brennan, Eddie Brummelman, Emily Eaton, Marieke de Goede, Annelies Moors, Sean Tucker, and audience members at SPUI25 (University of Amsterdam) and the Council of Ontario Deans of Arts and Science for help in thinking through some of the ideas in this chapter. Special thanks to Alice MacLachlan and Eric Schliesser for helpful conversations and comments on earlier drafts of this paper. Endless gratitude to Marc Spooner and James McNinch for their generosity and patience, and to Whitney Blaisdell for her empathy and well-timed pep talk. I gratefully acknowledge funding support from the SSHRC Insight Development Grant program. Finally, I am grateful to be able to do this work as a white settler scholar and uninvited guest on Treaty 4, the territories of the nêhiyawak, Anihšīnāpēk, and Dakota, Lakota, and Nakoda, and the homeland of the Métis/Michif Nation.

“public matters.” I argue that institutional neutrality is at best a useful fiction and at worst a way of concealing universities’ commitments and reinscribing the status quo. Along the way, I offer a primer on academic and expressive freedoms in the context of universities, and on the importance of articulating and balancing core university values, including the duty of care. I conclude by offering advice on when universities should take a public stand on socio-political matters, and what that approach tells us about what universities are for.

### Academic Freedom and the Duty of Care

I initially started researching academic freedom because I was deeply concerned about the ways in which the media, the public, and indeed university personnel (who should know better) were conflating academic freedom with freedom of expression — or even wilfully supplanting academic freedom with freedom of expression — in the culture wars that were rekindled by the 2016 election of Donald Trump. A particular catalyst for me was the discourse surrounding then-Wilfrid Laurier University graduate student and teaching assistant Lindsay Shepherd, who had become a free speech cause célèbre for the flak she received for showing a Jordan Peterson interview in a tutorial without the professor’s permission. Most of the discussion of the case focused on expressive freedom, with very few commentators remarking upon the academic freedom of the course’s instructor, Nathan Rambukkana, to design and oversee teaching and learning in the course.<sup>2</sup> At the time, even the Canadian Association of University Teachers — plausibly, the primary guardians of academic freedom in Canada — defended Shepherd and remained silent about Rambukkana’s academic freedom (Jaschik, 2017). I took the case on in

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<sup>2</sup> Rambukkana was opposed to Shepherd’s having shown the video and was one of three Wilfrid Laurier university personnel who met with Shepherd afterward to raise concerns.

various popular venues, sometimes obliquely and sometimes more directly. The main point that I sought to drive home was that the freedom proper to universities is academic freedom, not freedom of expression, and that when we privilege the latter over the former, we do so at our peril.

Here is the main argument to that effect: the purpose of universities is to seek truth and advance understanding in the service of society. To serve that purpose, university personnel need to be able to engage in risky or controversial scholarship. To ensure that they are able to do so, universities in various ways defend academic freedom. Academic freedom is not an innate and inalienable human right. Rather, is a purposive freedom; that is, it was devised to serve a purpose. It is conferred on the highly qualified personnel who are charged with performing that purpose to support them in that work. Academic freedom comes with corresponding responsibilities that more or less boil down to seeking truth and advancing understanding with sincerity and integrity. Of course, professors get things wrong, but they are supposed to try to get things right. By contrast, freedom of expression is a freedom extended to all persons, irrespective of their roles or credentials, and carries with it no particular responsibilities. Freedom of expression permits people to yell lies in the town square, provided that those lies do not violate the law (as, for instance, threats or defamatory speech do).

