

Statement on McGill University's Draft Policy on Academic Freedom

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The Dr. Kenneth Melville McGill Black Faculty and Staff Caucus continues to be committed to fostering academic spaces that respect the dignity and humanity of everyone. Our statement responds to developments surrounding academic freedom that may compromise such academic spaces and that pose a risk of disciplinary action against Black faculty, students, and staff. This statement also expresses solidarity with other historically marginalized communities adversely impacted by these developments.

In February 2023, McGill University's administration circulated a draft policy on academic freedom to comply with legislative requirements on universities in Quebec. The Caucus believes it is crucial to acknowledge that the legislation giving rise to McGill's draft policy responded to an insistence among some non-Black educators on saying the full n-word in classrooms. McGill's draft policy must be understood against this background and a broader social context in which appeals to academic freedom are being used to perpetuate entrenched histories of bigotry, when respectful conduct can be used.

There is no doubt that academic freedom is essential to objectives of fostering knowledges, shifting paradigms, nurturing learners, and resisting hegemony. However, definitions of academic freedom that retrench historical oppression are counterproductive to its emancipatory purposes. In other words, some appeals to academic freedom may limit knowledge,¹ instead of nurturing academic pursuits that are generative because they are inclusive.

As historically excluded communities increasingly gain due recognition in the Canadian academy, universities must support research and teaching that respond to, and respect, these communities. For the Caucus, this means approaching academic freedom with an ethic of care that looks to historically marginalized communities for guidance on language use and scholarly inquiries that intimately affect them. Another university in Montreal is reaching out to Black community members to develop their policy on academic freedom. The Caucus is therefore deeply disappointed that it was not invited to participate in the drafting of McGill's policy.

In its current form, McGill's draft policy on academic freedom will not foster a careful approach guided by Black communities. Nor will it honour the University's commitments to address racism and to promote inclusion, for example under the Action Plan to Address Anti-Black Racism. Remarkably, these commitments are absent from the draft policy, which instead prioritizes guiding principles such as: "The University will not prevent or limit scholarly inquiry or debate of any issue or question."

McGill's draft policy is unconstrained, whereas conceptions of academic freedom at other universities are expressly delimited by law (which prohibits hate speech) and commitments to anti-racism and equitable inclusion. The McGill draft policy states that it does not derogate from policies, regulations and collective agreements of the University. However, these existing instruments are silent on most conduct and language use that entrenches the oppression of historically marginalized peoples.² These instruments do not include the Anti-Black Racism Plan, as mentioned above, nor do they include the Calls to Action on Indigenous Studies and Indigenous Education; the Equity, Diversity and Inclusion Strategic Plan; and McGill's Principles of 'integrity, responsibilities, equity and inclusivity'.³ Rather,

McGill's draft policy could accommodate language use and activities with nefarious purposes that racialized and gender-diverse communities regard as hateful, abusive or regressive.

Not only does McGill's draft policy fall short in these ways, but the Caucus believes it will also have a chilling or discriminatory effect on racialized and gender-diverse faculty, staff and students who challenge oppressive and ostensibly hateful practices in academic spaces.

McGill's draft policy follows legislative requirements by stipulating a procedure to investigate complaints of 'academic freedom violations'. The draft policy establishes a committee for this purpose with wide and vague discretion to make recommendations following a complaint. And the committee's recommendations may include disciplinary measures. These procedures will, at best, be unpredictable. Given the social context described above, the Caucus fears, at their worst, these processes will encourage, and legitimize, complaints against faculty, students and staff who dare to set expectations for discussions and research that encourage respectful conduct and language.

The Caucus is distressed that Black faculty, students and staff are increasingly being welcomed into the Canadian academy only to risk being disciplined for establishing conditions necessary to flourish. The Caucus fears for other historically marginalized communities whom we support in solidarity.

Academic freedom does not require abandoning experiential knowledge, non-Western epistemologies, dignity, and humanity. Nor should it penalize University members who foster careful discussions and research. Through its policy, McGill must not institutionalize a false dichotomy between academic freedom and equality. Academic freedom includes cultivating knowledge, teaching and learning through respectful engagements that benefit everyone.

¹ Dr. Kenneth Melville McGill Black Faculty and Staff Caucus, Statement on the Use of the N-Word in the Classroom, December 9, 2020, citing the Nobel Laureate, Toni Morrison, "Oppressive language does more than represent violence; it is violence; does more than represent the limits of knowledge; it limits knowledge". <https://www.nobelprize.org/prizes/literature/1993/morrison/lecture/>

² Unless they rise to the level of discrimination and harassment, which are a high and difficult bar to meet: McGill Policy on Harassment and Discrimination.

³ McGill University Mission Statement and Principles: <https://www.mcgill.ca/secretariat/mission>