

254. Dalhousie's code of conduct violates university values

Halifax *Chronicle Herald*, 23 October 2017

<http://thechronicleherald.ca/opinion/1513880-opinion-dalhousie-code-of-conduct-stifles-free-speech-violates-university-values>

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Early last Summer, Dalhousie University Student Union Vice President Masuma Khan proposed a motion that the student union boycott Canada Day celebrations. Responding to criticism, Ms Khan took to social media:

“At this point, fuck you all. I stand by the motion I put forward. I stand by Indigenous students. ... Be proud of this country? For what, over 400 years of genocide?” She added: “white fragility can kiss my ass. Your white tears aren't sacred, this land is.”

With these postings, Ms Khan violated Dalhousie's student code of conduct, which prohibits “unwelcome or persistent conduct that the student knows, or ought to know, would cause another person to feel demeaned, intimidated or harassed.”

That's the official finding Arig al Shaibah, Dalhousie's vice-provost of student affairs, made after conducting a formal investigation. The investigation followed a complaint from another Dalhousie student alleging that Ms Khan's “targeting [of] ‘white people’ who celebrate Canada Day is blatant discrimination.”

Ms Khan has declined to participate in an informal resolution process, which would have had her receive counselling and submit an essay. Dalhousie will now begin a formal process to determine her punishment.

Universities these days neither understand nor appreciate freedom of expression on campus. That Ms Khan is being persecuted for the content of her expression or the manner in which she expressed it is just one incident in a long line. Without freedom of expression on campus, though, universities cannot fulfil their mission as places of inquiry and discussion.

Let us agree, just for the sake of argument, with the finding that Ms Khan violated the student code of conduct. Let us also agree that she was abusive and that there is no place for abusive expression on campus.

Why, then, is Dalhousie's approach wrongheaded? What should be done?

The fault is with the code of conduct. No university code of conduct should threaten freedom of expression on campus, as Dalhousie's does.

Universities are places of inquiry and discussion. Let us begin with inquiry. People at universities need to be free from sanction and the threat of punishment in order to examine without fear the objects of their research and to engage in discussion with others about them. If professors and students are to believe soundly, they need to hear criticism of their views. When people worry that if they speak critically, they might be investigated for demeaning, intimidating, or harassing others, they will think twice before they speak, even when they believe what they have to say is valid.

But can't they speak their criticism respectfully? They should, certainly. But to require that they do is again to cause them to fear punishment if they misstep and, thereby, to give them reason to remain quiet, even should they believe that their manner in fact is respectful.

Now let us turn to discussion. In a serious discussion, one expresses respect for the one's interlocutors as intellectuals or moral agents by refraining from applying any pressures against them save the pressures of evidence and argument. To insist on threat of complaining to the authorities that people in a discussion do not say certain things or do not say things in certain ways is to attempt to control the discussion. But to attempt to control the discussion is to manifest contempt for the position or manners of the people with whom one is speaking.

Indeed, then, this line of thought implies, the person who complained to the authorities about Ms Khan's remarks or tone is the one engaging in intimidation. The student code of conduct, by making that intimidation possible, runs counter to university values.

I mentioned the idea that members of a university community are, or aspire to be, intellectuals and morally autonomous agents. Such people are not wounded by harsh criticism or invective. Instead, they examine criticism and charges against them to see whether they have merit. The effect of a code of behavior that encourages people to complain about what others say or how they say is to divert students away from the intellectual ideal. It coddles and infantilizes them.

Dalhousie's code of conduct, I have argued, puts at risk critical inquiry, manifests disrespect for the moral autonomy of speakers and their audience, and implies that students are fragile. Since critical inquiry, moral autonomy, and strength of character are all central university values, Dalhousie is failing its mission.

But Ms Khan's remarks and tone were abusive (we're supposing), and there's no place for abuse on a university campus. So isn't a student code of behavior needed after all?

No. Universities have resources to deal with whatever false things get said or whatever intemperate or insulting tones get used. Universities are places of inquiry and discussion. Views and tones can be examined and discussed critically. If Ms Khan's views are false, they can be shown to be so. If her tone is disrespectful, that, too, can be established through evidence and argument.

The very institutions that need protecting at a university—freedom of expression and freedom of manners—the institutions that Dalhousie's code of conduct bypasses and demeans—are themselves the key to dealing with false expression and bad manners.

Postscript: Arig al Shaibah, Dalhousie's vice-provost of student affairs, has corrected reports that Masuma Khan had been found to have violated Dalhousie's code of conduct. In a statement released late Monday 23 October, Ms al Shaibah said she had determined only that "there was enough evidence for the case to be further considered.... the matter now is set to be considered by the Senate Discipline Committee." Ms Khan was, though, invited to participate in an informal process to resolve the complaint and, quite rightly, declined.