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## The New Censorship in American Higher Education: Insights from Portland State University

*A Report of the Oregon Association of Scholars*

(Revised 27 April 2021, 2:00pm Pacific time)

### Executive Summary

American higher education has been gripped by a moral panic since the January 6, 2021 Capitol Riot, one that adds to the moral panic that ensued after the death of George Floyd in Minneapolis in May 2020. Faculty and administrators have made use of both events to impose restrictions on academic freedom and free speech in the name of “combating systemic racism” and “stopping mob violence.” In March, Portland State University imposed restrictions on the ability of faculty members to criticize the work of other faculty members or departments. Justified in the name of protecting academic freedom, the restrictions offer administrators a new tool with which to censor the already vanishingly small number of voices that dissent against illiberal orthodoxies on campus. The New Censorship goes a step further: it denies academic freedom to voices deemed “racist.” Portland State president Stephen Percy refers to this as a “new status quo.” Since then, Portland State has engaged in an ongoing assault on free speech and academic freedom, including the introduction of a new “equity framework” to root out “racist” thought crimes on campus. By serving to eliminate once-and-for-all any remaining viewpoint diversity on college campuses, this assault on academic freedom in the name of academic freedom, which brings to fruition a 50-year transformation of this typical American university into fundamentalist cult, has implications well beyond higher education.

## Contents

What’s At Stake .....	2
Background: The Capitol Riot Panic in the Faculty Lounge .....	3
The “Anti-Racist” Revolution at Portland State University .....	5
The Make-Believe Woke@PSU Capitol Riot .....	7
The Gag Order Resolution .....	10
Faculty Senate, Act 1: “Stop the Shit” .....	12
Faculty Senate, Act 2: “A New Status Quo” .....	13
The President and Provost Applaud.....	16
Putting The New Censorship Into Effect .....	17
Censoring I: Censoring the Faculty Senate Meeting Video.....	18
Censoring II: Implementing “Stop the Shit”.....	20
Censoring III: Implementing “The New Status Quo”.....	22
Censoring IV: Implementing Anti-Racist U .....	23
Implications.....	24
Action Responses.....	25
Contact .....	25

## What’s At Stake

Threats to American liberties and constitutional foundations have often emerged from colleges and universities where radical and utopian ideas flourish unconstrained from the normal give-and-take of practical society. Since most Americans spend time raising their families, working hard, and contributing to their communities, the ideas that take root in higher education and then spread to K-12 as well as to the public and private sectors appear out of nowhere as *faits accomplis*. In the wake of the January 6 Capitol Riot, a new wave of activism has risen up on campus that goes beyond the informal censorship of unpopular viewpoints. It seeks to explicitly deny freedoms of speech and publication to voices deemed “racist” or “nativist” or “unWoke.” The New Censorship may not be readily apparent to the average American who wishes to be left alone to live his life in dignity. But that wave threatens to swamp American society by completely eliminating viewpoint diversity from key cultural institutions. This report details the emergence of the New Censorship in American higher education by tracing its evolution at one

state university. Americans should prepare to defend their liberties against this new assault on their basic freedoms.

## Background: The Capitol Riot Panic in the Faculty Lounge

In the wake of riot at the U.S. Capitol on January 6, 2021, and following the riots across the country after the death of George Floyd in Minneapolis in May 2020, the academic Left has called for the censorship of viewpoints and voices that it deems to be spreading racism, falsehoods, or incitements to violence. Social media companies, movie and television streaming services, and even publishers have acquiesced to these calls by banning and removing content. This New Censorship has targeted conservative and classical liberal voices almost exclusively while leaving untouched the falsehoods and incitements to violence that saw the United States endure over 100 days of violent insurrection, attacks on police and government buildings, and destruction of property and loss of life during the Summer of 2020. In April, Hollywood's Academy of Motion Picture Arts and Sciences gave a top award to a film, *Judas and the Black Messiah*, that celebrates a racist and violent organization.

Within higher education (as well as K-12 education) this New Censorship has found expression in both intrusive new mandates for “anti-racism” training and in limitations on the free speech and academic freedom of academic faculty deemed to be agents of “white supremacy.” Continuing in the mode of moral panic set off by the Summer 2020 riots, both faculty and educational administrators have imposed new restrictions on campus free speech and intellectual diversity. Many universities and departments have unveiled plans to “hire BIPOC folks” and to make internal funding decisions based on the group identities of the parties.

This latest assault on a free society is the logical result of a 50-year assault on liberal cultural institutions by what the University of London scholar Eric Kaufmann calls “liberal fundamentalism.”<sup>1</sup> The slow but steady elimination of classical liberal and conservative faculty and programs at universities has now reached its culmination in the reconstitution of universities as “collectives” with shared communal values. These values center on the sacralization of race

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<sup>1</sup> Eric Kaufmann, “Liberal Fundamentalism: A Sociology of Wokeness,” *American Affairs* (2020)

and of cultural victimhood. Not satisfied with the achievements of liberal equality, liberalism has transformed into a cult of Wokeness. Having slayed the dragons of status inequality during the Civil Rights Movement, it has sought new “implicit” or “structural” inequalities, or what Douglas Murray calls “St. George in Retirement.”<sup>2</sup> The need to constantly reinvigorate the emotional ties that keep liberalism from noticing its illiberal turn results in greater emotional investments being made in pledges to “combat racism” and “allow BIPOCs to survive” along with teary declarations of white guilt or other “offenses of positionality” made to enraptured audiences. *No Study Without Struggle* is the apt summary of the movement by one recent book with the subtitle *Confronting Settler Colonialism in Higher Education* by Leigh Patel, a University of Pittsburgh educationalist which seeks to turn the university into an anti-racist shock force to “dismantle” white culture in America.<sup>3</sup> With her well-conveyed victim *bona fides* as woman, BIPOC, and South Asian colonial subject, Patel represents the logical culmination of the involution of modern liberalism.