Students in Canada do not have formal academic freedom protections.<sup>3</sup> Thus, on my view, the proper framing for the Shepherd case should have balanced Rambukkana's academic freedom to design and oversee the teaching and learning in his course with Shepherd's freedom

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<sup>3</sup> Globally, academic freedom protections for students are comparatively rare. Students in Latin America have stronger academic freedom protections than students elsewhere due to the important role that the student movement played in Córdoba's Reform. The "Joint Statement on Rights and Freedoms of Students" adopted in 1968 by the American Association of University Professors and various student and professional associations characterizes students as having academic freedom but it doesn't offer any robust protections to underwrite that freedom. Some Canadian universities similarly have policies extending academic freedom to all members, but they are similarly toothless. (See Dea, 2021a.)

of expression to share her perspective. In Canada, within the classroom, only the former freedom is protected. Academic freedom is enshrined in every faculty association collective agreement across the country. However, Canadian courts have not found Charter of Rights and Freedoms protections for freedom of expression to apply within university classrooms.<sup>4</sup> In general, constitutional protections, like those in the Charter, place limits on what the state may do, not what other institutions or individuals may do. A McDonald's employee does not have a protected freedom to promote Burger King to a customer; they can be disciplined for doing so. Similarly, students — whether enrolled in a course or T.A.ing it — do not have protected expressive freedom within the course. In short, professors have every right (and again, in Canada, that right is enshrined in collective agreements) to direct how their courses are run.

Recall that academic freedom was established and is today defended in order to support the academic mission of universities to seek truth and advance understanding in the service of society. Just as the search after truth requires that professors are able to pursue their best scholarly judgement unhindered, so the advance of understanding requires that professors are able to plan and direct courses according to their expertise without constraints imposed due to prevailing opinion — including the opinions of students. For instance, a professor should be able to teach evolutionary biology without making accommodations for creationist students.

That said, professors and universities should be cautious about too quickly drawing on academic freedom to overrule other freedoms, including expressive freedom. It is very often wise pedagogy and mentorship to permit students (including t.a.s) considerable expressive freedom to support them in their intellectual, professional, and moral development. I am much

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<sup>4</sup> A landmark 2020 Alberta Court of Appeal decision was the first to find that Canadian universities have Charter obligations. However, it found those obligations to obtain in the quad, not the classroom. (See *UAlberta Pro-Life v Governors of the University of Alberta*.) Legal challenges related to the pro-Palestine campus encampments that are still active as I write this chapter could well see this precedent spread to other provinces.

persuaded by Emmett Macfarlane’s argument that even where Charter rights do not obtain, there are good reasons to defend “Charter values” (Macfarlane, 2022b). Universities and professors do not have a positive duty to provide students with freedom of expression in the classroom — and certainly academic freedom is and ought to be more strongly protected than expressive freedom in academic contexts. However, insofar as both expressive freedom and universities are essential to democracy, there are good reasons for universities to honour and be guided by expressive freedom as a value. Indeed, we might extrapolate from Macfarlane and argue that since students and other non-professorial academics — such as post-docs, teaching centre staff, research officers, and other highly qualified personnel — play a part in the academic mission, they too have a claim to academic freedom as a value, even if they are not entitled to *de jure* academic freedom protections by way of their collective agreements. In practice, this means supporting the expressive and academic freedom of non-faculty university personnel, including students, so long as doing so does not violate the academic freedom of faculty. As more and more scholarly personnel occupy contract and non-faculty positions, defending the value of academic freedom for all scholarly personnel is increasingly important for the good-functioning of the university and the performance of the university’s academic mission in the service of society.

Focusing on the academic mission of universities helps to make clear why academic freedom is important to defend in all its complexity. However, when we focus on the academic mission of the university, we see that academic freedom is only one of the freedoms or principles that is essential to that mission. I hew closely to the view championed by Scholars at Risk (SAR) that the academic mission hinges on a cluster of core values that must be carefully balanced (Scholars at Risk 2019/2020).<sup>5</sup> SAR lists several core university values — equitable access,

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<sup>5</sup> See also Dea 2021a.

accountability, social responsibility, institutional autonomy and academic freedom. However, according to the SAR view, core values vary from one university to the next. SAR recommends that universities establish a practice of ongoing internal reflection and communication in order to identify their animating values and to learn how to balance those values when they come into tension with each other, as they often do.

