

286. Regrets, I've Had a Few

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In early October 2020, a visual-arts professor at the University of Ottawa spoke to her students about the phenomenon of subversive resignification. She mentioned as an example the word “nigger.” (She also mentioned “queer.”) One of her students complained to the university. In response, the university put the class on hiatus for a couple weeks, issued three heart-felt and soul-searching statements about the need to balance academic freedom and respect, and opened a second section of the course to which those students too distraught to be able to learn anything from their [original professor](#) could transfer.

On 23 October, I sent a message to about twenty academic administrators and others at my university, Saint Mary's (SMU). In this message, I explained how a university that was committed to its academic mission would have responded to the student complaint at Ottawa U. And I expressed my worry that were something similar to happen at SMU, administrators would act no better than had those at Ottawa U. (An [article](#) based on my message appeared in *Minding the Campus*.)

Now, I enjoy irony as much as the next person, and I'm usually delighted when events prove me right, but really...

On 6 November, a couple weeks after sending my message, I received from SMU's president a summons to attend a disciplinary meeting. Apparently, someone had complained about my sending him or her my message of 23 October, for that message contained that emotionally overwhelming word.

“In that letter you repeatedly used and spelled out the racial slur ‘n---r,’” wrote the president in the summons. The president alleged that, by spelling out that word in the message and sending it to the person who complained, I breached the “Policy on Conflict Resolution and the Prevention and Resolution of Harassment and Discrimination” and the “Declaration of Respect.”

Four months later, on 5 March 2021, SMU officially discontinued disciplinary procedures. It discontinued them in exchange for my sending the president a short statement expressing regret that my message upset some of its recipients. The president said he would forward that statement to all those who received my message, both the one or two who complained and all those who didn't.

I've posted documents and commentary in a [folder](#) on my website.

I am not at all happy with how this absurd affair ended. With its specific conclusion, the university violated my academic freedom, shrank the area of discussion protected by academic freedom within Saint Mary's, affirmed its commitment to a false and pernicious form of anti-racism, went some distance toward binding us all to an anti-academic conception of respect, and undercut collegial relations among members of the SMU community.

I accepted to express regret in exchange for discontinuing the procedure because I was tired and wanted to return to my academic work. The thing had dragged on, as I said, for four months already, and I imagined that it could drag on for another six or more. I also accepted the offer because I could not trust my union to grieve should SMU elect to discipline me. (If I were disciplined and the union did grieve, I could not then trust that the members of the arbitration board would be committed to academic values. The rot here is deep.) Were I to be disciplined, I thought, the outcome for academic freedom, collegiality and the campus ethos might be even worse.

What happened from the filing of the complaint through to the final letter from the president (and his lack of response to my questions about that letter) paints a grim picture of my university. It has led me to wonder how often disciplinary procedures are set in motion, both at SMU and elsewhere, what triggers them, how they conclude, and how similar the experiences of other professors have been to mine.

Ignoring the protections of academic freedom

At most accredited universities in the Americas and Europe, and most places elsewhere, collective agreements or other official university documents protect many or all aspects of academic freedom. These official protections, though, are ultimately only a little stronger than the protections a university's culture or ethos provides. Academic freedom is liable to be violated or constrained at universities in which significant numbers of professors are willing or happy to weigh other considerations against it in specific cases, no matter how strong the language in the official documents is. On the other hand, where academic freedom is well respected on the ground, administrators will, as a matter of course, turn away complaints against professors who have said things that outraged students or others. No meetings with administrators will be called and no professor will have to claim that his expression was protected by academic freedom.

It is not much of a victory for academic freedom, then, when an arbitrator, a panel or a tribunal accepts a professor's argument that what he said or did constitutes a legitimate exercise of his academic freedom. If at a university a complaint against a professor gets as far as an official meeting, that institution's atmosphere lacks the life-giving oxygen of academic freedom.

The collective agreement at my university has reasonably good academic freedom language. The ideas I expressed in my message, the way I expressed them, and my sending my message to the people I sent it to all were protected under the Collective Agreement between Saint Mary's University and the SMU Faculty Union. That Collective Agreement guarantees freedom of discussion, freedom to criticize the university and freedom from institutional censorship; it also guarantees that professors may exercise the rights granted them as citizens by the Canadian Charter of Rights and Freedoms. Given the Collective Agreement, then, the complaint(s) that my message attracted should not have stirred among administrators a single thought of discipline. At a

university with a tradition of academic freedom and freedom of expression on campus, I might never even have heard that a complaint had been lodged.

