

Disciplinary Action against Me by My University

**Document 2: The Message I Sent**

**Subject: Would Saint Mary's have responded well?**

Mark Mercer

Fri 10/23/2020 11:37 AM

To: The president of Saint Mary's University, the Vice President, Academic and Research, seven other academic administrators, four high-ranking non-academic administrators, and four high-ranking members of the union executive

Cc: The President of the University of Ottawa, the Provost of the University of Ottawa, the Dean of Arts of the University of Ottawa, and the Rector of the University of Montréal

Attached: SAFS letter re Verushka Lieutenant-Duval's suspension at Ottawa U. [The title of the SAFS letter is incorrect. Dr Lieutenant-Duval had not in fact been suspended. Her course had been put on hiatus and newspaper reports mistakenly interpreted this to mean she had been suspended.] (<https://www.safs.ca/issuescases/ottawa-censure/SAFS%20letter%20re%20Verushka%20Lieutenant-Duval%27s%20suspension%20at%20Ottawa%20U.pdf>)

To academic administrators and other people in positions of authority at Saint Mary's University:

Most of you are familiar with events continuing to play out at the University of Ottawa.

In late September, in her course Art and Gender, Verushka Lieutenant-Duval mentioned the word "nigger" as an example of a word used to denigrate a class of people then taken up by those people themselves. Dr Lieutenant-Duval called this phenomenon "subversive resignification."

A student let Dr Lieutenant-Duval know that they (the student) were upset at hearing the sound "nigger" and Dr Lieutenant-Duval expressed her regret at having upset them. Dr Lieutenant-Duval then invited the class to discuss whether people should avoid mentioning or using that word though they are not intending to insult or demean anyone. The invitation to discuss this question upset the student and some of their classmates even more.

On Thursday 1 October, the University of Ottawa, through Media Relations manager Isabelle Mailloux-Pulkinghorn, announced that it was investigating Dr Lieutenant-Duval's actions to determine whether, in speaking the word "nigger" and then in proposing that the

class discuss speaking it, she had violated anyone's "right to an environment free of discrimination and harassment and to be treated with dignity and respect."

On Friday 2 October, Faculty of Arts dean Kevin Kee issued a statement that said, both presumptively and falsely, that "This language was offensive and completely unacceptable in our classrooms and on our campus." Dean Kee went on to repeat that "Everyone at the University of Ottawa has the right to an environment free of discrimination and harassment, and the right to be treated with dignity and respect."

Dean Kee suspended Dr Lieutenant-Duval's class while he thought about what to do next.

The class resumed Friday 16 October (a newspaper report said that Dr Lieutenant-Duval "returned to work" that day). The class was on hiatus for at least a week, more likely almost two weeks.

"The leadership of the faculty of arts proactively met with students and established a new section of the course in question to serve students who did not wish to continue their classes with their original professor," explained [U of O president Jacques] Frémont. "This was a necessary step to accommodate and respect the rights of all."

Soon after, thirty-four professors at the University of Ottawa wrote of their disgust at the administration's treatment of Dr Lieutenant-Duval, and over five hundred Francophone professors and teachers from Quebec and Ontario added their names to a separate expression of disgust written by two Cegep teachers. (I've sent both groups a message commending them for the quality of their analysis and evaluation and for their wisdom and courage in making it public.)

President Frémont has issued two statements so far, and U of O rector Daniel Jutras has issued one.

I've attached the letter a group to which I belong, the Society for Academic Freedom and Scholarship, sent to President Frémont.

That Dr Lieutenant-Duval did absolutely nothing wrong in using "nigger" as an example, and then in inviting her class to discuss who may and who may not say that word, has not yet been affirmed in any U of O statement or document of which I am aware. Instead, President Frémont and [University of Montreal] Rector Jutras have followed Media Relations manager Mailloux-Pulkinghorn and Arts dean Kee in speaking about rights of members of the university community to dignity and to an environment free of discrimination and harassment.

But no students were subjected to an indignity, intentional or not, not even to a mild one. No rights were violated or threatened, no one was harassed, no one was discriminated against. In fact, no one could have suffered an indignity or have been harassed or discriminated against, for they were in a class with a teacher engaged in the intellectual investigation of a matter at hand.

