

If we're being honest, universities need to police culture off-campus.

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The Simple Answer

Yes, Canadian universities should police student behaviour at private events, because that is the honest thing to do. As their policies stand now, universities' job is largely cultural activism. To honestly fulfill this commitment, they must act to enforce their selected cultures. We will explore the relevant policies shortly, but in order to even access this question properly, we must first ask another: what is the current purpose of a university?

Canadian universities are not really "universities" by the definition of the word from the last century. To most people, that older definition, something like "an institution of higher education offering tuition in mainly non-vocational subjects and typically having the power to confer degrees,"¹ still rings true. That is what we, the general public, typically mean when we use the word. The word calls to mind the pursuit of truth, technological advancements, and big new ideas that help The People live healthier, happier lives. But that is not how universities view their job today, at least not chiefly. University administrators have taken on a new project in stark contrast to that suggested by the old definition; now, the priority rank goes: cultural activism, then vocational training,² then the pursuit of truth.

Cultural Activism

It's not clear when universities decided their job description had changed, but it is clear when they started feeling confident enough to be transparent about it. A good look at when the sunlight first collided with a culture warrior agenda in a public university takes us to Manitoba through 2015 as universities signed on to the Indigenous Education Blueprint.³ This was the first overt plan to force all

¹ Oxford English Dictionary: "University"; online access 9 Oct 2019; <https://www.oed.com/view/Entry/214804>

² See for example the university of Alberta's mandatory vocational skills training even for the most academic, non-vocational interests: <https://www.ualberta.ca/graduate-studies/professional-development/professional-development-requirement>

³ http://umanitoba.ca/admin/indigenous_connect/media/agamik_PO151363.pdf

students to appreciate one particular culture which administrators deemed more important than the rest. At the University of Winnipeg, it resulted in mandatory cultural studies for all students (only cultures at the top of the time's intersectional victim hierarchy allowed), allowing university administrators to require students to study and write papers on topics they did not wish to study, and in a way that could subjectively enforce praise for the selected cultures.^{4 5}

Next, the concept of “reputational harm” started spreading. This has long been a concept in the law of defamation (slander/libel), but universities started using this language in a novel way. It used to mean the harm caused when someone told defamatory lies about the victim. (We weren't concerned about reputational harm that came from defamatory *truths*, because such harm was deserved.) But it changed to mean the harm suffered by an institution when members expressed academic thoughts that were out of line, problematic, or offensive.⁶ During this push, university governance bodies adopted policies that allowed students and faculty to be punished, or even expelled/fired, for doing something that brought harm to the university's reputation, even if done entirely off-campus and not related to any university class or program.⁷ Due to the ambiguous and subjective meaning of “reputation,” this vastly broadened the ability to police activity on-campus and off. Whether or not a punishment could be issued rested on the question, “Did this make us look bad?” Conveniently, there is really no way to disprove such a vague charge. A key factor in facilitating this endeavor became the control of conversation and the punishment of criticism. In this spirit, the University of British Columbia started in 2014 to obfuscate how important free expression is to the institution, noting that when considering what students are allowed to do or say, we must weigh it against the requirement that “experiences of all members of the community are able to flourish.”⁸ Policies across the country adopted this brand of vague wording that meant nothing when it was convenient for the administration for it to mean nothing, and meant precisely what the administration needed it to mean when it was time to take action against a problematic person.

⁴ <https://www.uwinnipeg.ca/indigenous/indigenous-course-requirement/index.html>

⁵ <https://www.winnipegfreepress.com/opinion/analysis/indigenous-education-by-force-364479941.html>

⁶ See for example the academic prosecution of Dr. Derek Pyne for defamatory research: <https://www.theglobeandmail.com/canada/education/article-thomson-rivers-university-economics-professor-derek-pyne-returns-to/>

⁷ See for example <https://policiesonline.ualberta.ca/PoliciesProcedures/Procedures/Student-Groups-Procedure%20for%20posting.pdf>; <https://policiesonline.ualberta.ca/PoliciesProcedures/Procedures/Risk-Management-Policy-Appendix-A-Institutional-Risk-Tolerance-Statement.pdf>

⁸ <http://www.hr.ubc.ca/respectful-environment/files/UBC-Statement-on-Respectful-Environment-2014.pdf>

Next, the University of Toronto contextualized and modernized its pro-free expression 1992 policy to make it more amenable to policing people who were offensive. The old policy held that “the values of mutual respect and civility may, on occasion, be superseded by the need to protect lawful freedom of speech,”⁹ but the 2016 update stated that, notwithstanding the 1992 policy, “Speech or acts that silence or demean individuals or groups...[stand] in direct opposition to free speech and subverts the contest of ideas...”¹⁰ Now as long as someone feels demeaned, the conduct that made them feel that way is actionable. It is crucial that important words like “demean” are not in any way defined, which allows for the broadest possible interpretation when action is necessary in the eyes of administrators.

This train rolled through major universities in Canada in 2016 and 2017, all getting on board with “modernizing” their commitments to free expression, and affirming their commitment to select the right culture. Consider the University of Regina’s commitment to “Indigenize the university,” referring to the “transformation of academic programs with an aim of both re-centering Indigenous content, epistemology and pedagogy and through academic program decolonization.”¹¹ Almost all institutions have some version of this openly in their top priorities on their websites. One needn’t even be critical of indigenization or indigenous cultures to understand that it is quite a bold step for a university to start concerning themselves with institutional cultural activism. You can both love indigenous cultures and see their expansion as a concern best left unenforced by public universities.