According to the SMU president, I neglected my “obligations to contribute to a respectful environment for work and study and to help create an environment that is free from harassment and discrimination” as well as my “responsibility to respect the rights of others in the University community and to nurture a climate of respect.”

How I neglected my obligations or responsibilities I was never informed—not in the summons, not at the disciplinary meeting. The best I can do is to suppose that in including some one or two particular people among the recipients of a message that contained mention of the word “nigger,” I had treated those one or two people disrespectfully. My guess is that the president’s contention was that I should have known that some recipients of my message would be upset by the sight of that word and that that knowledge would have led a person committed to respect to exempt those persons from receiving it.

Yet, even if I had in fact treated someone disrespectfully by sending them my message, the Collective Agreement asserts that it, the Collective Agreement, takes precedence over all university documents. The priority of the Collective Agreement is affirmed both in the Policy and in the Statement I allegedly breached. That the academic freedom provisions of the Collective Agreement protected my sending that message to the people to whom I sent it should have been enough.

Respect as solicitude vs actual respect

Respect at a university, as I [explained](#) in a recent article, consists in treating others (and oneself) as possessing intellectual and moral autonomy, that is, the ability to judge matters for oneself and the commitment to do so. In fact, not all members of any university community do possess intellectual and moral autonomy; what’s important to the ethos of a university is that a substantial number *aspire* to be intellectually and morally autonomous. We treat each other with respect, then, when we speak openly, sincerely and candidly with each other and without solicitous concern for how what we say will make others feel. We have gathered at a university to inquire into the ways of the world and to construct interpretations and evaluations of what we find, and we expect others to react to what we say in the same spirit of inquiry in which we’ve said it.

Although the term “respect” has other meanings, at a university we respect people by treating them as engaged in inquiry and as capable of hearing what we have to say, however critical or upsetting it might be. In a different sense of “respect,” though, we respect a person when we are careful about their feelings, commitments, hopes or identity. It is in this sense that a person respects another person or respects a culture by, for instance, refraining from appropriating his or its ways or artifacts. It is in this sense that a person respects another by being careful not to hurt his feelings or to call his commitments or identity into question.

Respect as *regard for feelings* is often incompatible with respect at a university. When we have something to say that we believe will contribute to the discussion and yet remain quiet, or when we engage in euphemism or indirection, or when we avoid certain interesting topics, we well might

be treating people with respect in the sense of regard for feelings, but we are not treating them with respect in the proper sense. On the contrary. We are not treating them as intellectually and morally autonomous but as too fragile emotionally to be competent participants in projects of inquiry, interpretation or evaluation.

Sadly, the sense of “respect” as solicitude for feelings is invading university culture and university documents. It is a sense distinctly present in the documents I was alleged to have breached. Though in sending my message I did not treat anyone disrespectfully, in that I did not treat anyone as less than an autonomous agent, I was alleged to have treated someone’s feelings or identity with lack of proper regard. I have long argued that safe and respectful campus policies constitute a threat to academic values and the academic mission of the university, for they threaten to elevate respect as solicitude over respect for autonomous agency. My own case is a clear example of administrators preferring respect as solicitude to actual respect.

The idea at the back of my president’s mind in seeking to discipline me is, I think, that it makes little difference whether “nigger” is mentioned or used, or used without malice or used to slur. Some people are hurt by simply hearing or seeing the word (if spoken or written by someone not authorized to speak or write it) and are upset by the thought that an unauthorized person would have so little regard to speak or write it in their presence. That even an innocent mention of a word can upset someone is a reason to be careful about speaking or writing it. That point is true. Still, I would continue, that someone in a serious discussion might be upset at one’s speaking or writing a word is only a small reason against speaking or writing it. The reasons one has in favour of speaking or writing it will most likely easily outweigh that reason against. Now consider the matter from the side of those who indeed are upset by the sound or sight of the word. Despite their emotional constitution, they themselves will not want to be exempted from seeing or hearing it so long as they care to take part in a serious discussion. For scholars, being upset is a price worth paying to participate in the conversation.