At Stanford University, for example, activist faculty in February asked the university to “investigate” three fellows at the Hoover Institution who had expressed conservative views on the 2020 presidential election, COVID-19, and the Capitol Riot. The faculty members sought to end Hoover’s institutional independence so that it could no longer provide a refuge at Stanford for non-left wing views, now reimagined as “racist.” Nor would Hoover scholars be allowed to continue to provide criticisms, now called “intimidation” or “targeting”, of left-wing scholarship.<sup>4</sup> Calls have resounded throughout academia for new limits on what Harvard professor Julie Reuben calls “the misuse of academic credentials to mislead rather than enlighten.”<sup>5</sup> It is no surprise that Reuben and others making these appeals define “misleading” views as conservative or classical liberal viewpoints, whereas “enlightened” views emanate Buddha-like exclusively from the academic Left. Patricia McGuire, president of the Catholic Trinity Washington University, has been at the forefront of calls for universities to remake students, faculty, and programs with an overarching emphasis on “racial justice.” The role of

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<sup>2</sup> Douglas Murray, “Slaying Ever Smaller Dragons,” *Gatestone Institute*, 28 September 2014.

<sup>3</sup> Leigh Patel, *No Study Without Struggle: Confronting Settler Colonialism in Higher Education* (2021).

<sup>4</sup> Christian Schneider, “Fellows With Conservative Think Tank at Stanford Fire Back After Attempt to Investigate Them Fails,” *The College Fix*, 26 February 2021; Jack Fowler, “Stanford Lefties Must Swallow Their Hoover Hate — for Now,” *National Review*, 25 February 2021.

<sup>5</sup> Julie Reuben, “Where Academic Freedom Ends,” *Chronicle of Higher Education*, 8 January 2021.

university, she writes, is to “improve the ability of our graduates to be stewards of truth, leading this nation forward more affirmatively along the arc of justice.”<sup>6</sup>

These self-anointed enlightened educators appear to have forgotten that a free and pluralist society contains different views on what constitutes “justice.” This is a core insight of human thinking going back to Plato’s Republic. Yet in one short generation, radical academics, joined by fellow radicals in K-12 education, mainstream media, and elite culture, have abandoned this basic commitment to tolerance and pluralism, and with it the commitment to preserve the basic speech freedoms of fellow citizens whom they slander as “racists.” Those views are morally overridden by administrators and faculty who believe that their views are definitive and timelessly true, and that if one disagrees one is not merely mistaken but morally suspect. Under this view it follows that ideologically correct speech and hiring and promotion policies must be adopted and institutionalized.

The language being used to justify these new impositions on basic freedoms suggests an attempt to reconceptualize the foundations of a free society, albeit in a way that harkens back to a long tradition of “revolutionary justice” in the Western tradition. Since the French Revolution, the revolutionary Left in Western societies has repeatedly sought to draw a line between “correct” and “incorrect” ideas, the former to be empowered by historical necessity and the latter to be marched up the scaffold. This historical cycle is playing out again in American higher education in the wake of the Capitol Riot. This report highlights one such recent shift at Portland State University, a public research university in Oregon.

## The “Anti-Racist” Revolution at Portland State University

Portland State University is a comprehensive research and teaching university in Portland, Oregon, one of three large public universities in the state. Historically, it has served a working class and first generation study body and had a typical left-wing faculty. However, under president Wim Wiewel, a Dutch Marxist, from 2008 to 2017, it began to institutionalize its

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<sup>6</sup> Patricia McGuire, “Colleges Share the Blame for Assault on Democracy,” *Chronicle of Higher Education*, 8 January 2021; Paul Basken, “US Universities Urged to Redouble Civic Effort After Capitol Riot,” *Times Higher Education*, 21 January 2021.

progressive identity. Wiewel spurned the capitalist energy that built Oregon, telling Nike founder Phil Knight in their first and last meeting that he was a socialist and was not interested in Nike money. He expanded the university's "diversity" bureaucracy and declared the university a "sanctuary campus" in 2016 in violation of federal law. University trustees tried to course correct by appointing the Iranian engineer Rahmat Shoureshi, who had been rescued from the mullahs of his homeland by Jimmy Carter's amnesty for students studying in the U.S. in 1979. Shoureshi's business-like demeanor rubbed staff the wrong way and he was ousted after 21 months by Woke faculty and staff. For those radicals, his tenure came to symbolize the unWoke university when campus police shot an armed black man who was involved in a drunken brawl outside a student dormitory.

Political scientist Stephen Percy replaced Shoureshi and quickly redefined the purpose of the university from excellence and freedom in research and teaching to anti-racist activism. Amidst a major budget emergency, steeply falling enrollment, and a crisis of teaching quality due to COVID, in January 2021, Percy proclaimed that "my highest priority is sustaining and amplifying our commitment to racial justice."<sup>7</sup> He has redefined the university's mission without apparently having consulted the university's Board of Trustees or Faculty Senate, or with the state's higher education or relevant legislative bodies. "What is the highest purpose of a public institution? It is incumbent on people to explain why racial equity is the highest priority," he stated. In one of his first acts, Percy gave \$1 million to the family of the black man shot by campus police and promised to build a shrine at the site of the shooting. Today he talks of it as a quasi-religious place of pilgrimage for the campus Woke Warriors.

Following the January 6, 2021 Capitol Riot, Percy issued statements of disgust and condemnation, a great contrast to the support he conveyed during 100 days of similar violent insurrections a few blocks from his own campus, which he and other faculty members described as fact-based, peaceful, pro-democratic, and enlightened: "Against the backdrop of nine months of protests for racial justice, today's attack on democracy and the response is jarring and

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<sup>7</sup> "Welcome to Winter Term," 4 January 2021.

frightening to so many of us, particularly those who have been marginalized and are demanding justice and equity.”<sup>8</sup>

Percy’s reductive and obsessive focus on race reached new depths on February 17, 2021 when he sent an email to the campus community on incidents around the U.S. involving Asian-Americans: “As a white male, I am very aware that white supremacy and xenophobia is at the heart of racism. I have made it a personal goal and a goal of this institution to prioritize racial justice and do the work to end racial violence.”<sup>9</sup> Percy has not explained why the incidents in which bias was involved, most of which have been linked to black assailants, should be ascribed to “white supremacy.”<sup>10</sup> Percy nonetheless has used these incidents to justify imposing a furtherance of his “anti-racism” agenda on Portland State.