In my current role as a senior university administrator, one such principle of which I am acutely aware is the duty of care that universities owe to their students, employees and community members. I often describe this as the duty to ensure that universities are safe workplaces for their employees and safe homes for their residents. Employers and landlords need to ensure employees' and residents' physical safety from such things as toxic chemicals and unstable building structures. Employers also bear moral and legal duties to prevent harassment in the workplace. The latter can be tricky at universities because some public and academic debates (both in and out of the classroom) can touch on members' identities in ways that they experience as harmful.<sup>6</sup> Further, I have argued elsewhere that universities owe a particular duty of care to Indigenous and other equity-denied members due to higher education's unjust, exclusionary past and present and the educational system's central role in enacting colonialism and cultural genocide (Dea, 2023).

It is crucial to note that the duty of care is not only a moral and legal duty. It is also essential to the academic mission. If universities do not provide safe workplaces and homes for their personnel, they will be less able to recruit and retain highly qualified personnel to participate in the academic mission. If universities do not provide safe workplaces and homes for

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<sup>6</sup> See Macfarlane 2022a on the difficulties of empirically establishing the harms of hate speech. See also Schliesser 2024b on the vexed question of "social safety" in the campus context.

equity-denied personnel, the personnel they are able to recruit and retain will bring a narrower range of perspectives and expertise to their scholarship, teaching and learning.

Notice that my earlier characterization of academic freedom marks it as a negative freedom — a freedom from interference, not a positive duty that the state or the university owes professors. A negative right is a right not to be prevented from doing something whereas a positive right is a right to be enabled to do something. Unlike academic freedom, the duty of care relates to a positive right. Insofar as universities owe a duty of care to their personnel, it is not enough for them to avoid interfering with those personnel; rather, they have a positive duty to ensure that universities and their members are safe.

Many contestations relating to academic and expressive freedom on campus precisely concern the challenge of balancing academic or expressive freedom with the duty of care. Let us return to the Shepherd example. One of the reasons that Rambukkana and others objected to Shepherd screening a Peterson video in a tutorial is that they regarded the video as making the learning environment less safe for trans students. There are myriad such examples.<sup>7</sup> While the responsibilities that accompany academic freedom are often illustrated using such examples as flat Earth theory,<sup>8</sup> Shama Rangwala notes that the flat earth theory example is a red herring and a distraction (Rangwala, 2024).<sup>9</sup> The disputes that get the most uptake in both social and conventional media tend to be conflicts between the academic or expressive freedom to engage in putatively hateful, exclusionary, or harmful scholarship or speech and the duty to ensure that

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<sup>7</sup> Indeed, several examples involve Shepherd. Having become a minor free speech champion, she formed a student club that organized events with controversial speakers — including an anti-trans speaker, white supremacist and anti-immigration speakers, and a speaker who challenged the view that Indian residential schools were harmful to Indigenous peoples. (See Dea, 2023)

<sup>8</sup> I did this with young Earth creationism! (See Dea, 2021b.)

<sup>9</sup> Rangwala says that the ubiquitous flat Earth example in discussions about academic freedom is “a red herring and a distraction” because flat Earth theory has nothing to do with the state. On Rangwala’s account, critiques of state power are where the rubber hits the road for academic freedom (Rangwala, 2024).

universities are safe places for trans, BIPOC<sup>10</sup>, and other equity-denied people to live and work. A decade ago, this debate often centred on safe spaces and trigger warnings. Today, as universities struggle to respond to Israel and Gaza, the debate increasingly centers on institutional neutrality.

