

## Disciplinary Action against Me by My University

### **Document 1: Overview and Timetable**

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14 March 2021

My university initiated disciplinary procedures against me for allegedly breaching my obligation “to contribute to a respectful environment for work and study and to help create an environment that is free from harassment and discrimination” and my responsibility “to respect the rights of others in the University community and to nurture a climate of respect.”

The allegations that I breached these obligations are false.

In order to bring the disciplinary process to a halt, I agreed to send to the president of Saint Mary’s a statement expressing regret for my message’s having upset some of the recipients. My statement was not an apology and it does not imply culpability.

Had I not agreed to the university’s offer, the university might have disciplined me with a letter of reprimand (not likely with anything worse). I was concerned that my union would not grieve if the university issued discipline. If they didn’t, I would have had to file with the labour board a complaint of failure of fair representation. I agreed to the offer in order that I might return to the things I prefer doing.

In the first paragraph of his letter that formally discontinued the disciplinary procedures, the president misconstrued my statement. In the third (and final) paragraph, he repeated the allegations he had failed to substantiate and that I had rebutted. He also issued a warning to me to be mindful of his view that I had failed to respect someone’s rights. It had been no part of the deal I accepted that the president would repeat the unsubstantiated allegations or admonish me in any way. I would not have agreed to make my statement had I known that the president would again assert the allegation and issue a warning.

I am relieved that it is over but the ending was, all things considered, a victory for my wretched university and a loss for academic community at Saint Mary’s University.

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The message I sent that got me into trouble expressed my worry that were something like what had happened at the University of Ottawa to happen at Saint Mary’s, Saint Mary’s would respond no better than had Ottawa U.

Now, I enjoy irony as much as the next guy and I certainly like events to prove me right, but really....

One thing I regret is that I was unable to spark even the most rudimentary understanding of the use/mention distinction in any of the authorities involved in this case. (Not that had they understood that distinction things would have gone differently, though.)

I most certainly regret that the outcome of my case leaves the university free to restrict academic freedom and to intimidate professors into self-censorship and insincerity.

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Here is a timetable of the events:

*Late September 2020:* Verushka Lieutenant-Duval, a professor at the University of Ottawa, mentioned the word “nigger” in explaining to her class the phenomenon of subversive resignification. This was during her course ART 3317, “Art and Gender.” Noticing a change in her students after she spoke the word, Dr Lieutenant-Duval proposed to discuss the question who may and who may not say it. This proposal angered at least one of her students, who then complained to university administrators.

*Around 2 October:* University of Ottawa’s dean of arts Kevin Kees put ART 3317 on hiatus while determining how to proceed.

*16 October:* ART 3317 began again, now with two sections, one taught by Dr Lieutenant-Duval, the other taught by another professor. (I reckon that four class meetings in total were lost during the period in which the course was on hiatus.)

Despite early reports, the University of Ottawa did not contemplate disciplinary action against Dr Lieutenant-Duval. The false statement that Dr Lieutenant-Duval had been suspended continues to be repeated in stories and opinion pieces about the case.

*20 October:* The Society for Academic Freedom and Scholarship sent a letter to University of Ottawa president Jacques Frémont, copied to other Ottawa U administrators, criticizing three decisions Ottawa U made between 2 and 16 October.

**23 October:** I sent a message to 17 academic administrators and other influential people at Saint Mary’s. I copied this message to three senior administrators at the University of Ottawa, each of whom had received the SAFS letter of 20 October, and to the Rector of the University of Montréal, who had issued a statement on the matter. I attached the 20 October SAFS letter for the sake of recipients at Saint Mary’s and the U of M rector.

*Week of 26 October:* Two professors at another Ontario university mentioned the word “nigger” while conducting their classes. As in the Lieutenant-Duval case, the word was neither used as a slur (heaven forbid!) nor mentioned gratuitously.

*Before 29 October:* Professors and students associated with a program at the other Ontario university posted a statement on the program’s webpage about the incidents. The statement was public and easy to find. The statement ends with “We welcome your feedback” and includes an

email address. (Each of the two professors whose mention of “nigger” stirred their colleagues to compose and post the statement teaches in that program.)

**30 October:** Below three short introductory passages, I copied the message that I had sent to Saint Mary’s, Ottawa U and U Montréal people on 23 October and sent it to the people at the Ontario university associated with the program’s statement. My message critiqued ideas found in the statement.

*3 or 4 November:* The second Ontario university issued a public statement under the title “The University’s Response to Recent Use of Anti-Black Language.” (There was, in fact, no use of anti-black language by either of the professors.)

*4 November:* SAFS sent a letter to the president of the second Ontario university, copied to 16 administrators, regarding the university’s “Response” of 3 or 4 November. (No members of the program that issued the statement to which I had replied were copied.)

**6 November:** I received attached to an email message a letter from the president of my university summoning me to a disciplinary meeting to be held Monday 23 November. This was the first time I had heard that my messages had attracted complaints. I informed the president by return email that I could not meet in Halifax as I am in Montreal.