### The Make-Believe Woke@PSU Capitol Riot

In response to new assaults on academic and speech freedoms, some students, faculty, and administrators around the United States have joined national efforts to use opportunities presented by greater digital transparency during the COVID pandemic to capture and share egregious abuses in teaching and administrative behavior on campus. Many of these abuses have been divulged through regular media channels. In March, 2021, for example, a student at Boise State University who was compelled like other undergraduates to undergo “diversity” training captured a recent classroom discussion on video where white students were degraded and humiliated by the instructor for being white. The university suspended the training after the student shared the video with a member of the Idaho legislature, who complained to the university.<sup>11</sup> Digital transparency has exposed the chasm that has opened up between what common sense Americans of goodwill assume should be happening at taxpayer-supported university campuses and the reality of ultra-radical and illiberal indoctrination that now passes for education in many programs and departments.

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<sup>8</sup> “Reaction to political violence in Washington and Salem,” 6 January 2021.

<sup>9</sup> “Calling out anti-Asian racism,” 17 February 2021.

<sup>10</sup> Jason Riley, “‘White Nationalism’ Isn’t American Minorities’ Biggest Problem,” *Wall Street Journal*, 23 February 2021.

<sup>11</sup> Colleen Flaherty, “Ethics and Diversity Course on Hold,” *Inside HigherEd*, 18 March 2021.

A similar attempt at transparency began at Portland State in February on Instagram in which campus members began posting information from classes or other campus events and activities under a “woke@PSU” page. On February 6, 2021, a course pack given to students in a mandatory course on teaching training “for social justice” in the university’s College of Education was uploaded onto the woke@PSU Instagram page. The 173-page course pack was a catalogue of Woke Studies indoctrination and agit-prop. It included a film entitled “Color Film was Built for White People”, an article entitled “Math is Racist,” and a list of “Covert White Supremacy” actions including advocating a color-blind society and using the “Make America Great Again” slogan of the 45<sup>th</sup> president of the United States for whom 40% of Oregonians voted in the 2020 election. Students were instructed how to submit “autoethnographies” with strict guidelines about the need for soul-searching self-criticisms about their privilege if white.

Within hours, the course packet had been shared on various platforms hundreds of times and viewed thousands of times. Copies of the slides circulated widely and were accompanied by significant critical commentary. That was to be expected because the contents of a mandatory course in teacher training at a public university are a matter of public interest, especially when students in the classroom consider the contents to be offensive and unprofessional. The divulging of these course contents is often the only way for students to seek remedy for perceived wrongs in the classroom. This, for instance, was the case when Canadian graduate student Lindsay Shepherd recorded a struggle session that her supervising faculty member put her through after she aired a public television debate in her classroom that the faculty member deemed offensive.<sup>12</sup>

On February 8, an unspecified number of faculty, staff, and students at Portland State deemed to have participated in this “woke@PSU Capitol Riot” received emails from college deans demanding that they remove their social media repostings and comments on the student course materials. The reasons given were that the slides contained student information (although only first names were in the slides) and that the slides might violate copyright restrictions (how precisely was not explained).

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<sup>12</sup> Paola Loriggio, “Lindsay Shepherd Says She Had to Record Meeting that Spurred Jordan Peterson Lawsuit,” *Canadian Press*, 1 March 2019.



Among those who shared the course slides on their social media accounts and received the gag order emails were two PSU faculty members who have been subjected to repeated administrative and departmental attempts at censorship and punishment because of their criticisms of Woke Studies on campus: philosophy assistant professor Peter Boghossian<sup>13</sup> and political science professor Bruce Gilley.<sup>14</sup> Both Boghossian and Gilley complied with the requests out of courtesy and because of deference to the two claims, namely those concerning student information and copyright. Both nonetheless insisted on their rights to engage in the public debate on the publicly available course pack.

It is important therefore to summarize what happened: a student aggrieved at abusive practices in the classroom shared a course pack on social media and some PSU students, staff, and faculty were among the hundreds of people who shared that posting and commented on it. In a normal environment, this would be considered part of the contest of ideas in a free society. At most, as in this case, where administrators identified a possible concern about student information or faculty copyright, it would be described as a compliance question. Where students and faculty complied with those concerns, the issue would be concluded.

But in the post-Capitol Riot academy, all criticism of the orthodoxies of Woke Studies professors has been redefined as “insurrection” and “mob violence.” The sense of vengeance is particularly strong among faculty who call themselves “critical race theorists” since taxpayer-funded training using such approaches was explicitly banned by the Trump administration as an assault on liberal equality. A narrative rapidly took shape among PSU faculty that a “violent insurrection” involving “mob violence” had taken place at Portland State akin to the Capitol Riot of January 6. This caused a moral panic among the faculty at PSU who, as with their post-George Floyd hunt for phantom racists on campus, seemed compelled by the need to feel they had been attacked by a Capitol Riot. Administrators and activist faculty called for investigations, sanctions, and a New Censorship. The faculty narrative was grandiose and delusional, as if a mob of Confederate flag-

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<sup>13</sup> Jesse Singal, “Is a Portland Professor Being Railroaded by His University for Criticizing Social-Justice Research?” *New York Magazine*, 11 January 2019.

<sup>14</sup> Noah Carl, “Bruce Gilley Versus Cancel Culture,” *Quillette*, 30 October 2020.

waving deplorables had laid siege to the university's School of Gender, Race, and Nations with projectiles and live fire.

Nothing of the sort happened. Moreover, there is no evidence that the faculty member whose course materials were shared suffered anything more than the normal slings and arrows of life in the public realm. If he had, there is no question that appropriate police investigations should be taken against those making threats of violence. Instead, the activist faculty described the sharing of some course slides on Instagram as “harassment,” “intimidation,” “mob violence,” and “bullying.”

On February 10, the PSU faculty union filed a grievance against Gilley and Boghossian.

“Invitations to harassment and endangerment violate the professional code of conduct and we are asking Administration to take appropriate action,” the grievance stated.<sup>15</sup> This was an extraordinary abuse of the grievance process in labor union activities, which is designed to be addressed to management rather than at fellow “workers”. More to the point, calling normal criticisms “invitations to harassment and endangerment” represented an unprofessional sleight of hand. Education scholar John Wilson called the grievance “an attempt at censorship. To file a grievance because faculty ‘might’ be the target of a mob due to public criticism is an effort to limit academic freedom. Everyone—students, professors, the public—has the right to criticize professors and their views.”<sup>16</sup> This right was now explicitly rejected in what came next.