### Institutional Neutrality

In the first week or so after Hamas's October 7 attack on Israel, many universities worldwide issued statements condemning the attack and expressing sympathy for the victims of violence in Israel and (less frequently) Gaza (Anderson, 2023). Many of them were soon accused of failing to take a strong enough stand, either in support of Israel or in condemnation of it. In the December, 2023 U.S. Congressional hearing on College Antisemitism, then-Harvard President Claudine Gay was taken to task for Harvard's refusal to fly the Israeli flag on campus following October 7, even though it had flown Ukraine's flag after the invasion by Russia (Quilantan, 2023).<sup>11</sup> At the University of Amsterdam, over 1200 PhD candidates signed an open letter strongly condemning the University's response to the crisis for having euphemistically characterized genocide as a "situation" and for its silence about the "75 year occupation of Gaza" (Connick, el Khannoussi et al, 2023). At my own institution, the University of Regina, a motion to recommend to the President that the University publicly call for a ceasefire in Gaza was vigorously debated before ultimately being tabled and, weeks later, withdrawn. These are just three of many examples, but they illustrate the range of ways in which university administrations were called on to respond to Gaza.

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<sup>10</sup> The acronym for "Black, Indigenous, and People of Colour."

<sup>11</sup> Gay was forced to resign shortly thereafter, ostensibly for plagiarism early in her career, after a politically-motivated search for any excuse to force her resignation uncovered the plagiarism.



At the same time, universities were reacting to statements by student organizations, academic departments and other groups. At York University, the university condemned three student unions and threatened to remove their official recognition following the groups' joint statement of solidarity with Palestine, which characterized the October 7 Hamas attack as a "strong act of resistance" and throughout referred to "so-called Israel" (York Federation of Students, n.d.). At the University of British Columbia, the administration asked the Department of Anthropology to take down a statement on its website that expressed concern with "genocidal violence in Gaza," and other departments were directed not to post any statements that could be interpreted as political (Paling, 2024). Meanwhile, worldwide, universities continue to undergo political and media scrutiny due to allegations that pro-Palestinian protests and activities on campus make some Jewish students and employees feel unsafe. As the pressure mounts for universities to take a stand or to take a different stand than they are currently taking, many scholars and administrators argue that the right approach is not to take a stand at all but to maintain institutional neutrality (Robinson and Shah, 2024).

Indeed, I recently argued for just this. In January, 2024, in response to a request from a faculty member, I circulated an opinion to members of my Faculty that included the following passage:

[U]niversities should be very cautious about adopting a particular disposition on behalf of the institution. Universities are constitutively pluralistic institutions. By design, they bring together scholars and learners with a range of positionalities and perspectives across a range of disciplines and methods. When universities rather than the individuals who constitute them adopt a particular disposition on a matter, particularly on a matter of controversy, they risk creating inhospitable working and learning environments for some of their members and chilling those members' academic and expressive freedom. (Dea, 2024)

I still think that this account is more or less right, but even as I circulated the above opinion, I knew that it was oversimplified. In my capacity as a Dean, I have conveyed direct and

indirect support for a range of positions. My email signature includes my pronouns and a land acknowledgement. I don't need to include either of those things, but I do because I wish to model gender-inclusiveness and commitment to Truth and Reconciliation. What, if anything, makes statements about Israel and Gaza any different? Why shouldn't I add a Palestinian or Israeli flag to my email signature too?

The classic expression of institutional neutrality occurs in the 1967 Kalven Report (formally, "The Report on the University's Role in Political and Social Action" by the University of Chicago's Kalven Committee). The Kalven Committee was a faculty committee struck by the University's president. It is worth observing that by 1967, U.S. universities were the sites of vigorous protests on a range of issues, including civil rights for Black people, women's rights, and the Vietnam draft. The main argument of the Kalven Report is that universities should challenge society's established beliefs and values, but that they should do so through the free inquiry of their members. When the university weighs in on social or political issues, it risks interfering with "the fullest freedom for its faculty and students as individuals to participate in political action and social protest" (Kalven, 1967). The Report concludes that the university "can perform greatly for the betterment of society," and therefore should not be "diverted from its mission into playing the role of a second-rate political force or influence."

