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1. Résumé (500 mots)

While the problem appears to be less dramatic and generalized in most French universities, McGill is clearly an outlier here. Over the last two or so years, I have witnessed multiple incidents of censorship. I have seen McGill leadership repeatedly fail to address the problem. We are now at a point where censorship is getting close to being seen as acceptable, if “it is done for a greater good (i.e. social justice)”. In what follows, we report examples of such incidents, as well as make suggestions. These include: forcing universities to adopt and fully support a clear statement on academic freedom; having a person and committee dedicated to protecting academic freedom within the *Ministère de l'éducation*. This person should also be able to enforce academic freedom with concrete decisions and actions, including by formerly blaming universities, fining universities, and, in more extreme cases, by withholding money transfers toward a university; having a person dedicated to academic freedom within each university; forcing universities to offer training on academic freedom to all new faculty members; separating management positions related to the promotion of EDI¹ from management positions related to academic affairs; promoting student initiatives like free speech clubs; and promoting a culture of viewpoint diversity, open enquiry, and intellectual curiosity.

2. Exposé général

The situation at McGill

McGill University has been the topic of numerous op eds in recent months. All were worrisome, and attempts by the university to minimize the seriousness of the situation were obvious (see e.g., <https://www.facebook.com/watch/?extid=SEO---&v=931835610893750>) or strictly theoretical, at best (see e.g., <https://www.lapresse.ca/debats/opinions/2021-02-24/liberte-universitaire-et-equite-a-l-universite-mcgill.php>).

Below are examples of op eds published about McGill in recent weeks and months.

- Diversity and inclusion at McGill : <https://www.lapresse.ca/actualites/education/2021-01-29/les-mots-tabous-encore.php>
- Diversité et discrimination : <https://www.ledevoir.com/opinion/idees/592270/diversite-ou-discrimination-le-cas-universel-de-mcgill>
- McGill : la saga se poursuit : <https://www.ledevoir.com/opinion/idees/595097/mot-cle-mcgill-la-saga-se-poursuit>

¹ EDI: equity, diversity, inclusion

- McGill – politique du déni : <https://www.lapresse.ca/debats/opinions/2021-02-26/universite-mcgill/une-politique-du-deni.php>
- McGill – liberté et censure : https://plus.lapresse.ca/screens/12567465-803c-4d4a-a2c4-765230c8c883_7C_0.html
- Le clientélisme : <https://www.lapresse.ca/actualites/education/2021-02-22/plainte-sur-le-mot-en-n/le-clientelisme-inquiete-des-professeurs-de-l-universite-mcgill.php>
- Un professeur émérite s’attire l’ire des étudiants: <https://www.ledevoir.com/societe/education/591342/universite-mcgill-un-professeur-emerite-s-attire-l-ire-des-etudiants>
- La nouvelle bureaucratie morale : <https://www.ledevoir.com/opinion/libre-opinion/600803/libre-opinion-la-nouvelle-bureaucratie-morale-des-universites>
- Les mots tabous : <https://www.lapresse.ca/actualites/education/2021-01-29/les-mots-tabous-encore.php>
- La nécessité des mots : <https://www.ledevoir.com/opinion/idees/595098/la-necessite-des-mots-de-tous-les-mots>
- Les dérives : <https://www.lapresse.ca/debats/opinions/2021-01-29/universites/les-derives-ethiques-de-l-esprit-gestionnaire.php>

Question 1 - Quelle est la portée de la liberté académique?

We believe academic freedom should be protected at *all* costs, *within the limits of the law* (e.g., anti-hate and antidiscrimination laws), and be a foundational principle for all universities in Québec. All universities in Quebec should be required to endorse academic freedom if they are to receive public funds.

We believe academic freedom should apply to, and be strongly protected and enforced, for all academics/professors regardless of academic rank, including lecturers, as well as for postdoctoral students and all students involved in research and teaching.

We believe academic freedom should apply both in the context of research and in the classroom.

We believe university administrators should keep their academic freedom and be allowed to express themselves. In doing so, they should be expressing themselves as individual academics, not as university representatives, which should remain neutral.