President Frémont, Rector Jutras, and Dean Kee seem to think that when the complaint arrived on their desks, they were confronted by a clash between academic freedom in teaching and dignity or respect. They seem to assume that in engaging intellectually with a matter at hand, Dr Lieutenant-Duval might have or might have verged on treating someone disrespectfully. But that's pure nonsense.

In his statement [about the event at Ottawa U], Rector Jutras wrote, "...but each must also be attentive to the unforeseen, sometimes unexpected, effect of their own discourse on others."

Rector Jutras's claim is fundamentally wrongheaded. What he recommends is a recipe for insincerity and it defeats candour and spontaneity. To worry about the unforeseen effects of one's words on others is to treat those others as less than free and equal autonomous agents.

Adding a second section for students who wanted to continue the course but not with Dr Lieutenant-Duval is perhaps the worst decision an academic administrator could make in this situation. President Frémont is wrong to think there are any rights in play that need accommodating. Creating a second section suggests that students who felt hurt or offended were correct to feel hurt or offended; further, it expresses disdain for Dr Lieutenant-Duval.

I wonder about the professor who will teach the parallel section. Do they possess the academic freedom to speak the word "nigger" in conducting their classes? Or are they constrained by wrongheaded notions of propriety or proprietorship? (And who the hell would have agreed to step in? Are professors *that* corrupt?)

So what should have been done? Well, as soon as he heard that a student had been upset by Dr Lieutenant-Duval's class, Dean Kee should have clarified for anyone listening the nature of academic discussion (free, open, candid, unabashed, critical, reflective, directed toward articulating and understanding the matter at hand) and explained that no one's dignity is compromised by serious academic discussion (on the contrary), no matter what is said during it.

Leaders at the University of Ottawa have yet to explain publicly that a teacher mentioning the word "nigger" does not thereby insult or demean anyone. Anyone hurt by hearing the word "nigger" mentioned (or even used, when not used to denigrate) is not attuned to the academic project of trying to understand the things of the world. Those who are hurt by hearing a teacher speak a particular word need to be initiated into the world of academic endeavour; they don't need to be, and shouldn't be, mollified.

Academic leaders must also say plainly that no topic is off limits to discussion and that no position with regard to that topic is off limits, as well.

Now, why am I telling you all this?

I wonder, would academic administrators at Saint Mary's have responded any better? Saint Mary's does not have a proud tradition of protecting academic freedom and freedom of expression on campus or even of maintaining an environment of free and open critical discussion. In our past, academic administrators have been eager to set aside freedom of expression on campus when it appears to put at risk any other value, even though the risk be small. The idea that discussion needs to be tempered by respect (in fact, discussion expresses respect) is, sadly, not foreign to our campus.

As well, as you know, since the killing of George Floyd, university people in Canada have been making the false (sometimes phony) claim that our universities are places of systemic racism and even places marked by racist behaviour. Our president and SMUFU appear to have sympathy for this claim.

Further, early this summer we were offered a risible primer on proper-speak. And then there's been the absurd and perfidious handling of a grade appeal against [name redacted].

And that is why I am not confident that academic leaders at Saint Mary's have the commitment to the academic mission of the university that they need to have in order to respond—compassionately, of course—as educators and intellectuals to those students or others who get upset when academics go about their jobs.

I hope that the deans at our university and the academic vice-president have sat down and formulated a way in which they will respond to whatever complaints those who have little appreciation of or affection for our academic ways might bring to them. I hope that those plans put our academic mission and the academic ethos of our university first and that they embody a robust and accurate conception of respect (on the matter of respect, do not consult the Safe and Respectful Saint Mary's people). In responding to complaints, deans and others might be able to help the complainants to understand and appreciate our academic ways; but most important is for them to affirm and protect those ways.

All the best,

Mark

This message served as the basis for an article later published as "Bad Words at Ottawa U," *Minding the Campus*, 9 November 2020, <https://www.mindingthecampus.org/2020/11/09/bad-words-at-ottawa-u/>