The Report does admit of two classes of exceptions to the principle of institutional neutrality. First, when there arise in society threats to "the very mission of the university and its values of free inquiry," the university must vigorously oppose those threats. Second, with regards to "university ownership of property, its receipt of funds, its awarding of honors, its membership in other organizations... these corporate activities of the university may appear so incompatible with paramount social values as to require careful assessment of the consequences."

According to the co-chairs of the Harvard faculty working group that produced its May, 2024 “Report on Institutional Voice in the University,” the report’s conclusion that the university should not “issue official statements about public matters that do not directly affect the university’s core function” (Institutional Voice Working Group, 2024) “rests on different principles and has some different implications” than Kalven (Feldman and Simmons, 2024). The report provides three reasons for its conclusion. First, university leaders are expert in university administration and not public affairs. Second, pressure on university administrators to make public statement distracts them from supporting the university’s core purpose. Finally, university statements on public matters “can undermine the inclusivity of the university community” (Institutional Voice Working Group, 2024, p. 2). According to the report, “The best way for the university to acknowledge pressing public events is by redoubling intellectual engagement through classes, conferences, scholarship, and teaching that draw on the expert knowledge of its faculty” (Institutional Voice Working Group, 2024, p. 2).

In a January 2024 reflection on academic freedom in the time of Gaza protests, Jacob Levy leans heavily on the Kalven Report but anticipates some of the central ideas in the Harvard report. Characterizing the core mission of the university as “the discovery, transmission and preservation of knowledge,” Levy argues that it is crucial for universities to remain neutral in order to avoid interfering with that mission. He writes: “If academic freedom is the ability of scholars and scholarly communities or disciplines to work without having an orthodoxy imposed on them, institutional neutrality is the commitment not to declare an orthodoxy in the first place” (Levy, 2024). Levy argues that over the years universities have let institutional neutrality slip through a series of “declarations and symbolic statements affirming that the university is on the side of all good things when it's not the job of a university to be on a side at all.” On his view,

these slips made universities vulnerable to external political attacks, and made it harder for them to adopt a consistent and appropriate stance to Gaza. Levy urges that universities must reaffirm institutional neutrality in a range of ways that include avoiding “adopting institutional political platforms on foreign, political or social policy” in order to better “provide the site and space for students and faculty alike to study, explore, discuss and debate, to celebrate, mourn and protest, even the most divisive questions in political life.”

Dutch political theorist Eric Schliesser finds Levy’s account too absolutist. He lauds Levy’s characterization of the mission of the university as the discovery, transmission and preservation of knowledge, and agrees with his argument that universities should avoid taking dispositions that threaten this core mission. However, Schliesser argues that that core mission is locally inflected by each university’s specific mission.<sup>12</sup> Universities are not one-size-fits-all. A liberal arts university has a specific mission to support the discovery, transmission and preservation of knowledge in the liberal arts. A Jesuit university has a specific mission to support the discovery, transmission and preservation of knowledge in the Jesuit tradition. A technical university has a specific mission to support the discovery, transmission and preservation of knowledge in support of technology and technical training. And so on. On Schliesser’s account, it would not be reasonable to demand that universities adopt institutional neutrality about their own special missions. On Schliesser’s view, “universities and colleges should interpret academic freedom in light of their particular corporate identity which involves the general commitment to discovery, transmission and preservation of knowledge” (Schliesser, 2024a).

In short, both Levy and Schliesser advocate for the importance of institutional neutrality. But Levy takes an absolutist approach and Schliesser takes a context-sensitive approach. I want

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<sup>12</sup> While Schliesser is responding to Levy, and I am here contrasting their views, Levy has once or twice on social media remarked that he is in broad agreement with Schliesser’s view.

to push Schliesser's account still further. On my view, institutional neutrality is not just context-dependent; it is incoherent. Institutional neutrality is incoherent because neutrality is incoherent. As feminist philosophers of science, among others, have been arguing for years, there is no "view from nowhere." The ideal of objectivity is unattainable not merely because it is difficult to bracket one's biases and perspective but because it is impossible to do so. Further, the ideas, positions and persons that are viewed as neutral or objective are so viewed not because they do not adopt a perspective but because they constitute the dominant perspective. Universities routinely adopt and convey particular institutional dispositions in a range of ways – from flying the national flag to welcoming various dignitaries to sending out holiday greetings to awarding honorary degrees for certain kinds of achievements. We read these dispositions as neutral because they are familiar.