We believe academic freedom should protect the right of academics and students to *publicly, by any means*, discuss and be critical, as they see relevant, of all theories, models, research data and findings, methods, and constructs.

We believe academic freedom should protect the right of academics and students to publicly critique their colleagues and their university, including their university’s administration.

We also believe academic freedom includes the right, for all students, to be exposed to, to explore, inquire about, discuss and debate, and be critical of any and all theories, models, research data and findings, methods, constructs of relevance to a field or course topic.

Question 2 - Quelles sont les responsabilités des acteurs universitaires (corps professoral, communauté étudiante, syndicats, associations de professeurs, gestionnaires des universités, comités d'éthique, etc.) à l'égard de la liberté académique?

We believe it should be the obligation of any and all individuals involved in an academic setting to actively promote and defend academic freedom, and to actively defend the right of all actors to express themselves freely, including those one disagrees with.

This obligation should apply to all academics, to university managers and representatives, to ethics committees, tenure and promotion committees, to unions, and to student associations.

Senior management has tremendous responsibility and should unconditionally endorse and actively promote academic freedom.

Question 3 - Est-ce que les dispositions actuelles de protection de la liberté académique, incluant les mécanismes de résolution des litiges, sont adéquates?

In short, no, absolutely not. While universities, in principle and for the time being, generally adhere to the CAUT statement on academic freedom, this endorsement of that statement remains voluntary, which is not acceptable.

We invite the committee to consider the following recommendations:

- Universities should not be left to themselves to implement measures to support and protect academic freedom. Clearly, at least at McGill, they are incapable of doing so on their own.
- universities should be required to adopt and fully support a clear statement on academic freedom, such as the Chicago Principles.
- have a person and committee dedicated to protecting academic freedom (i.e., an academic freedom champion) ***within the Ministère de l'éducation***. This person and committee should be able to ***receive complaints*** about infringement on academic freedom (including the cancelling of events, deplatforming, censorship, etc.) from any individual person or

organization. This person should also be able to *enforce academic freedom with concrete, not just symbolic, decisions and actions, including by formerly blaming universities, fining universities, and, in more extreme cases, by withholding money transfers toward a university*. While French universities appear to be able to better handle the situation of censorship, at least for now, McGill clearly cannot. Laws and regulations are made precisely for those who would otherwise fail to meet their obligations.

- each university should be required to have a person dedicated to academic freedom *on campus, just like we have people dedicated to EDI*. This person should be enabled to receive complaints about infringement on academic freedom (including the cancelling of events, de-platforming, censorship, reprisals toward an individual for exercising their academic freedom, etc.) from any individual person or organization. This person should have the right to be critical of the institution (much like a *vérificateur général*) and report to the *Ministère de l'éducation* on a yearly basis.
- universities should be required to offer training on academic freedom to all new faculty members. Workshops on academic freedom should also be promoted to students and student associations.
- management positions related to the promotion of EDI should be separated from, and thus distinct from management positions related to academic affairs. For example, at McGill, the same person is responsible (as associate provost) for academic affairs and equity; both mandates are part of the same function. McGill and other universities who have a similar setup, should be required to separate academic issues from EDI issues. Otherwise, its like the church and state are in bed together.
- student initiatives like free speech clubs should be promoted by the Ministry and by universities.
- A culture of viewpoint diversity, open enquiry, intellectual curiosity should be actively promoted by the *Ministère de l'éducation*.

Question 4 - *Est-ce que les dispositions de protection de la liberté académique devraient relever uniquement de l'établissement (conventions collectives, politiques internes, énoncés universitaires, etc.) ou également de normes nationales (loi, règlement, énoncé)?*

Laws and regulations are made in large part for individuals and groups who would otherwise fail to fulfil a moral obligation. Universities have shown that they are incapable of dealing with the situation; McGill has most definitely failed. In fact, McGill has actively participated in creating the problem. Formal action is hence required.

New initiatives, regulations and laws pertaining to academic freedom should be national, not left to each individual university.

The situation requires more than a simple “*énoncé de principe*”. It requires formal regulations and law.