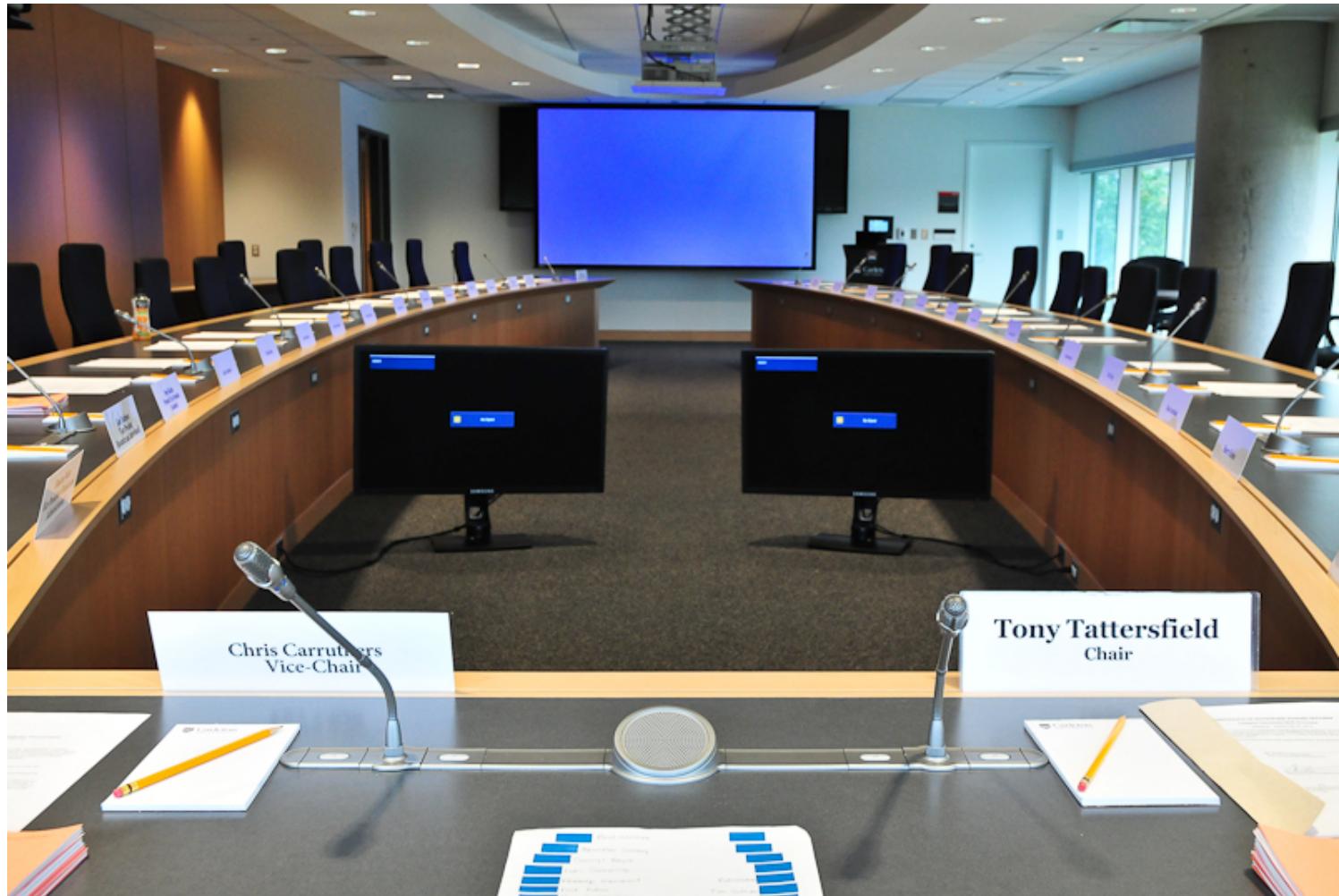


Academic Freedom in University Governance: Blogging and Gagging



Kyle
Fazackerley

<https://carletonbogblog.wordpress.com/>

Proposed new Board of Governors Bylaw

(25 June 2015 – not yet passed)

The following persons are not eligible to be a Governor or shall automatically cease to hold office as a Governor:

- (c) a person who is an employee of the University and who is a voting member of the executive body of, or is an officer of, an association or union of the University who has the responsibility, or joint responsibility with others, to:
 - (i) negotiate with the Board, on behalf of their constituency group; or
 - (ii) adjudicate disputes regarding their constituency group.

Problems with excluding union officers from the Board

1. External governors bid on contracts
 2. Carleton management on the Board
 3. Union officers don't negotiate with the Board
 4. Union officers don't adjudicate grievances
 5. Board voted to hold bylaw vote electronically
 - Electronic vote not allowed for bylaws
 - No 5-day notice
-
- The slide features a large curly brace on the right side. It spans vertically from the top of item 1 down to the end of item 5. The brace is divided horizontally into two sections. The upper section, covering items 1 and 2, is labeled 'equal protection' in red text. The lower section, covering items 3, 4, and 5, is labeled 'due process' in red text.