It is important to make salient that familiar, dominant positions are nonetheless positions. In a 1966 address to Illinois Wesleyan University, Martin Luther King, Jr. argued that racial equality would never be achieved through patience and the passage of time because "time itself becomes an ally to the forces of social stagnation" (King, 1955, p. 4). According to King, systems of power are inertial; so, change requires direct action and legislation. In much the same way, the invisible dispositions of universities will remain operative unless those universities start to convey countervailing dispositions. Both speech and silence can convey views. If, as King noted, patience and time favour the status quo, so often does silence. As I observed above, universities have both a moral obligation to address their exclusionary pasts and present and an epistemic duty to widen the pool of scholars who participate in the academic mission. Pretending that historically dominant (and still very much present) university values are neutral and objective because they are not salient sets up obstacles to universities carrying out those duties.

My view, then, is that institutional neutrality is not just an unattainable ideal, but a fiction. As a fiction, it can be deleterious (as we have just seen) or useful. At bottom, the motive behind the useful fiction is the university administration's duty to, so far as possible, enable rather than interfere with the free inquiry, teaching and learning of its personnel. This duty is of paramount importance. Even though the concept of viewpoint neutrality doesn't bear close scrutiny, adopting institutional neutrality as a defeasible heuristic can help remind administrators to be very cautious about conveying dispositions because doing so can be detrimental to the pursuit of the academic mission. At the same time, emphasizing that it is merely a defeasible heuristic can help to destabilize the myth of neutrality and empower administrators to judiciously express views that align with the mission and core values of the university.

Princeton University's tradition of institutional *restraint* is a helpful model of how universities can strike this balance.<sup>13</sup> Former Princeton President William Bowen, who coined the term "institutional restraint", held that "[Princeton] is a value-laden institution, and it is for that reason that I avoid using the word 'neutrality' to describe its aims. ... But the University's core values emanate from its character as a university. In this setting, the unrelenting, open-minded search for truth is itself the highest value; it is not to be sacrificed to anything else" (Eisgruber, 2022). For over half a century, Princeton's senior leaders have in various ways threaded the needle between exercising restraint and speaking up for the values of the university. For instance, in 1963, when students hosted a racist speaker on campus, then-president Robert Goheen, both defended the visitor's right to speak and condemned the invitation as out of step with Princeton's commitment to equality.

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<sup>13</sup> Thank you to Marieke de Goede for telling me about Princeton's approach.

In 2023, following recommendations by a faculty committee, Princeton adopted new guidelines for official department communications. At issue was whether departments or other units could or should issue statements on socio-political matters. The approach is a model of prudence and balance. Before a department or a departmental administrator may issue a public statement on an extramural matter, the unit must first have a written set of procedures regulating the issuance of such statements. Any statements that are issued must contain the following disclaimer: “This statement has been issued by [unit name] following its policy for issuing statements [link to policy] and does not represent the position of Princeton University” (Office of the Dean of the Faculty, n.d.). While many universities discourage administrators from making public statements, Princeton is clear that they may make public statements on their own behalf, so long as they include a disclaimer that their statement represents their view, not the University’s.

Princeton’s new guidelines are very much in the spirit of SAR’s approach to university values. As I discussed above, SAR recommends that universities conduct ongoing conversations about their core values so that when those values are put to the test, university members are ready for the complicated balancing work that follows. Similarly, by obliging departments and other units to develop their own procedures regulating public statements, Princeton ensures that any statements issued in times of controversy are not hasty and reactive but are guided by forethought. Transparent departmental procedures for issuing public statements also help to ensure consistency and provide a ready reply when the media or the public ask “Why this statement at this time? And how is this statement consistent with your last statement/silence?”