*9 November:* My article “Bad Words at Ottawa U” was published in the online magazine *Minding the Campus*. This [article](#) is adapted from the message I sent on 23 and 30 October. It had been accepted for publication before I received the 6 November summons.

*18 November:* The Saint Mary’s University Faculty Union’s lawyer informed me of the official complaint received by Saint Mary’s from the second Ontario university (though the union president herself knew about it since 31 October).

*23 November:* The president of the Saint Mary’s University Faculty Union (SMUFU), another member of the SMUFU executive, the SMUFU lawyer, my lawyer and I discovered that the meeting we had planned to attend, the meeting the president of Saint Mary’s had called, had been cancelled. Apparently, someone thought that when I said that I couldn’t attend a meeting *in person*, they thought I was saying that I couldn’t attend a meeting that day.

*30 November:* I received by email attachment a letter summoning me to a meeting on 7 December. 7 December is the final day allowed by the Collective Agreement for a disciplinary meeting to take place (no more than 20 working days after the summons) and 30 November is the final day allowed by the Collective Agreement for the accused to receive notification of the meeting (5 working days prior to the meeting).

**7 December:** I attended the disciplinary meeting. The president, the vice-president, academic and research, and the university’s lawyer were in a room at Saint Mary’s, the dean of arts, the chair of the philosophy department, the two SMUFU executives, the union’s lawyer, my lawyer and I were present by Zoom.

*8 December:* The two union executives, the union lawyer and I had a brief Zoom conference in the morning. The union lawyer then met with the university's lawyer in the afternoon.

*25 January 2021:* Not having heard anything from the university or SMUFU for a month and a half, I contacted the union's lawyer. He told me that neither the university nor the union has attempted to contact the other since the 8 December meeting he had with the university's lawyer. Officially, he said, the 7 December meeting has not yet concluded. The lawyer said the two sides are seeking to resolve the matter informally (which puzzled me, as they hadn't been in contact since 8 December).

*29 January:* I sent the union's lawyer an email message asking him whether he has tried to contact the university's lawyer. He replied that he had recently asked the university's lawyer about the case.

*4 February:* I received word that the union's lawyer has met with the university's lawyer. The union's lawyer invited me to a Zoom meeting with him (and the two union executives) for the morning of 8 February.

**8 February:** The union's lawyer told me that the university will drop the disciplinary proceeding if I send an email message to all who received my 23 and 30 October messages expressing regret that some recipients were upset by it. Despite my reluctance, I agreed to this deal. I agreed to it because I was doubtful that my union would grieve discipline and I was dispirited by the thought of having to file a complaint with the labour board against my union for shirking its duty of fair representation.

I prepared a statement and the union's lawyer told me he will take it to the university's lawyer to see whether it is acceptable.

I felt uneasy about the requirement that I send the message to *everyone*. The people not upset by the message (35 or 36 out of 38) have no interest in learning that I regret having upset the two or three whom I've been told by the university were upset.

*18 February:* Again wondering why I hadn't heard anything yet, I sent an email message to my union's lawyer. The lawyer said we should continue to wait to hear from the university regarding the deal I've agreed to.

**2 March, 7:20 pm:** The union's lawyer forwarded to me an email message from the university's lawyer saying that I have 7 days to send a statement of regret to all recipients of my original message in exchange for ending the disciplinary process.

I wrote to the union's lawyer that I will not send my statement of regret to *all* recipients of the original message.

10:16 pm: The union's lawyer asked me what I propose. I said I will send the statement to my university's president and he may do with it as he likes.

10:32 pm: The union's lawyer asked whether if the university rejects my proposal, the university should proceed with their response to the Article 20 (of the Collective Agreement) disciplinary meeting. I replied that they should.

*2 March*, 9:54 pm: I sent my email message "what is at stake for the Saint Mary's community" to the two members of the union executive involved with my case.

*3 March*, 10:14 am: I sent my email message "Beatings will continue until morale improves" to the president of my university and to the academic vice president.

**3 March**, 3:54 pm: The union's lawyer forwarded to me the message from the university's lawyer accepting my offer to send a statement of regret to the Saint Mary's president (and to him alone).

**3 March**, 4:05 pm: I sent my statement to the Saint Mary's president. My statement was a revised version three generations removed from my original version. I was happy to see that it included the phrase "the 'n-word,'" not a phrase I would ever write. If someone were to suppose that that phrase functions in a way similar to the Pueblo salute, I would not bother to correct them.

**5 March**, afternoon: I received from the university's president a letter entitled "Notice - Disciplinary Process Discontinued."

*5 March*, late afternoon: After receiving the president's "Notice," I sent the president my email message "Mindful of what?" to ask the president to clarify the final paragraph of his "Notice."

*5 March*, early evening: I sent to the president and the academic vice president my email message "Yet another monster bred by the sleep of reason," my recollections of the disciplinary meeting on 7 December (constructed from notes I wrote from memory on 7 and 8 December).