## The Gag Order Resolution

Portland State University operates in a quasi self-governing manner. It has a faculty senate that is supposed to share governance with the university administration, along with the faculty union, all of it overseen by a Board of Trustees and state administrators and legislators. Within days of the Woke@PSU Capitol Riot idea taking shape, the steering committee of the faculty senate drafted a [“resolution”](#) that reflected this make-believe world. The resolution “was issued in response to” the sharing of the slides, Portland State film studies professor Jennifer Ruth later

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<sup>15</sup> PSU-AAUP, “Professional Code of Conduct Grievance Filed,” *PSU-AAUP Blog*, 24 February 2021.

<sup>16</sup> John K. Wilson, “Claiming the Mantle of Academic Freedom,” *Academe Blog – AAUP*, 21 March 2021.

confirmed.<sup>17</sup> The resolution, she wrote, was a model of restraint because it did not call for the “termination” of the offending faculty members (presumably of their employment), nor for them to be “disciplined.” This language of leniency in return for penitence was particularly sinister since Ruth is the “academic freedom” director of PSU’s faculty union.

The resolution begins by suggesting that the sharing of the student course materials had “replicated” the Capitol Riot including “mob intimidation and reckless endangerment of human life.” It further states: “The attack on the U.S. Capitol is...troubling for the precedent it sets for similar actions to be replicated at other institutions, including universities.” This delusional equivalence – the sharing of course slides was “like” the violent attack on the U.S. Capitol -- was later made explicit by the faculty member, gender studies specialist Vicki Reitenauer, who introduced the resolution to the faculty senate.

It is notable that the resolution did not feel the need to specify which “chilling attack on the United States Capitol” it was referring to, assuming that correct-thinking people were aware of only one possible event fitting that description. Yet left-wing groups critical of the Trump administration forcibly and illegally occupied federal buildings in Washington twice in 2018. In June, a group of anti-border enforcement activists illegally entered and occupied the Hart Senate Office Building dressed in silver blankets. In October, the “Women’s March” promised “direct action” to shut down the U.S. Capitol during Supreme Court justice confirmation hearings, leading to a preemptive closure of the Capitol complex area. The mob then illegally and forcibly entered and occupied the same Hart building.

The resolution describes the sharing and commentary on the course slides in various dark tones, using words like “intimidation.” For example: “When faculty become active in, or even endorse or tacitly support, public campaigns calling for the intimidation of individual colleagues they disagree with, or with an entire faculty they disagree with, they are undermining academic freedom.” Thus, in a single sentence, the resolution imposes a gag order on criticisms of a university’s professors, programs, teaching, and research -- *criticism which is itself the heart of*

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<sup>17</sup> Jennifer Ruth, “When Academic Bullies Claim the Mantle of Free Speech: Harassment Should Not be Protected,” *Chronicle of Higher Education*, 18 March 2021

*academic freedom* -- as an abuse of academic freedom. The resolution then affirms the new description of normal criticism as “bullying” and “cynical abuse” stating: “As Faculty, we must be thoughtful in our exercise of academic freedom and guard against its cynical abuse that can take the form of bullying and intimidation.”

The resolution, in redefining normal debate and criticism, as acts of “intimidation” and “bullying”, falls afoul not just of common sense but of constitutional protections and normal workplace employment law, especially for a public university where faculty governance and academic freedom are core principles subject to state laws. Nor does it contemplate the implications the resolution would have if applied to Woke Studies professors who regularly engage in such “intimidation” (i.e. criticism) of their unWoke colleagues.

The resolution is breathtaking in its carefree approach to the principles of which it professes attachment. This should be a matter of grave concern to the key stakeholders of Portland State University who, despite the pretensions of small numbers of activist faculty, are mainly defined as the citizens of Oregon, the alumni of the institution, and the Board of Trustees tasked with protecting the institution from just such assaults. What came next showed that the animus behind the resolution was far more censorious than it at first appeared.

### Faculty Senate, Act 1: “Stop the Shit”

The resolution was presented for discussion and approval at a Portland State faculty senate meeting of March 1, 2021. Even by the standards of the contemporary academy, the live-streaming faculty senate “debate” on the resolution was notable in making clear the disappearance of viewpoint diversity on campus and the emergence of a new racial justice activism animating taxpayer-funded universities. The meeting was live-streamed and then uploaded for public viewing on YouTube, although the university subsequently tried to erase this public record and threaten legal action against those who used it (see below).

While Portland State is a comprehensive research university, those who spoke on the resolution all represented Woke Studies departments where intellectual involution and ideological monoculture have been widely noted: women and gender studies, film studies, social work,

anthropology, sociology, and languages and literature. The university's sciences, business, engineering, government, economics, and other fields which maintain at least symbolic acknowledgement of the possibility of reasonable conservative, classical liberal, libertarian, centrist, or otherwise heterodox (“unWoke”) views are not represented in the discussion.

In Act 1 of the faculty senate “debate” on March 1, the resolution was warmly supported on the grounds that criticism of Woke Studies professors and their courses is “illegal,” “targeting,” and a form of “extramural political campaigns.” Jose Padin, a sociology professor, stated that “we stand for truth” and that the resolution would prevent “the propagation of lies about how the university works.” Jon Holt, a professor of languages and literatures, provided a coda to the arguments for the gag order: “Stop the shit... of attracting mob violence towards some of our colleagues.”

Again, there is no evidence of any “mob violence.” No faculty member “organized” or “encouraged” any action by any group directed at any person, other than public debate on a set of course slides. There *is* exceptional evidence of an apparently deep-seated need by Woke Studies faculty to *believe* there was “mob violence” targeting them. In this sense, the statement “we stand for truth” provides, along with the titling of the resolution as in support of “academic freedom”, evidence of illusory views among Portland State faculty that should be of concern to students who seek evidence-based and reasoned instruction from their professors. What came next, however, overshadowed even this issue.