It is worth observing that the Princeton approach also uses the model of distributed risk to provide greater flexibility for individual units to develop and articulate their own public

positions.<sup>14</sup> As was particularly evident in the U.S. Congressional hearing on College Antisemitism, any time a university office or official makes (or doesn't make) a public statement, there is a risk that the university as a whole will receive criticism for it. Princeton's approach more or less confines the risk associated with public statements to the units making them by making explicit where the decision-making resides for such statements. This frees the Arab Studies Department (for instance) to make a public statement on Gaza without having to go through the university's communications department with the inevitable watering-down of the message that would result.

Princeton's new guidelines still leave unanswered the question of under what circumstances an academic unit should make a public statement about a socio-political matter. I will conclude by offering some reflections on that question.

### When Should Universities Speak Up?

Due to the power universities wield — both internally over their members, and externally within society — they have a duty to use that power responsibly, both in their speech and in their silence. As we have seen, when universities take a stand on socio-political matters, they risk interfering with the personnel charged with pursuing the core academic mission. However, complete silence on socio-political matters can reinscribe injustices that are or ought to be misaligned with universities' values and missions. Princeton's tradition of institutional restraint, combined with its guidelines on official department communications, offers a model to strike a balance between speech that interferes with scholarship and silence that slows progress.

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<sup>14</sup> Bartram 2024 helped me to see the Princeton model as exemplifying risk distribution.



However, that model does not offer nuts-and-bolts advice on when units or administrators should speak up. Surprisingly, the Kalven Report may help to fill in that gap.

Recall the two exceptions to institutional neutrality carved out in the Kalven Report: (1) the university may oppose threats to “the very mission of the university and its values of free inquiry,” and (2) the university may need to carefully assess the consequences of “university ownership of property, its receipt of funds, its awarding of honors, its membership in other organizations” when these activities are “incompatible with paramount social values.”

With the first exception, the Kalven Report authors no doubt had in mind resistance to state or similar interference in university autonomy. However, the exception can be easily repurposed to extend to resistance to broader socio-political threats to the university’s ability to recruit and retain a diverse pool of scholarly personnel in support of the academic mission. Consider the two examples I offered earlier in this chapter of the pronouns and land acknowledgment that I use in my decanal email signature to model gender-inclusiveness and commitment to Truth and Reconciliation. The university’s mission is compromised by its history of exclusionary practices and values that reduced participation by Indigenous peoples, women, and gender non-conforming people. Public statements in support of Truth and Reconciliation and gender-inclusiveness can thus help to support the academic mission.

The second exception is a little different. In that case, the emphasis is on the formal and material supports that the university lends to various individuals, organizations, and activities and the duty to ensure that those activities meet the highest ethical standard. For instance, in 2023, my university rescinded an honorary degree it had conferred on Mary-Ellen Turpel-Lafond upon the revelation that Turpel-Lafond had misrepresented her Indigenous ancestry (University of Regina, 2023). An honour conferred by a university carries enormous weight. Universities

need to be accountable for those conferrals. Likewise, university investments and partnerships should meet the highest standards. That doesn't mean that the whole university community will ever agree on conferrals, rescissions, investments, etc. But the university has a duty to be answerable for all of those activities.

In combination, the two Kalven exceptions provide the foundation for a new model for university statements that I term the "proximity model."<sup>15</sup> Public statements by universities should be undertaken with considerable restraint since they risk interfering with the academic mission. Thus, it is not helpful for universities to regularly issue statements about a wide array of socio-political issues. Since they need to be sparing about public statements, they should reserve them for proximate matters — that is, matters in which they are morally or materially implicated. For instance, public statements about Truth and Reconciliation are appropriate for universities that are located on treaty territories or unceded Indigenous land because those universities are morally implicated in settler-colonialism.

