

Motion Re : Letter Regarding Dean Jutras Investigation

WHEREAS Principal Heather Munroe-Blum has requested that the Dean of Law undertake an investigation into the events of November 10th on campus,

WHEREAS many legitimate criticisms of this inquiry have been formulated, pointing to its limited scope,

WHEREAS the SSMU has been contacted by Professor Alia Al-Saji of the Philosophy department with a request to sign the letter pasted below,

WHEREAS twenty-seven professors initially endorsed this letter and are seeking more endorsements,

BE IT RESOLVED THAT the SSMU Legislative Council endorse the following letter:

Stuart H. Cobbett
Chair, Board of Governors
McGill University
Cc: Members of the McGill Board of Governors

23 November 2011

Dear Mr Cobbett,

We write this open letter to voice serious reservations regarding the investigation that is being undertaken into the events on the McGill campus on November 10, 2011 by Dean Daniel Jutras at the request of Principal Heather Munroe-Blum.

There are good reasons for the McGill community to question the legitimacy of this investigation. These reasons are the perceived lack of independence of the investigation and its restrictive mandate, which the Principal defined in her letter of November 11, 2011, and Dean Jutras accepted.

(1) While we do not question the integrity of Dean Jutras, we note that a truly independent and impartial investigation requires more than integrity and good intentions. It requires structures that would safeguard the independence of the process, aims and outcome of the investigation. These structures do not obtain in the current investigation, where the investigator is an employee of McGill University and a member of its administration. These facts constitute a conflict of interest that no amount of goodwill and trust can overcome.

It is not only that the current investigation lacks independence, but also that the prior constraints imposed on its scope and process will undermine its credibility in the eyes of the McGill community.

(2) The terms of reference of this investigation have been unilaterally established by Principal Heather Munroe-Blum in her letter to Dean Jutras on November 11, 2011. These terms of reference are so narrowly defined as to circumscribe, in advance, the possible outcome of the investigation.

Excluded in advance is the ability to “make findings about or assign blame to specific individuals” and thus any possibility of holding members of the upper administration and security personnel accountable for their actions on, and leading up to, November 10. Rather than establishing responsibility, this investigation is restricted to making recommendations “regarding practices, processes and policies within McGill University’s control and jurisdiction.” Focusing attention on impersonal “practices, processes and policies” forecloses a thoroughgoing review of the culture and mode of governance instituted by McGill’s upper administration and its increased deployment of security measures and personnel on campus during the Fall 2011 term.

(3) The terms of reference set out by the Principal limit this investigation, not only in its powers, but also

in its scope. The events of November 10 were not isolated, yet it is unclear whether Dean Jutras's fact-finding exercise can extend beyond the events themselves to include the context on campus that preceded them and that made them possible. Similarly, any sustained attention to structural conditions that may have contributed to the events of that day and their context is precluded by the way in which this investigation's purpose has been defined.

Though seemingly admirable in its concern for our future, the "forward-looking" purpose that the Principal assigns to this investigation in fact works to shift attention away from accountability and towards prevention. The purpose – "to allow McGill to learn from the events of November 10, 2011 and implement changes that would reduce the likelihood of a similar incident occurring in the future" – presumes that we can learn from the past without taking responsibility for it. Further, the prospect of implementing preventative measures without contextualizing and assigning responsibility for the events of November 10 has disturbing implications. It would amount to relieving those in positions of authority of accountability for previous actions and inaction, while potentially hindering members of the McGill community from taking otherwise permissible political action in the future. Preemptive measures restricting the ability of students, faculty and staff to assemble and protest might "prevent" a recurrence of the events of November 10, but such escalated securitization of campus would simply intensify the dynamics that gave rise to these events in the first place.

For these reasons, we believe the legitimacy and effectiveness of this investigation have been irreparably compromised from the outset. When events have been so damaging and continue to be so contentious, trust in the University as a space of free expression and dissent can only be restored through a genuinely independent and external inquiry.

Accordingly, we call for the suspension of the investigation by Dean Jutras and the immediate convening of an ad hoc committee comprised of undergraduate and graduate students, support and administrative staff, and faculty, appointed by their own representative organizations. This ad hoc committee should be charged to mandate an external inquiry that would meet the standards of independence and comprehensiveness demanded by the gravity of the events of November 10, 2011. We would look forward to participating vigorously and conscientiously in such an inquiry.

Thank you for your consideration.

Moved by: Joël Pedneault, VP External