



Society for Academic Freedom and Scholarship

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18 April 2022

Kristen Boon, Susan and Perry Dellelce Dean
Faculty of Law, Common Law Section
Fauteux Hall
57 Louis Pasteur St
Ottawa, ON K1N 6N5

Dear Dean Boon,

I am writing as president of the Society for Academic Freedom and Scholarship (SAFS), an organization of university faculty members and others dedicated to the defense of academic freedom and the merit principle in higher education. (For further information, see our website at www.safs.ca.)

The freedom of university professors to teach their courses as they will without interference from administrators is a foundation stone of the contemporary university. This freedom makes it possible for professors to discuss with their students problems and ideas that are controversial and even upsetting. Without this freedom, professors would have to tailor classroom discussions to the desires of the powerful. In doing so, they would be abandoning both the search for the truth and their mission as teachers to help their students to acquire the ability to consider competing perspectives and to think for themselves.

It was alarming, then, to read in an article by University of Ottawa law professor Stéphane Sérafin that in April, 2021, the vice-dean of the Common Law Section summoned Professor Sérafin to a meeting to talk about “comments/complaints/preoccupations with respect to your property law class” (the quotation is from an article by Professor Sérafin, at <https://wesleyyang.substack.com/p/how-ideological-coups-happen?s=r>). According to the article, the vice-dean endorsed student objections to the content of Professor Sérafin’s course.

University administrators should prize academic freedom and guard the academic freedom of professors and the freedom of expression of all members of the university community. A vice-dean who wishes to serve the university community well would explain to students or others who complain about the topics a professor teaches or the content of his or her classes that the professor is free to use his or her judgement in pedagogical matters. The vice-dean would help the students to understand that the professor is engaged in the project of helping them to seek the truth.

The vice-dean, by suggesting that Professor Sérafin was somehow at fault for something, failed in his or her duty to protect the law school and the university.

It was troubling to read that Professor Sérafin decided to avoid controversial material in his teaching as a result of the lack of support from his institution. Worse still is the recommendation to the law school he reports in his article, which would require professors to incorporate certain material and to take a certain approach to it in their introductory courses. The recommendation, if enacted, would be a gross violation of a professor's right to decide for him or herself what to teach and how to teach it.

The University of Ottawa has decided to solve the problems the misguided student complaints have created by having Professor Sérafin no longer teach introductory courses. This outcome constitutes a victory for the anti-intellectual, anti-academic forces that have been arrayed against the professor. Instead of explaining and defending academic values and the mission of the university, the law school capitulated to threats and ignorance.

Ottawa U's unsound response to complaints against Professor Sérafin is of a piece with its mishandling of the [Verushka Lieutenants-Duval](#) case as well as with former law dean Adam Dodek's persecution of student [Nikolay Stanchulov](#). A university committed to academic values and a culture of free and open inquiry would have acted very differently in all these cases.

Universities are unusual institutions. Their missions—the search for truth and educating students—are not well understood outside their walls, or even within them. For universities to function as they should, administrators must be prepared to engage in critical discussion with students and others and to promote academic freedom and other academic values.

We respectfully request that you respond to our letter. With your permission, we will post your response along with this letter on our website.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Mercer', with a stylized, flowing script.

Mark Mercer, PhD
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