Notice that my proximity model mirrors Schliesser's context-sensitive account of institutional neutrality. As Schliesser argues, universities have the right to pursue specific missions. On the proximity account, though, those specific missions bring with them specific moral entanglements and duties, which can behoove institutions from time to time to take a particular stand. For instance, a Jesuit institution has a stronger duty than a secular university to make a public statement about child sexual abuse by priests. Similarly, an agricultural college may be more strongly compelled than a liberal arts college to make a public statement on the human rights violations experienced by migrant farm workers. Geographical location, history, operations and investments, *inter alia* can similarly ground proximate moral duties.

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<sup>15</sup> Sincere thanks to Alice MacLachlan for helping me to develop and refine my "proximity model."

Change is hard. Since time and silence favours the status quo, universities will often need to be called to their proximate duties by way of advocacy and protest by their members. We can see this happening in the case of the pro-Palestinian encampments that sprang up on university campuses in the spring of 2024. Most or all of the encampments were established at least in part to put pressure on universities to divest from organizations that directly or indirectly support Israel's war on Gaza and human rights abuses in Palestine. Whatever one might think of the encampments, they are focused on the activities in which the universities are implicated and for which they are therefore answerable.

Some current university administrators who in their youth participated in campus protests about South African Apartheid or similar see the current encampments as importantly different from the movements they belonged to. Perhaps that is true, but it is well to remember that the legitimacy of campus protests is often only discernible in retrospect. In 1969, students occupied a computer lab at Sir George Williams University (now Concordia University) to protest the university's mishandling of anti-Black/Caribbean racism by a professor. The protestors were ultimately expelled by riot police, who injured several students with batons. Students were variously arrested, incarcerated, and deported. Black protestors were subject to appalling racism by the police and the public. Media denounced the student protestors as a "gang of hooligans," "rampaging criminals," "anarchists" and "thugs" (Palmer 2009, p. 286) and blamed the protests on outsiders (Irwin 2020, pp. 35-68).<sup>16</sup> In 2022, following the report of the President's Task Force on Anti-Black Racism, Concordia University apologized for its unjust treatment of the protestors and for its half century of silence on the matter (Carr 2022).

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<sup>16</sup> Similar tropes are commonly used about the 2024 encampments.

If time is an ally to social stagnation, so may be complexity. Proximity is relative, if anything is, and universities are large, complex organizations that are implicated in many activities. Must universities take stands against factory farming or in favour of veganism in virtue of their food services operations? At what point does the connection become so tenuous that a public statement is no longer appropriate? What is to be done in the case of sincere disagreement among members? Unsurprisingly, there are no simple answers to these questions. One size does not fit all, either between universities or even within a single university as time passes and things change. Here, again, SAR's model of balancing core values is helpful. In times of complexity, as universities work to maintain tricky balances among their core values, answerability for what I am here terming proximity is one of the values that ought to be brought into the mix. In the face of the trickiest challenges, we will almost inevitably get this balance wrong, but a sincere effort to balance core values will save us from the worst errors and, if we're lucky, it will help us do a little better next time around. In the end, taking responsibility is less about achieving perfection than about moral repair.

The messy picture I am painting of university personnel engaged in difficult, ongoing, overlapping conversations about their animating values through controversy, change, and injustice — often across deep disagreement — may be unsatisfying or even frustrating for some readers. For me, though, it gets to the heart of what universities are for. Universities are for seeking truth and advancing understanding in the service of society, and for a million other things. In addition to seeking truth and advancing understanding, university personnel use their scholarly, artistic and technical expertise to challenge, critique, create, curate, build, fight, ridicule, resist and even destroy. The university is always constitutively in a state of change. So,

its values and how they are performed are constitutively under negotiation. Along the way, we make and remake the university. Along the way, we make and remake society.

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