

Response from The Society for Academic Freedom and Scholarship

RE: KENDRA GOULD vs SOCIETY FOR ACADEMIC FREEDOM AND SCHOLARSHIP
HRC File No: 42000-30-H19-2138

Full Legal Name of the Organization: The Society for Academic Freedom and Scholarship (SAFS)

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To whom it may concern:

The SAFS Newsletter appears three times a year and is published by the Society for Academic Freedom and Scholarship. It contains original articles written by its members about universities and higher education. A paper version of the newsletter is mailed to each member and an electronic version is posted on the SAFS website. Paper or electronic copies are also sent to various university administrators, civil liberties groups, journalists, libraries and others.

As president of SAFS, I am the editor of the newsletter.

SAFS is a non-profit, volunteer organization of over 300 mainly Canadian academics and others. The society is dedicated to academic freedom, freedom of expression on campus, the merit principle in university decisions, sound scholarship and high academic standards, and due process in all university procedures.

The SAFS Newsletter of January 2019 contained an article by SAFS member and Saint Mary's University philosophy professor John E. MacKinnon entitled "Indigenize This." This article contained references to "Q," who Kendra Gould has correctly identified as herself. Ms Gould had been in one of Dr MacKinnon's courses and the article reports events involving Ms Gould. The article's factual accuracy is not disputed in Ms Gould's complaint.

The editor removed the article from the electronic version of the SAFS Newsletter in September 2019, on the request of Dr MacKinnon, after Ms Gould revealed herself to be Q.

Dr MacKinnon's article presented reason to think that an administrator at Saint Mary's University had delisted Q from a course Dr MacKinnon had taught so that Q's failing the course would not register on her transcript. Students who withdraw from courses as late in the semester as Q did are to receive an F. In removing Q's name from the class list, the administrator, as Dr MacKinnon explains, acted contrary to Saint Mary's regulations and violated Dr MacKinnon's contractual prerogative to assign grades to his students.

Dr MacKinnon mentions another administrator, "V," who suggested to him that Q received special treatment because of Saint Mary's commitment to indigenize the university.

Dr MacKinnon also notes in the article that Q had been admitted to Saint Mary's despite being unprepared academically for university work.

That an administrator acted against a regulation, that a student received special treatment because of a university's non-academic goals, and that a university is admitting academically unprepared students are all matters of public interest that should be discussed critically and openly. SAFS encourages discussion of cases like this and welcomes open, reasoned debate.

In her complaint, Ms Gould writes:

"John McKinnon wrote an article about me, mocking me as a student and how disappointing my grades at university were. He then went on to write about how Saint Mary's University does not owe Indigenous peoples acknowledgement about unceded territory because the Mi'kmaq had nothing to do with founding the university. Then started to write about how Indigenous students who learn and got an education on the reserve need to stay on the reserve because we don't have the proper education for university."

To take the points raised in order:

- 1) Dr MacKinnon's article was not about Q but about the three criticisms I listed above concerning Saint Mary's University and indigenization initiatives.
- 2) Dr MacKinnon did not mock Q. He kept her identity confidential and said that in his professional judgment, Q was academically unprepared for university and projected a sense of entitlement. His description of Q provided context for his three criticisms.
- 3) In the first paragraph of his article, Dr MacKinnon expressed doubts that Saint Mary's sits on unceded territory and asserted that the Mi'kmaq were not involved in the founding of Saint Mary's. In her complaint, Ms Gould wrongly reports he linked these two points.
- 4) Nowhere in the article does Dr MacKinnon assert or imply that "Indigenous students who learn and got an education on the reserve need to stay on the reserve because we don't have the proper education for university."

Ms Gould writes, in response to question 8 on the complaint form, that Dr MacKinnon did not try to contact her or to apologize. Dr MacKinnon tells me that he has attempted to contact her and

that he had in 2019 sent her a note expressing his regret that her feelings were hurt. I believe that Tara Erskine, the lawyer for Saint Mary's, has the relevant documents.

Mark Mercer

On behalf of the Board of Directors of SAFS

5 August 2021