So far, I have not made any claims about what a university should be. That was not the point. I merely told you the truth of what a university now is. If nothing else, it should now be established that the older definition of “university” that we colloquially think about no longer applies in practice. And thus, the question of whether students should be policed off-campus needs to be treated carefully. Care must be paid to the separation of what actions we want our universities to take in modern circumstances, and what principles we want them to hold. The distinction matters in how we will navigate this issue and what alternatives we will find available.

⁹ <https://governingcouncil.utoronto.ca/secretariat/policies/freedom-speech-statement-protection-may-28-1992>

¹⁰ <https://www.president.utoronto.ca/statement-on-free-expression>

¹¹ <https://www.uregina.ca/president/indigenization/index.html>

Off-Campus Policing of Student Conduct

Canadian universities still care about open inquiry and knowledge production, just no longer as the primary objective. This essay is not meant to impugn the utility of universities. Universities are still responsible for great strides in medical technology and scientific advancement, for example. It is just no longer the main focus. The modern university now sees innovation and debate as a lucky side effect that follows wherever smart, curious people assemble.

Today, policies everywhere focus on giving administrators extensive tools to police conduct of students, even when that conduct is fully lawful, when it consists solely of conversations, and when the offence is made up on the spot, deemed a harm to reputation *ad hoc*. Our institutions are now openly selecting and enforcing certain cultures, and rapidly expanding their toolkit to interfere with the intellectual and political freedom of their students. Sometimes polices are explicit about how far the policing can reach, and other times problematic content is shoehorned into “reputation damage,” or “undermining the dignity” of students, or running contrary to the execution of the university’s mandate. Regardless of the route and exact wording, the reach is far.

A look at universities’ policing of behaviour would not be complete without explaining the immense flexibility and arbitrariness of the process. I served on the highest academic governing board at the University of Alberta from 2015 to 2018, including two terms on their most senior committee, and watched firsthand the new priorities become more public. After the territorial acknowledgements, Cree prayers, and smudging ceremonies to cleanse our spirits, the group starts to discuss how it can prevent harm. Harm, naturally, is not defined. It would be most unwise for the university to give it a definition. This creates a conviction shortcut, a logical leap meant to allow the community to be policed more easily. It works like this:

First a concept is established in the policies as inherently bad and to be avoided at all costs, and it is named “harm” or “unethical conduct” or something similar. Everyone discusses how bad it is to do harm and how the university must place harm-avoidance at the top of its priority list. The concept remains undefined. Second, it is written in codes of conduct that one is not to do harm. This affects research approvals, personal conduct, and expressed thoughts. Expected punishments are laid out in writing to warn those who might consider doing harm. Thirdly, when a problematic behaviour that stands in the way of cultural activism arises, an argument is prepared by the administration opining that the behaviour caused subjective harm to a certain group. The evidence tendered is a statement from

the offended group saying they felt harmed, or, often, a statement from a third party declaring that the group must have felt harm. Again, it is crucial that “harm” remained undefined. It is enough that it was felt (or felt on their behalf). And finally, the shortcut is completed, forcing a conviction by matching the “harm” claimed to be subjectively felt by the offended group, to the “harm” that is prohibited in the relevant code of conduct. The convicted person is told they were warned in writing not to cause harm, but they did it anyway. Sanctions are levied. If the person can be brought to see things correctly and get on board with the inquisition, they may get off the hook with some sensitivity training and an apology for the harm. If they point out the flawed process, they are removed. At no point does the university indulge discussion of why the “harm” claimed was actually bad.

The Complicated Answer

Much of this essay has been tangential to the question, a detour made necessary by the fact that the question as framed is misleading. Using an outdated concept of what a university is requires a different answer, but that is no longer relevant. Ask yourself, if enforcing a culture is the goal of your multi-billion-dollar publicly owned institution, then why would they pass up the opportunity to extend the reach to off-campus conduct? Academia may happen chiefly on campus, but culture happens everywhere. To push for universities to stop policing off-campus activities is to put a band-aid on a festering wound and try to forget about it. The fundamental goals need to be changed before an adjustment in the manner or magnitude of a single policy will have any substantial effect.

Of course, readers of essays like this usually want universities to be what the old definition of the word suggests. We want universities that are sensitive to how people feel, but that also uphold logic, evidence, reason, experimentation, vigorous debate, innovation and even the exploration of controversial new ideas as their highest priorities. We want a university that acknowledges that sometimes comfort and truth will come into conflict, and that while comfort should be regarded, truth must win every time.

But that isn't likely to happen. Universities change in one direction. So what are we who mourn the classic university to do? Let them be what they want to be. They have clearly articulated their goals. We need to take our principles and apply them elsewhere. At some point, we need to acknowledge the incompatibility.

Stop sending children to a university to get an education that focuses on critical thinking and effective reasoning. That's not where those principles live anymore. Stop getting angry when a university chooses a culture or religion to champion. That is their stated purpose, and it would be silly of them to not act in accordance with their principles. Stop expecting universities to stay on campus. They have articulated their goals, and they need to reach off-campus in order to pursue them.

Start looking for the embodiment of your principles elsewhere. The need for a university of old died with the birth of the internet. To exchange big ideas and work on new ones, a physical space is no longer necessary. Start taking your universities at their word. They really do mean what they say. Start supporting people who are creating content, processes, organizations and platforms that adhere to your principles; these people are filling the intellectual gaps that universities are letting widen. A good place to start is to find the people who are not afraid to criticize their institutions, whether they are staff or students. These people will be vanquished from the system if they haven't been already, but there's no reason a new system can't be there to catch them.

A public institution must act in accordance with the principles it espouses. If you're upset with how universities are acting, you're not seeking different actions; you're seeking different principles. Universities have to police off-campus behaviour. You just don't have to like or support it. Unfortunately, you are stuck funding it, for now.

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