## Faculty Senate, Act 2: “A New Status Quo”

Consistent with the appeals by many university presidents in the United States, including Portland State president Stephen Percy, to transform the university into an “anti-racist” institution, faculty have not surprisingly taken up the challenge with proposals to police their colleagues for evidence of “racism.” This, for instance, was the proposal of Princeton faculty in 2020 for a special committee to “oversee the investigation and discipline of racist behaviors, incidents, research, and publication on the part of faculty.”<sup>18</sup> That the terms “racism” and “white

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<sup>18</sup> Evan Gerstmann, “Princeton Professors Want The Power To Punish Research They Deem Racist,” *Forbes*, 12 July 2020.

supremacy” are now used interchangeably with any viewpoints not tacking closely to Far Left perspectives has not gone unnoticed by most Americans. Today’s “anti-racist” zealots apply the label of “white supremacy” to everything from plastic grocery bags to toll roads.

The reorganization of the university is intended to fulfill the demands of “critical race theory” (or “cultural Marxism”) of suspending liberal equality and replacing it with a top-down redistribution of rights based on the “anti-racist” credentials of the recipient. In the words of Christopher F. Rufo: “Historically, the accusation of ‘anti-Americanism’ has been overused. But in this case, it’s not a matter of interpretation—critical race theory prescribes a revolutionary program that would overturn the principles of the Declaration and destroy the remaining structure of the Constitution.”<sup>19</sup>

In July 2020, film studies professor Ruth welcomed the idea of faculty policing their colleagues for racist behavior rather than relying upon the university’s normal processes, which respect professors’ rights as spelled out in contract and university code: “Faculty are better positioned to understand the nuances and complexities involved in teaching diverse populations in a rapidly changing social landscape with rapidly changing cultural norms.” Handing over quasi-judicial functions to revolutionary faculty committees with their nimble fingers on the pulse of “rapidly changing cultural norms,” she wrote, would allow faculty to purge colleagues whose views they dislike, free from concerns about traditional issues like the rule of law or political pluralism that unduly constrain administrators. Just as Madame Mao permitted only “8 works [of performing arts] for 800 million people” during the Cultural Revolution, Ruth was arguing for a radical narrowing of permissible academic activities governed by the uncluttered consciousness of the few ultra-revolutionaries drawn from film and gender studies departments. Some universities like Portland State, Ruth continued darkly, had counter-revolutionary “white supremacists” hiding on campus who should be weeded out by the people:

[We] are *still* forced to live in perpetuity with that faculty member whose discriminatory actions are *not* unintentional—the rare faculty member who *is* a white supremacist or not above playing to a dangerous alt-right emboldened by a race-baiting president. This person—who may sound like a bogeyman to those whose campuses are happily free of such people but will be readily recognizable to

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<sup>19</sup> Christopher F. Rufo, “Critical Race Theory: What It Is and How to Fight It,” *Imprimis*, March 2021.

those whose campuses aren't— is never disciplined or, if he is, he is disciplined with dramatically less severe consequences than are others. This is because he implicitly or explicitly threatens lawsuits, engages right-wing organizations with deep pockets to back him, or weaponizes academic freedom as a shield.<sup>20</sup>

With this in the background, it is not surprising that the “polite” discussion in Act 1 of the March 1 Portland State faculty senate meeting about “protecting” academic freedom, quickly gave way to Act 2: calls for an abolition of academic freedom and new forms of “discipline” for unWoke professors. By the end of Act 2 in this Jacobean drama, with the stage littered with the bloody corpses of what used to constitute the core principles of a university, president Stephen Percy has joined the excitement and called for “a new status quo.”

Act 2 opens with film studies professor Amy Borden warning that the resolution as presented in defense of academic freedom “could be weaponized to support studies that would be inherently and problematically racist.” No one speaks up to challenge the logical contradiction of a faculty senate that both defends and denigrates academic freedom. The keynote speech is then provided by a social work professor, Matt Chorpenning:

We cannot require our faculty to have less racist syllabi because of academic freedom...So academic freedom is already protecting a kind of status quo, Portland polite, racism...If we want to be anti-racist as a university, we are not making a values neutral claim, and we are saying that there are things we will not tolerate...We're not going to tolerate some of these things because academic freedom, just like lots of other things in academia in the United States of America, since this country is founded on white supremacist, settler-colonial genocide, the status quo things tend to protect that oppressive status quo. Academic freedom is still going to protect all forms, a lot of forms of things that many of us would find abhorrent, and it's worth exploring and thinking about.

Again, no one in the meeting speaks out in disagreement of Chorpenning's assault on academic freedom as an ideal. Indeed, the room is wholly animated in support, as if he has at last spoken the implicit message. Anthropology professor Michele Gamburd agrees that the faculty should be “engaged in some deep changes of the ground rules of our social hierarchy.” Women's studies professor Reitenaur chimes in that she “agrees 100%” with the need for “bolder statement about what we won't tolerate” and “would very much like to do that.” President Percy applauds

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<sup>20</sup> Jennifer Ruth, “The Promise of Princeton's Racism Committee Proposal,” *Academe Blog*, 20 July 2020.

Chorpenning's speech and aligns himself with its message: "It's not all about going back to some status quo, it needs to be a new status quo, one that is not so rooted in white dominance as so many of our policies and practices are."

The senators then vote 47 in favor with none against and three abstentions. Thus what was initially presented as a clarification and reaffirmation of existing rules protecting academic freedom while upholding professional rules of conduct against physical or online threats has transformed through group dynamics animated by an overarching group delusion into "a deep change in the ground rules of our social hierarchy" and "a new status quo."

This end-game then becomes a powerful way to understand the animus and pressures that administrators acted upon when they gagged faculty and students who had shared the course slides after the make-believe Woke@PSU Capital Riot of February 6. Far from the narrowly construed issues of student information and faculty copyright, indeed even removed from the question of protecting an atmosphere conducive to the free exchange of ideas, this second and concluding Act showed that the Woke faculty driving PSU institutional choices were motivated by a new view that it is the mission of the university to root out unWoke professors and students, since, to use the words of President Percy, they are "rooted in white dominance." In this future, the taxpayer-funded institution will introduce mechanisms that further entrench itself in a cult of "social justice", a cult that replicates a set of approved moral orthodoxies by creating an ideology mill.

