

Free speech on campus and (the dangers of) being a woman at Queen's University

Ontario Premier Doug Ford has introduced new "free speech" policies for Ontario campuses. Queen's University is cited (Toronto Star, Jan 9) as "among those universities approving new policies", with its Principal (Daniel Woolf) stating that the "failure to explore or confront ideas with which we disagree through disciplined and respectful dialogue, debate, and argument, does society a disservice, weakens our intellectual integrity, and threatens the very core of the university."

A brochure from Inclusive Queen's! on "Harassment and Discrimination Support and Reporting" states that "Queen's is committed to fostering a campus environment in which all students, staff, and faculty are treated with dignity and respect" and claiming that "the university encourages members of the Queen's community who experience or witness harassment or discrimination to disclose their experience. Faculty, staff, and students can confidentially consult on their options, seek informal resolutions, and initiate a formal report, or any combination of these options." What the brochure fails to mention is that you expose yourself to systemic defamation and demonization if you do.

Between 2008 and 2010, having "experienced or witnessed harassment or discrimination" --reliably or not, we know not, for my detailed and lengthy complaint remains to this day uninvestigated-- I pursued all combinations of these "options". While my complaint remains uninvestigated, I have been investigated to death in demonstrably idiotic and Kafkaesque hired-gun affairs and was summarily booted out of my office of 20 years on explicit allegations of being a safety threat. It took six years for it to come out, and for anyone to tell me, that nobody ever really thought I was ever a safety threat after all, despite repeated claims to that effect by respondents to my complaints. I was still booted out of my office for 4 years. As serendipity would have it, this happened the same week that the Student Government awarded me the first "Anti-Oppression Award", in recognition for, among others things, my contribution to "the safety [sic] of the campus, community, and society". Ah! Poetic justice!

Well, prosaic justice is no less vindication for being less pithy. The following is lifted from Queen's-QUFA Arbitration, Professor Mercier Award, a public document available on Canlii that establishes the record:

From about 2008, Professor Mercier pursued allegations of gender bias in the Department of Philosophy involving both faculty and students. Professor Mercier filed a complaint under the University's internal complaint process in 2009. In the fall of 2010, absent an investigation into her internal complaint, Professor Mercier filed a complaint with the Human Rights Tribunal of Ontario (HRTO). [Subsequently] a number of her colleagues made complaints about Professor Mercier, one of whom alleged in an email that Professor Mercier posed a threat of workplace violence. This complaint was investigated and found to be without merit. In May 2013, Professor Mercier complained about the conduct of x & y. In October 2013, x & y complained that comments made by Professor Mercier constituted a threat of workplace violence. The Director of Security did not agree. There was no investigation. Professor Mercier continued to have concerns about x. The department head suggested Professor Mercier raise her concerns, which she did; x was upset by what had been said. A letter dated October 29, 2013 advised Professor Mercier that: "both x & y have indicated that they feel unsafe in your presence; the university is required to respond to safety

concerns; you should not attend your office in Watson Hall until you are advised that you may do so; you should arrange immediately to see students for academic purposes at your new office; you should not have any verbal contact with x & y either in person or by phone; any E-mail contact required for academic purposes should be directed to the Faculty Office". The above are described as interim arrangements. The grievance officer was "struck dumb". She comments that "the manner of this directive smacks of punishment." Professor Mercier was interviewed by the investigator on three occasions and a finding was eventually made in June 2015 that she did not pose a safety threat. The difficulty here stems from the manner in which these decisions were put into effect with the resultant impact upon Professor Mercier.

The University either knew or reasonably should have known that the effective banishment of Professor Mercier from the Department premises would have a significant reputational impact. In the further circumstance where there had been no finding of misconduct, it could reasonably have been expected that the University would have taken steps to lessen the reputational impact of the separation upon Professor Mercier. There is no evidence that anything was done in this regard or that there was consultation for the purpose of fashioning a more flexible separation or otherwise minimizing the reputational impact of the separation upon Professor Mercier.

The University's failure to take all reasonable steps to minimize the reputational harm to Professor Mercier constitutes an exercise of managerial discretion that was neither fair nor equitable in its application to Professor Mercier.

As for the extended duration of Professor Mercier's exclusion from the Department, the University could have insisted that the alleged workplace violence component of the investigation be done immediately, especially in light of conclusion in October 2013 that Professor Mercier did not pose a threat of physical violence. Even though the University has argued here that the threat was not significant, it allowed the investigation into whether Professor Mercier posed a threat of physical violence to continue until June 2015.

I am compelled to conclude on a holistic assessment of the University's actions that the University did not conduct itself fairly and/or equitably in regard to its treatment of Professor Mercier. Given that there was no admission or finding of misconduct, it was incumbent upon the University to seek to minimize both the impact and the duration of the forced interim relocation. It did neither. Apart from consulting or otherwise searching for a less impactful separation, neither of which was done, at the very least the University could have taken steps to ensure that from the outset Professor Mercier would be comfortable in her relocated office. Instead, it refused...

As you can see, and notwithstanding Inclusive Queen's!, it is quite dangerous to disclose one's experience of harassment and discrimination at Queen's University. By complaining, you become a danger. Of course the transference is fallacious: the respondents and University are afraid of the complaint, not of me.

So what does it take to be taken seriously and treated fairly? If even the likes of an award-winning professor suffer such grave epistemic injustice and credibility deficit after 20

years of dedicated service to Queen's, how can women with fewer intellectual resources and privilege hope to be heard? "Have we come such a long way, baby?" asks an article in the Queen's Journal of 1975. Well, 45 years later, here's one Dangerous Woman who's relieved they've progressed beyond burning the likes of us at the stake.

I hope Doug Ford and Daniel Woolf understand that it's not just Jordan Peterson, white nationalists, misogynists and homophobes that the "snowflakes" in universities bully into silence. At Queen's University, it's the likes of Me Too.

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