The people to whom I sent the message were people who have power or influence at SMU, power or influence regarding campus culture and, thereby, regarding student complaints against professors. I was speaking to them about a matter of practical importance with which their professional roles involve them. I might have avoided being summoned simply by having removed one or another person from my mailing list. (I don’t know, though, who complained, so I don’t know who I would have deleted.) But to remove someone on grounds that my message might upset them would be to behave condescendingly toward them. To treat someone with condescension is to treat that person disrespectfully, for it is to fail to appreciate them as an intellectually and morally autonomous agent (or at least as aspiring to be one).

My message was that good teachers treat their students as aspiring intellectuals and for that reason do not speak euphemistically or indirectly with them. My email message would not have embodied that particular message had I tried to convey it through euphemisms, nudges or hints. Had I substituted “the n-word” or “n----r,” my email message would have been false to its message. To send an insincere version of my message to administrators professionally involved in creating a climate for critical inquiry would have been to treat them disrespectfully.

By failing to condescend to an officer at my university, I treated that officer disrespectfully. By failing to address officers at my university insincerely, I treated one or more of them disrespectfully. Impossible as it is, that is my university's position, at least so far as I can tell.

SMU's president seemed to indicate that the complainant, or one of them, is black. His implicit demand seemed to be that I am, and everyone at my university is, to treat people differently according to the color of their skin.

To ban a word

The disciplinary procedure against me has prepared the way for a new rule. People in positions of power at Saint Mary's want a rule against saying or spelling out "nigger." Both my university and my union explicitly supported Scholar Strike in September 2020; [Scholar Strike](#) was an action organized by social justice partisans who assert that even the mention of the word by an unauthorized person constitutes an act of anti-black racism, whatever the context or motive. As well, the academic senate at my university has put its imprimatur on a [guidebook](#) of correct language, a central motivation being to secure the comfort of campus members who belong to historically marginalized groups.

Banning a word would violate academic freedom and freedom of expression on campus. Scholars and students, according to a venerable view, should be free to reject received doctrine, doctrine such as that merely speaking a word is to engage in anti-black racism. Once a rule against the word is written down, scholars and students will have to avoid certain topics or address them only in prescribed ways.

That discussion might soon be officially constrained raises again the matter of collegiality. The complainant(s) was not directed to speak to me him or herself but registered a formal complaint that the university then acted on. In accepting the complaint, the university set itself up as an intermediary between two members of the campus community. It set itself up as an authority, one that exercises oversight and control. Collegial relations, though, involve people interacting freely and coping with each other in ways they themselves create or affirm.

University administrators, and university people generally, have a responsibility to help socialize newcomers and each other to the ways of intellectual community. Universities are strange institutions, unlike any other in their concern for the intellectual and moral autonomy of community members. Exempting the complainant(s) from ordinary collegial relations infantilizes him or her and confirms them in their neediness and dependency. My president and academic vice president failed in their duty to sustain collegiality at our institution and to work with members of the community to bring them into the values and ways of university life.

Were the rule to take hold, our ability as professors to bring our students into the life of the mind would suffer. We would be enjoined officially to coddle our students and, moreover, university administrators would be empowered to ensure we do so. Rather than assuming our students are eager to come to think for themselves, and that they are capable of doing so, we would have to test them first to find out who is eager and who isn't and direct ourselves toward the latter solicitously.

The Lasting Effects

Initiating disciplinary procedures against me violated my academic freedom. It also, as I have argued in the previous sections, put at serious risk freedom of expression on campus and the academic freedom of all professors. It confirmed the complainant(s) in his or her misapprehension of the nature and expectations of university life. It will deform collegial relations among members of the university community. Another effect will be to make even more difficult our helping students to move toward intellectual and moral autonomy.

Lesser easily foreseen negative effects include souring a professor (me) even further on Saint Mary's University and degrading that professor's research leave by costing him much time and energy. The affair deprived many other people, the president and the academic vice president, for instance, of much time and effort. It must have cost both the university and the union an awful lot of money in lawyers' fees, and today is no time at all for a university to spend money (public money) unnecessarily.

And yet, apparently, the president and academic vice president, weighing the pros and the cons of initiating disciplinary procedures, found the pros to outweigh the cons. The pros, from their point of view, would include reassuring and salving the complainant, preparing new rules and regulations in line with an anti-academic conception of respect, signaling the university's commitment to anti-racism as understood in contemporary social justice movements, and intimidating professors and students into toeing the line regarding that disgusting commitment.

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