## The President and Provost Applaud

The next day, March 2, Percy and PSU provost Susan Jeffords (a critical women's studies theorist who publishes research on how to "terminate" masculinity) issued a letter to the campus commending the new resolution.<sup>21</sup> Like the faculty senate, they linked the new restrictions explicitly to the (January 2021) Capitol Riot: "The unlawful action at the nation's capital on January 6 has put the issue of free speech in sharp relief. We are more aware than ever that words matter and that the spreading of false information can have dire consequences." Thus the

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<sup>21</sup> "Standing with the Faculty Senate on academic freedom", 3 March 2021.



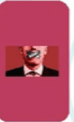


delusion of a make-believe Woke @PSU Capitol Riot permeates to the highest levels of the university, now acting in the name of combating “false information.” They then applaud the resolution as an appropriate act in response. The resolution, they state, “lays out the policies that support free speech and academic freedom while also guarding against its abuse.” The aim is to protect faculty from “harassment or other pressure from individuals or groups off campus” and “creating a safe space for a variety of perspectives and debate of intellectual ideas.” Percy does not explain how this squares with his endorsement the previous day of “a new status quo” that views the “debate of intellectual ideas” as a cover for white domination that should be curtailed.

### Putting The New Censorship Into Effect

On March 8, the Oregon Association of Scholars issued its initial version of this report on the changes at Portland State University. As of this writing, the initial version has been downloaded over 1,500 times from the OAS website and widely shared on social media. Normally, when institutions receive critical feedback from policy advocates, they take stock to ensure that those criticisms are not valid. However, within days of the OAS report, PSU had taken actions to vindicate all the core claims in the OAS report, both intentionally and unintentionally. The aftermath of the OAS report provided a vivid illustration of the crisis of New Censorship in American higher education. The graphic below lists core claims of the OAS report as well as actions and statements made by Portland State subsequent to the issuance of the report.

## Stepping on a Rake

Oregon Association of Scholars Report	Portland State University Responses
 <p>The New Censorship imposes a gag order on criticism of university programs and administration by calling such criticism “lies about how the university works.”</p>	<p>The PSU general counsel imposes a gag order on an OAS video about The New Censorship featuring the PSU Faculty Senate that shows how the university works.</p>
 <p>The New Censorship imposes a gag order on criticism of Woke teaching and research by calling such criticism “intimidation,” “harassment,” “bullying,” “incitement,” and “mob violence.”</p>	<p>PSU-AAUP “academic freedom” coordinator Jennifer Ruth publishes an attack on Professors Gilley and Boghossian calling their criticisms of Woke research “harassment.”</p> <p>PSU faculty senate presiding officer Michele Gamburd calls the criticisms of Woke research by Gilley and Boghossian “hate crimes”</p>
 <p>The New Censorship denies academic freedom to all unWoke professors on the grounds that they are “racist.”</p>	<p>Ruth declares that Gilley and Boghossian should not have academic freedom</p> <p>The PSU AAUP faculty union censures Gilley’s research saying it provides “intellectual cover for racism and white nationalism”</p> <p>The PSU president announces an “Equity Strategy” that will monitor all hiring, teaching, and research for “racist bias”</p>

### Censoring I: Censoring the Faculty Senate Meeting Video

The day after the PSU faculty senate approved its gag order resolution, the video recording of the meeting was uploaded by the secretary of the faculty senate onto a YouTube channel for public viewing, as was appropriate. As a public university, the records of a body like the faculty senate are public records, subject to disclosure and free use by the public. No doubt, the faculty in normal times believes in transparency and openness. Indeed, on this occasion, they were clearly proud of the “progressive” resolution they passed that would “remake social hierarchies.” They could have no expectation, given the lack of viewpoint diversity in the faculty senate, that anyone could possibly have any concerns.

The Oregon Association of Scholars made use of the video to provide a 5-minute summary of the relevant statements by senators during the debate, most of which are cited above, to accompany its first version of this report. It also shared the link to the full YouTube video so that the public could judge for themselves. As Boghossian later wrote in the *Chronicle of Higher Education*: “The public has a right to know what’s happening in universities — especially in public

universities like Portland State.”<sup>22</sup> On the first day of its posting from March 8 to 9, 2021, the OAS summary video had been viewed over 1,000 times. Perhaps to the surprise of the senators, average educated Americans did not share their enthusiasm for a Woke revolution on the taxpayer dime.

On March 10, the OAS received an official notice from PSU general counsel accusing it of violating PSU’s copyright and demanding that the OAS video featuring 2 minutes from the faculty senate meeting be removed:

The University holds exclusive copyright to the video and the use by OAS and yourself is an unauthorized, infringing use of the University’s copyrighted property. Accordingly, please take immediate action to remove this content from the YouTube channel and from the OAS and your own Twitter feeds and to disable all access to the copyrighted work. I request that you take this action no later than by noon on Wednesday, March 10, 2021...I understand that social media sites that receive takedown notices may sometimes penalize their users for posting infringing materials...[I]f the infringing materials are not removed by noon tomorrow, the University will contact YouTube and Twitter directly to file a formal takedown notice under the section 512 of the Digital Millennium Copyright Act.

In deference to the claims, the OAS removed the video as requested. However, the attempt to censor the video recording was illegal and a violation of both free speech and public records laws. On April 5, the Foundation for Individual Rights in Education (FIRE) sent a [letter](#) to PSU rejecting its copyright claims as without merit. “Manipulating copyright law to censor use of public footage in a video critical of PSU not only misapplies copyright jurisprudence, but also defies PSU’s obligations under the First Amendment,” the letter stated. “PSU has betrayed its constitutional obligations by abusing copyright law as a vehicle for censorship.”

Legal experts agreed that PSU had violated its First Amendment obligations and its obligations with respect to public records. “FIRE’s argument is correct,” wrote Dr. Eugene Volokh, the Gary T. Schwartz Distinguished Professor of Law at UCLA.<sup>23</sup> Not surprisingly, PSU did not respond

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<sup>22</sup> Peter Boghossian, “Criticism of Ideas Is Not Harassment,” *Letters: Chronicle of Higher Education*, 24 March 2021.