Academic Freedom

- Equal Protection
- Due Process

Academic Freedom

- Equal Protection
 - Due Process
- } freedom

“The due process clause and the equal protection clause are connected in a profound way... interrelation of the two principles furthers our understanding of what freedom is and must become.”

- *Obergefell v. Hodges* (2015) U.S. Supreme Court

Student protest at Board of Governors on 30 March 2015

(video: Nick Falvo)



<https://www.facebook.com/nfalvo/videos/10155415668400541/>

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From: Michael Wernick, Chair of Board's Governance Committee and Deputy Clerk of Privy Council <michael.wernick@pco-bcp.gc.ca>
Date: Wednesday 1 April 2015 at 7:17
Subject: Re: 589th Meeting of the Board of Governors on 30 March 2015
To: Root Gorelick and Board of Governors

With all respect you really are missing the point here.

The physical disruption and attempt to suppress the functioning of the lawful governance of the university by shouting down speakers and breaking up the meeting is the point.

It has no place in a lawful democratic society – it is the tactics of **Brownshirts and Maoists**. It has no place in a university – it is the antithesis of free speech and open debate.

What I would like to hear from the administration is what sanctions will be brought upon the disruptors and how it proposes to protect the peaceful lawful governance of the Board from being intimidated.

Forms of Gagging

- 1. Board Chair approval needed to attend “open sessions”**
- 2. Police guard “open sessions”**
3. Shunting open items to closed session
4. Absent governors now allowed to vote electronically
5. Candidates for governor gagged in campaign and election
6. Code of Conduct imposes “tyranny of the majority”
7. Harassment of those seconding motions
8. Repeated threats to remove me from Board
9. HR threatened my job for blogging about Board
10. Lock-down of my teaching and research website in retaliation for my Board of Governors blog on WordPress

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Forms of Gagging

5. Candidates for governor gagged in campaign and election

Elections for student, staff, faculty governors now run by University Secretary

Candidates must pledge to sign Board's new Code of Conduct.

Candidates can be disqualified for campaign content.

All decisions by University Secretary final, with no appeal.

From: University Secretary

To: Student candidate for Board of Governors

Date: 23 March 2016 at 12:22 pm

You may not use the image that includes “*Real Change – freeze tuition, increase funding for mental health, empower marginalized students*”. The presentation of this information implies that you are presenting a platform with electoral promises and this is not permitted. Should you be elected as a Governor, you would be pre-judging the discussions and actions of the Board, and yourself, with respect to these issues and as such, potentially violating your fiduciary responsibilities, and the Code of Conduct. We covered the role of a fiduciary board member in detail during the [“Board 101” information] session and it was also clearly outlined in the Code of Conduct which you were required to review and agree with upon your submission of the Expression of Interest. A fiduciary is required to make their decisions honestly, in good faith, and based on the information available at the time the matter is being considered, in the best interests of Carleton as a whole. If you proceed with the use of this particular piece of material, you will be disqualified from being considered as a candidate.

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Carleton University spokesperson, Steven Reid,
“quoted a passage from the Supreme Court of Canada
which describes the duty of board members to ‘serve the
corporation **selflessly, honestly, and loyally.**’”

- *Ottawa Citizen* (18 March 2016)

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- *Ottawa Citizen* (18 March 2016)

Loyalty to the entire university community, not fealty to board chair and university president.

Selflessness in fighting for academic freedom, due process, and supporting minority voices at Carleton, despite threats.

Honesty in not telling lies of omission.

Forms of Gagging

6. Code of Conduct imposes “tyranny of the majority”

“Support all actions taken by the Board of Governors even when in a minority position on such actions. Respect the principle of Board collegiality, meaning an issue may be debated vigorously, but once a decision is made it is the decision of the entire Board, and is to be supported.”

Code of Conduct
Approved by the full Board
26 January 2016

Forms of Gagging

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Compelled speech contravenes collective agreement.

“A minority is powerless while it conforms to the majority.”

- Henry David Thoreau (1849) *Civil Disobedience*

Forms of Gagging

7. Harassment of those seconding motions

Carleton University press release day after bylaws passed:

“Deliberations over the General Operating Bylaw No. 1 included requests for 24 amendments. The majority of proposed amendments failed to get a seconder during the votes, including a motion that would result in half of the Board members who are community volunteers being removed from the board.”

Forms of Gagging

7. Harassment of those seconding motions

Carleton University press release day after bylaws passed:

“Deliberations over the General Operating Bylaw No. 1 included requests for 24 amendments. The majority of proposed amendments failed to get a seconder during the votes, including a motion that would result in half of the Board members who are community volunteers being removed from the board.”

Root Gorelick: “I propose amending section 4.01.(i) to reduce the number of external community governors (who are not elected) from 18 to 8.”

Board Chair: Is there a seconder?

Seconder: [raises their hand]

Board Chair: Are you serious?

Do you understand what you seconded?

Seconder: Yes.

Board Chair: Let me make sure you understand what you just seconded. Do you understand the amendment?

Seconder: Yes.

