

No formal complaint against Wilfrid Laurier student Lindsay Shepherd, lawyer confirms

Letter says there may be no document of what sparked the controversy over Shepherd's tutorial

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Lindsay Shepherd speaks to the media after a rally in November. - Record file photo

<https://www.therecord.com/news-story/7986445-no-formal-complaint-against-wilfrid-laurier-student-lindsay-shepherd-lawyer-confirms/>

WATERLOO — The lawyer engaged by Wilfrid Laurier University to prepare a fact-finding report into a controversial reprimand of graduate student Lindsay Shepherd has confirmed there was never a formal complaint about her tutorial.

In a letter dated Dec. 4, and sent to Shepherd's lawyer Howard Levitt, from the Laurier-hired lawyer Robert Centa, it reads: "You asked for a copy of the complaint or complaints filed against your client. At this point in my investigation, I do not believe there is a document that contains a 'complaint' made about Ms. Shepherd nor is there anything I would describe as a formal complaint under any WLU policy," wrote Centa,

In a Twitter post, 23-year-old Shepherd made a comment on the discovery.

"The concern could've been discussed face-to-face with (professor) Rambukkana, sure. But with no evidence, how will I ever know what was truly said by the complainant?"

On Nov. 8, Shepherd was called into a meeting with two professors — Nathan Rambukkana and Herbert Pimlott — and a diversity and equity official with the university, Adria Joel, after a complaint was allegedly made about her tutorial.

Shepherd recorded the meeting, where she was reprimanded for showing a video clip of two University of Toronto professors debating the use of gender-neutral pronouns on the television program, "The Agenda." One of the professors in the clip was Jordan Peterson, who argues against being forced to use gender-neutral pronouns.

After a recording of Shepherd's meeting was made public, both Laurier President Deborah MacLatchy and Rambukkana issued a public apology to her.

In mid-November, MacLatchy announced she would create a task force — to explore the university's role in adhering to principles of freedom of speech and expression while respecting human rights legislation and values of diversity and inclusion — and she would also launch a separate third-party, fact-finding exercise.

Centa, a partner at the Toronto-based law firm Paliare Roland Rosenberg Rothstein LLP, was announced on Nov. 23 as the person who would conduct the latter.

He will "make a report to the president regarding the events leading up to the meeting and the meeting itself," according to a Thursday statement from the university.

"The university has engaged an independent party to assess the facts of the matter including a review of related processes going forward," wrote MacLatchy in her Nov. 21 statement of apology.

"The review is intended to support improvement in our processes. The university is committed to ensuring that the vitally important role of teaching assistant supports an enriched learning environment for all students."

But Shepherd and Levitt, a Toronto-based employment lawyer representing Shepherd pro-bono, have questions about the purpose of the fact-finding mission after receiving communication from the lawyer hired for the task.

"You asked me to provide for the terms of my mandate," wrote Centa in the Dec. 4 letter to Levitt. "I have been retained to an independent, confidential fact-finding exercise with respect to employment-related matters arising from a November 1, 2017, tutorial led by Ms. Shepherd."

In an interview on Thursday, Levitt said up until receipt of the letter, there was no indication this would be an employment-related matter.

"In my view they're either trying to terminate her, and I'm not going to provide them the tools to do that, or they're trying to sanitize what they've already done," said Levitt.

For the purpose of his fact-finding mission, Centa also asks Shepherd in the letter to meet to "discuss what happened in the November 1 tutorial and how she perceived the November 8 meeting."

In the letter he also states that he was hired by the president to complete the exercise and will make recommendations to the president as a result.

"But I have no authority to make any decision that would impose any adverse consequence on Ms. Shepherd or anyone else at WLU," he writes.

Centa also makes it clear that Shepherd is able to "make a formal complaint regarding bullying or workplace harassment under any existing university policy regarding how she was treated," in the meeting.

Centa would not provide comment when asked Thursday.

The university has said that, unlike the results of the task force, the report by Centa will remain confidential as it involves personnel matters.

The fact-finding report is expected to be completed in the next two weeks.

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