<sup>23</sup> Eugene Volokh, “University Trying to Block Distribution of Faculty Senate Meeting Video Excerpts Using Copyright Law,” *Reason*, 7 April 2021.

to FIRE as requested by April 16, 2021. Accordingly, the NAS has reposted the video, along with additional elements relating to subsequent events.

## Censoring II: Implementing “Stop the Shit”

The actions and words after the OAS report indicate that the PSU faculty and leadership have dug in like terriers with their insistence that any criticism of Woke faculty research or teaching, is tantamount to “bullying” and “harassment.” The day after the faculty senate meeting, presiding officer Michelle Gamburd (who had described the resolution as one step towards “deep changes in the ground rules of our social hierarchy”), told the student newspaper that the sharing and commentary of the teacher training course training slides was an example of “hate crimes.”<sup>24</sup> The resolution would give “*the administration and the senate and the union* something to refer back to when we say, these are the bounds for how we do academic discussions, and these are the things that are out of bounds and not acceptable.” The resolution “could be a step towards holding professors who participate in harassment campaigns accountable.” It is notable how this senior faculty member elides the distinctive roles of the administration, senate, and faculty union into a single Thought Control Center. While Gamburd’s understanding is consistent with Leninist organizational principles, it is at odds with the horizontal accountability mechanisms under democratic principles. This appeal to use the senate resolution as the basis to silence dissenting faculty also gives the lie to the claim made by education scholar John Wilson that the senate resolution was nothing more than an act of free speech that did not threaten academic freedom since it would remain “unenforced.”<sup>25</sup>

Similarly, film studies professor Ruth wrote in the *Chronicle of Higher Education* that “there should be no sense in which academic freedom entails the freedom to provoke, encourage, and engage in campaigns of harassment against colleagues.”<sup>26</sup> Absent a clear definition, or absent a link to anything that had happened at PSU, Ruth and Gamburd appeared to be acting like Elastigirls, stretching the definition of words like “harassment” and “hate crimes” to include any criticism or communication of criticism of Woke Studies professors by faculty who are not *au*

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<sup>24</sup> Dylan Jefferies, “Standing Up for Academic Freedom, *PSU Vanguard*, 9 March 2021.

<sup>25</sup> John K. Wilson, “Claiming the Mantle of Academic Freedom,” *Academe Blog – AAUP*, 21 March 2021.

<sup>26</sup> Jennifer Ruth, “When Academic Bullies Claim the Mantle of Free Speech: Harassment Should Not be Protected,” *Chronicle of Higher Education*, 18 March 2021.

*fait* with the “rapidly changing cultural norms” that those playing the role of Madam Mao would like to enforce.

In his response, published on the AAUP national website, Wilson took issue with such attempts to circumscribe criticism of Woke Studies professors:

I’m suspicious of the phrase “no sense in which” and similar forms of demands for zero tolerance. I’m also concerned that Ruth elides the difference between three very different things: provoke, encourage, and engage. Engaging in actual harassment is punishable (if it meets the legal definition of harassment and not the far broader colloquial sense that Ruth seems to be using). But provoking or encouraging someone else who engages in harassment is a very different thing. If I criticize a professor and someone else reads my critique and then that person engages in illicit harassment, should I really be found guilty of harassment by encouragement? That’s a particularly dangerous standard considering that in this essay Ruth herself engages in harsh public criticism of various professors by name (including Bruce Gilley, Peter Boghossian, Scott Atlas, and John Eastman). If someone were to send Gilley a mean tweet or even a death threat, should Ruth be punished for harassing him with her criticism? I certainly don’t think so.<sup>27</sup>

In a letter responding to Ruth’s manifesto, Gilley noted a series of acts by Ruth over the previous year, including incitement for members of the public to troll an online reading group that he was running, that fell afoul of precisely that proscription.<sup>28</sup> Boghossian, in his own response, warned of the implications of declaring whole realms of human knowledge off-limits to criticism: “By claiming that criticism of published ideas and pedagogical models is harassment, and by creating institutional mechanisms that erect barriers to wholly appropriate critique, entire lines of scholarship become exempt from scrutiny...This is particularly disturbing because the claims in question — almost always about race, gender, and sexual orientation — are presented as knowledge and then used to influence public policy.”<sup>29</sup>

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<sup>27</sup> John K. Wilson, “Claiming the Mantle of Academic Freedom,” *Academe Blog – AAUP*, 21 March 2021.

<sup>28</sup> Bruce Gilley, “Essay on Academic Bullying Full of Misrepresentations,” *Letters: Chronicle of Higher Education*, 22 March 2021.

<sup>29</sup> Peter Boghossian, “Criticism of Ideas Is Not Harassment,” *Letters: Chronicle of Higher Education*, 24 March 2021.

## Censoring III: Implementing “The New Status Quo”

In an extraordinary act, apparently motivated by the OAS report, the PSU faculty union on March 11 issued a lengthy attack on Professor Gilley’s research on colonialism, claiming he violated his academic freedom by publishing findings that did not accord with the Woke ideology stalking campus.<sup>30</sup> The action was remarkable not just for its unapologetic attack on the academic freedom of a colleague, but also because it provided within days of the OAS warnings about “the new status quo” a clear example of “the new status quo”. The Kenyan law professor Wanjiru Njoya of the University of Exeter wrote on her blog of the frustration felt by citizens of former colonies when mostly white professors in the West try to tell them what to think and read about their own histories: “We may be black (yes, it’s a trial) but we managed to figure this out all by ourselves, like actual human beings with brains and reasoning abilities (I know, shocking!) We are the living testament to what colonialism achieved, and nobody can cancel us or force us to reset ourselves to fit the New Woke Order.”<sup>31</sup>

The “censure” was like an Islamic *fatwā* issued against heterodox thinking by faculty *muftis* tasked with the correct interpretation of sacred doctrine. In support of the *fatwā*, a PSU geography professor, Alida Cantor, Tweeted an earlier article written by Farhana Sultana of Syracuse University attacking Dr. Gilley’s research.<sup>32</sup> Ruth, in her *Chronicle* piece, also advocated a policing of Thought Crimes on campus: “Professors at public colleges and universities in the United States have the First Amendment right to say any number of vicious, unhinged, and/or batshit-crazy things. That does not mean they have the academic freedom to do so.”<sup>33</sup> Education scholar Wilson corrected Ruth’s fundamental misconceptions about the origins and meaning of academic freedom: “Academic freedom is not a narrower right than free speech; it is a broader right more expansive than free expression, because it also includes the right to say things while doing your job (teaching, research) without being punished by your bosses for your opinions. That’s a right few workers have, and one that is essential to an academic institution.” With respect to the *fatwā*, Wilson wrote: “The PSU-AAUP is simply wrong to think that Gilley’s

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<sup>30</sup> “PSU-AAUP Condemns Professor Bruce Gilley’s ‘procolonialism’ Platform,” 11 March 2021.

