

UBC's dangerous intention to create an academic freedom officer

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<http://www.safs.ca/january%202015/11%20Mark%20Mercer.pdf>

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The major question left unanswered by Lynn Smith's report is how the academic freedom of Jennifer Berdahl was violated or compromised when, as Smith found, no one's actions violated or compromised her academic freedom.

Lynn Smith, QC, recall, is the former University of British Columbia (UBC) dean of law and retired Justice of the Supreme Court of British Columbia who was invited by UBC interim president Martha Piper to report on whether the academic freedom of Jennifer Berdahl, a professor at UBC, had been interfered with after Berdahl, on 8 August 2015, posted a comment on her blog.

Berdahl had written, speculating on the recent departure of UBC's president after just a year in office, "I believe that part of this outcome is that Arvind Gupta lost the masculinity contest among the leadership at UBC, as most women and minorities do at institutions dominated by white men." <http://jberdahl.blogspot.ca/2015/08/did-president-arvind-gupta-lose.html>

A few days later, John Montalbano, the Chair of the UBC Board of Governors, and a friend of Berdahl, phoned Berdahl to say that the blog post was "incredibly hurtful, inaccurate, and greatly unfair to the Board" (quotation from Berdahl's blog post of 17 August <http://jberdahl.blogspot.ca/2015/08/academic-freedom-and-ubc.html>), that it would cause people to question Berdahl's academic credibility, and that people at the Royal Bank of Canada, which funds outreach activities with which Berdahl is associated, were on "damage control." In that 17 August blog post, as well as reporting that Montalbano phoned her, Berdahl writes that her Division Chair and the UBC Associate Dean of Equity and Diversity spoke to her to scold her and to discourage her from speaking further.

"I have never felt more gagged or threatened after expressing scholarly viewpoints and analysis of current events," she wrote.

"When I imagine being an assistant professor at this university, or anyone without the protection of tenure, this experience becomes unspeakable. I would be terrified, not angry. I would have retracted my post, or not have written it at all. I would avoid studying and speaking on controversial topics."

"Even if the university's leadership doesn't recognize it, I have a right to academic freedom and expression, free of intimidation and harassment."

In a media release of 15 October <http://news.ubc.ca/2015/10/15/ubc-accepts-the-findings-in-honourable-lynn-smiths-report/>, UBC accepted Smith's finding that "UBC failed in its

obligation to protect and support Dr. Berdahl's academic freedom" (Smith Report, C. Summary of Conclusions, (1) <http://president.ubc.ca/files/2015/10/Summary-of-Process-and-Conclusions-Final.pdf>) and expressed its intention to hire an academic freedom specialist to "work with faculty, staff, and governors to ensure that academic freedom is safeguarded and preserved at UBC." The specialist "will provide advice, education, and counsel regarding all issues involving academic freedom."

Smith locates UBC's failure to support and protect Berdahl's academic freedom in an error of judgement by John Montalbano and an omission by Berdahl's Division Chair and the Equity and Diversity Dean. Montalbano erred in phoning Berdahl and the two university officers omitted to assure Berdahl that she may write and publish what she likes about university matters. None of the three actually violated Berdahl's academic freedom, but they should have done more to support it.

But what were the three individuals actually doing? They were criticising Berdahl's blog post, both the opinions expressed in it and the fact that Berdahl expressed those opinions publicly. Offering criticism, of course, is central to university life, as is receiving criticism. Montalbano and the others were exercising the prerogative of members of a university community to speak one's mind.

Smith's finding that these people failed to support Berdahl's academic freedom by criticising her opinions and her publishing them might well have the effect of closing lines of communication among members of the university community. Administrators and others might be fearful that by speaking critically to professors, they are failing to support academic freedom. This would be unfortunate, given that part of the role of academic freedom is to keep lines of communication open.

Advising someone not to speak, reprehensible as that might be, is not at all the same as preventing that person from speaking or threatening her with harm should she speak. The concerns the administrators had about the reputation of UBC were certainly misplaced, as what would bring a university into disrepute is to advise a professor not to voice her opinions. But merely voicing concerns violates no one's academic freedom.

Most worrisome about UBC's response to Smith's report is UBC's intention to hire an academic specialist. The threat to academic freedom posed by having such a university officer is great.

UBC failed to support Jennifer Berdahl's academic freedom, according to the Smith report, because certain powerful members of the UBC community chose to express their criticism of Berdahl's blog post directly to Berdahl herself. Expressing criticism, then, will be something of concern to the university officer charged with supporting and protecting academic freedom. Just as offices of respect and diversity can have a baleful effect on critical discussion at a university, so, as well, can an office of academic freedom, for it, too, will think of criticism as potentially isolating and silencing.

Better that academic freedom is thought of as protecting and supporting unpopular opinions and critical discussion rather than as shielding us from them.