Board Chair: Then could you please repeat the amendment?

Seconder: The proposal is to reduce the number of external community governors from 18 to 8.

External governor: The amendment violates democratic principles and means the only ones left serving on the board would be people with their own interests.

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“You have repeatedly failed in your duty to respect the integrity of the Board and to support Board decisions.... While you can raise concerns at Board meetings and in internal board communications, you are not entitled to blog your opposition to Board decisions publicly.”

- Vice-Chair of the Board to Root Gorelick,
Signed on behalf of the Executive Committee
10 July 2015

From: Robert Monti, Human Resources legal counsel
To: Root Gorelick
Date: 10 July 2015

You are instructed to take down the offensive blogs and to publish an apology ... no later than 15 July 2015.

A meeting with you and your supervisor, the Dean of Science and Human Resources, will be scheduled shortly to review the matter. The meeting is disciplinary in nature. You have the right to union representation and are advised to exercise that right.

If you do not follow the instructions set out above, your refusal will be dealt with as insubordination and an aggravating factor by the University.





- 10 July 2015 Disciplinary letter from Human Resources and
Disciplinary letter from Board of Governors
- 15 July 2015 I apologized and redacted from my blog mentions
of “Brownshirts and Maoists” and “vote rigging”
- 16 July 2015 Carleton locked-out my teaching/research website
- 17 July 2015 I moved teaching/research website to WordPress
- 27 July 2015 Disciplinary hearing with Dean and HR
- 18 Aug 2015 Carleton agreed to restore my website (but failed)
- 10 Sept 2015 Final adjudication by Dean

Subject: Completed Service Request # SD213371

Date: Monday 20 July 2015 at 10:12 am

From: CCS [Carleton Computer Systems] Service Manager

To: root.gorelick@carleton.ca

Your Service Request Description: Personal Website Down

Received on 07/16/15 16:03:12 has been completed.

COMPLETED REQUEST-INFORMATION FOR CLIENT:

**The account was locked and content archived at the request
of the CIO of Carleton University.**

From: Chris Trainor
Sent: Monday 20 July 2015 at 3:50 pm
To: Roseann Runte [university president]
Cc: Julie Caldwell [university secretary]; Robert Monti [HR legal counsel]
Subject: Regarding Root Gorelick's Account

Good Afternoon President Runte,

My name is Chris Trainor, Corporate Archivist and Assistant Privacy Officer with the Board of Governors office. I recently received a call from Tim Lott, Assistant Director for Information Security about the disabling of Root Gorelick's Carleton University webpage. Essentially, Professor Gorelick has placed numerous tickets with Computer and Communication Services to have his account re-enabled. Tim has let me know that he has denied his requests, but that Professor Gorelick is asking for justification and Tim does not know what to relay to him. Denis Levesque [Chief Information Officer] and Steve Levitt [General Counsel] are currently on vacation and would have been privy to such information. I inquired with Julie [University Secretary] and she suggested I contact you for clarification on this matter.

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Carleton
UNIVERSITY

Root Gorelick, Ph.D.



Associate Professor

Department of Biology;
School of Mathematics &
Statistics;

Institute of Interdisciplinary
Studies;
Carleton University.

Research

Evolutionary Theory

Evolution of Sex, Sexuality & Gender Studies

Mathematical Biology, Biodiversity, Epigenetics

Indigenous Ecology and Evolution

Natural History, Classical Botany

“You have linked your personal website (www.rootgorelick.com) to Carleton’s website. I have consulted with the Department of University Communications on this. Without authorization, this constitutes improper use of Carleton’s logo on your personal site.”

- Malcolm Butler, dean of science,
to Root Gorelick (6 August 2015)



<https://carleton.ca/>

<https://carleton.ca/biology/>

<https://carleton.ca/math/>

<https://carleton.ca/biology/people/dr-sue-bertram/>

<https://carleton.ca/sppa/people/stewart-jennifer/>

Academic Freedom

- Due Process
 - Equal Protection
- } freedom

“Active and fractious disagreement is a sign of health in a traditional system: it means that people are engaging their leaders and challenging them to prove the righteousness of their position. It means they are making them accountable.... In any culture deeply respectful of rationale thought, the only real political power consists of the ability to persuade.”

– Taiaiake Alfred (1999)

Academic Freedom

- Due Process: Re-active
- Equal Protection: Pro-active

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Carleton University Academic Staff Association (CUASA)

Christal Côté

Pum van Veldhoven

Danielle DiNovelli-Lang

Melissa Haussman

Caitlyn Armstrong

Daniel Draper

Stacy Douglas

Peter Gose

Justin Paulson

Jennifer Stewart

Johannes Wolfart

Amedeo D'Angiulli

Carleton University Board of Governors

Nick Falvo

Pam Griffin-Hody

Christina Muehlberger

Michael MacNeil

Russell Burgess

Thomas Kunz

Canadian Association of University Teachers (CAUT)

David Robinson

Angela Regnier

Others

Colleen Baumann

Peter Engelmann

Ken Rubin

Sue Bertram

Katharine Kelly

Michael Bueckert