<sup>31</sup> Wanjiru Njoya, “Anti-Colonial Diktat,” *Work, Productivity, and Pay Blog*, 12 March 2021.

<sup>32</sup> @alidacantor, Tweet, 11 March 2021.

<sup>33</sup> Jennifer Ruth, “When Academic Bullies Claim the Mantle of Free Speech: Harassment Should Not be Protected,” *Chronicle of Higher Education*, 18 March 2021.

‘procolonialism’ opinions create ‘hostile work environments.’ Publishing your political views in an article is not harassment, no matter how wrong those views are. And that certainly applies to support for colonialism.”<sup>34</sup>

## Censoring IV: Implementing Anti-Racist U

On March 30, President Percy announced recommendations of an “equity” task force.<sup>35</sup> The task force began work in November 2020, where the newly-hired diversity czar for the university, Ame Lambert, a native of Nigeria, compared the task to “truth and reconciliation” processes following major episodes of human rights abuses in African countries. Contrite faculty charged with racist thought crimes, she promised, would receive “amnesty or release from punishment due.”<sup>36</sup> Those failing to atone for the group blood debt of being white would apparently be punished accordingly.

A 130-person task force acting on a larger 500-person group with \$1.5 million put at its disposal was working under a grand delusion of pervasive racism on campus. To combat the phantom, everything at the university would become “equity-based,” “culturally competent,” and “anti-racist.” Proposals included special subsidies for students in Woke Studies majors. Explicit Thought Police provisions were mandated in the educational recommendations that all teaching should be “infused with equity and cultural responsiveness”, that all hiring and promotion should be “culturally responsive and equity-orientation,” and that research czars should enforce “culturally responsive scholarly and creative work.” The accompanying video to the education recommendations pledged action aimed at “eliminating racism in our curriculum.” Classrooms would become “transformational and liberatory learning environments.”<sup>37</sup>

On April 15, Percy unveiled the new anti-racist model for Portland State through an [online video](#) symposium. Percy promised to eliminate “outdated and racist curriculum” while diversity vice president Lambert pledged to make anti-racist ideology screening a part of every job search and promotion process. One of Percy’s staff members referred to the university as “a collective.” In a

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<sup>34</sup> John K. Wilson, “Claiming the Mantle of Academic Freedom,” *Academe Blog – AAUP*, 21 March 2021.

<sup>35</sup> “Provide your feedback for equity and racial justice task force recommendations,” 30 March 2021.

<sup>36</sup> <https://www.youtube.com/watch?v=-GNfedXeRhw&t=2s>

<sup>37</sup> [https://media.pdx.edu/media/t/1\\_k1c2ldqj](https://media.pdx.edu/media/t/1_k1c2ldqj)

subsequent policy announcement, it was promised that programs or departments with more “BIPOC” faculty or students would be given special protections against downsizing.

## Implications

While it is easy to dismiss the case of Portland State University as just another episode of campus follies in a city long left for dead, the trend is more general. It involves attempts to redefine free speech and normal debate (including criticism) as “harassment” or “mob intimidation” when the subject of criticism is part of a self-styled progressive force. The New Censorship goes further, however, to suggest a sort of affirmative action in the distribution of free speech rights away from unWoke or “racist” individuals in the workplace towards the Woke and “anti-racist”. The former will not be tolerated, while the latter will be given extra scope and protections from criticism. In the end, the university as a whole will be transformed into an anti-racist advocacy organization where fealty to this goal remains the top priority.

In the case of public universities, despite being almost certainly unconstitutional and a violation of state laws pertaining to public universities and public sector employment, such restrictions reflect a post-Capitol Riot sense of empowerment on the academic Left. More broadly, the New Censorship in higher education, K-12 education, the media and many private corporations reflects a project that is no longer constrained by legal norms or the expectations of a free society, both now deemed “racist”.

The most profound and long-lasting implication is that publicly-funded universities, which have been slowly eliminating non-Left wing faculty, viewpoints, and research since the 1960s have finally taken the logical step of declaring such things to be inherently a violation of university “values”. Thus the subtle and implicit campaign of intimidation against non-Left perspectives that has resulted in the well-known disappearance of such perspectives is now being made clear and explicit. Portland State’s “equity framework” is an institutionalization of bigotry against unWoke ideas. In addition to being a plain violation of the First Amendment for a public body, it is also a grave disincentive for any non-Left scholar to even consider working there, which is of course precisely the aim. There will be no need to “no platform” or “censor” heterodox speakers and ideas in future because such speakers and ideas will be extinct. Citizens, advocates, and



policy-makers have a duty to intervene to protect the freedoms of a liberal society from this New Censorship.

## Action Responses

For those in higher education, the New Censorship provides an opportunity to rethink accountability mechanisms for both public and private institutions whose activist faculty and Woke administrators are now a clear and present danger to the mission of the university because of their explicit rejection of the core tenets of academic freedom. The obvious points of access for a correction of these problems include:

- Individual faculty need to be prepared to make use of legal remedies where their employment and speech rights are infringed by the New Censorship.
- The federal Department of Education’s Office of Civil Rights may provide remedies for students or faculty affected by explicitly racist or sexist statements and actions by faculty and administrators acting in the name of “racial or social justice.”
- Advocacy organizations may seek legal remedies for the institutional policies through state attorney generals or private suits where they can prove standing.
- Access may also be available through the waste and abuse as well as whistleblower processes that are typically included in the structures of university and college Boards of Trustees.
- State legislators who are committed to the ideals of academic freedom can make use of legislative committees, requests for information, and their public standing to press for changes.
- Faculty members who are concerned about the reputational and fiscal impacts of these abuses on their institutions should organize to provide an internal response.

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