

***REPORT OF THE COMMITTEE OF INQUIRY INTO  
A COMPLAINT BY PROFESSOR MICHAEL THORPE***

August 9, 2001

***1. APPOINTMENT AND TERMS OF REFERENCE OF COMMITTEE OF INQUIRY:***

By letter dated March 10, 1999, the CAUT Academic Freedom and Tenure Committee appointed the cosigners of this Report<sup>1</sup> to look into the complaints of Professor Michael Thorpe<sup>2</sup> and the Mount Allison Faculty Association [MAFA] concerning the refusal of the University to employ Professor Thorpe as a teacher in the Continuing Education programme and to award him Professor Emeritus status.

The Terms of Reference for the Committee of Inquiry provided by the CAUT Academic Freedom and Tenure Committee in their letter of March 10, 1999 were as follows:

1. What is the practice at Mount Allison with regard to appointment of retired faculty members to teach occasional courses; specifically, how unusual is it to deny such an appointment to a retired member who has been recommended by his or her Department?

2. What is the process of conferring Emeritus status at Mount Allison University; specifically, how unusual is it for a Senate nominee for Emeritus status to be rejected by the Board of Regents?

3. What is the policy and practice at Mount Allison University with respect to establishment, maintenance, and use of personal files?

4. Did the Administration at Mount Allison maintain a secret or extraordinary file on Michael Thorpe while he was in the employ of the University?

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<sup>1</sup>Roger Gannon is a retired Associate Professor of English who formerly taught at York University, Glendon College; Bernice Schrank is a Professor of English at Memorial University of Newfoundland.

<sup>2</sup>Professor Thorpe taught in the Department of English at Mount Allison University from 1974 until his retirement in 1997.

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5. If so, did the Administration rely on this material in its consideration of Professor Thorpe for post-retirement teaching opportunities and Emeritus status?

6. In the process of evaluating Professor Thorpe's suitability for post-retirement opportunities and Emeritus status, did the Administration rely upon allegations that were not properly investigated in accordance with the principles of natural justice?<sup>3</sup>

## **2. FINDINGS:**

Our findings for each of the above questions are as follows:

1. Based on our investigation, we conclude that it was highly unusual to deny an appointment to teach occasional courses in their Department to retired faculty members who have been recommended by their Department.

2. Based on our investigation, we conclude that, in the past, the process of conferring Emeritus status at Mount Allison University involved determining whether a colleague held the rank of Full Professor and had been employed for ten years or more as a faculty member. After this determination was made, the conferring of the title was virtually automatic. Specifically, it was unprecedented for a Senate nominee for Emeritus status to be rejected by the Board of Regents.

3. Based on our investigation, we conclude that there are at least three different kinds of files which contain information about individual faculty members, and which may be regarded as "personal" files. The first kind of file is the Official File, called into being by the Collective Agreement. The Agreement in place at the time of Professor Thorpe's retirement, as well as previous Agreements (and the subsequent Agreement) all have clauses indicating the nature and the content of the Official File. These files are for evaluative purposes, and contain material relevant to tenure and promotion, and such other review processes as may take place from time to time. The second kind of file is a Personnel File in which material related to salary and pension is kept. The third kind of file is best described as unofficial. Miscellaneous files appear to be kept on an ad-hoc basis by

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<sup>3</sup>Although the CAUT Academic Freedom and Tenure Committee did not define what it meant by "the principles of natural justice," the Committee of Inquiry understands the phrase to include, but not be limited to, the following two questions: (1) was Professor Thorpe given an opportunity to know the allegations made against him and to formally respond to them?; and (2) were the allegations of the Administration made formally by known procedures and in a timely manner?

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administrators (Deans, Department Heads, Vice-Presidents, etc.) into which assorted and unspecified material may be placed. After retirement, files are archived, apparently without regard to whether the material had “official” or “unofficial” status while the academic staff member was employed at Mount Allison University.<sup>4</sup>

4. Based on our investigation, we are unable to establish whether an extraordinary file was kept on Professor Thorpe while he was in the employ of the University. We know only that members of the senior Administration appear to have relied on inaccurate information in trying to justify their actions against Professor Thorpe.

5. Based on our investigation, we do not know if the Administration used an extraordinary file on Professor Thorpe. We believe, however, that they relied on material or information that, for the most part, was not in his Official File while he was employed at Mount Allison University.

6. Based on our investigation, we find that, in the process of evaluating Professor Thorpe’s suitability for post-retirement opportunities and Emeritus status, the Administration relied upon allegations that were not properly investigated in accordance with the principles of natural justice (see our footnote three.)

7. Based on our findings, the committee of inquiry offers the following advice to the Academic Freedom and Tenure committee. That all steps should be taken to ensure that Professor Thorpe be awarded Professor Emeritus Status and that he receives fair consideration in any subsequent applications he makes for a teaching position at Mount Allison University.

How we came to these conclusions is detailed in the rest of this Report.

### **3. *ON-SITE VISITS:***

We traveled to Mount Allison University on September 19, 1999 for a five day on-site visit, which ended on the afternoon of September 25, 1999. We returned to Mount Allison University on November 23, 1999 for a further three day visit.

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<sup>4</sup>At Mount Allison University, faculty members move in and out of the bargaining unit as they accept limited term administrative appointments. As well, Departments Heads, although members of the bargaining unit, carry out administrative duties. Amongst the faculty members we interviewed were former Vice-Presidents, Deans, Department Heads and former Department Heads. We base our finding that “unofficial” files exist (that is, all the material that is not part of the “Official File” or the “Personnel File”) on their statements to us that they had (or have) and use such files. We find such statements credible because they are consistent with our own experience that Departments and Faculties keep miscellaneous information about classes taught, vacation schedules, sick days, grant applications and the like in the offices of Deans and/or Department Heads.

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***a. MOUNT ALLISON FACULTY ASSOCIATION SUBMISSIONS AND OTHER DOCUMENTATION:***

In anticipation of our first visit, the CAUT Academic Freedom and Tenure Committee provided us with extensive documentation of the case, a compilation that included letters, newspaper clippings and other relevant material. We also received significant supplementary documentation from the Faculty Association as well as from Professor Thorpe and from many of the people with whom we spoke. The material so gathered included the Collective Agreements between Mount Allison University and Mount Allison Faculty Association for 1995-1998 and for 1998-2001, a current University Calendar, Minutes from various University Committees, from Senate and from the Board of Regents, letters to and from faculty members to the Administration and to the newspapers, letters from administrators to faculty members and to the newspapers, a copy of the student newspaper, *The Argosy*, reporting on the CAUT Committee of Inquiry, other newspaper articles, several arbitration decisions adjudicating disputes between Mount Allison University and Mount Allison Faculty Association, and a Report from Dr. Fred Wilson, Professor of Philosophy, University of Toronto, entitled "Inquiry into Governance at Mount Allison University" (October 1997). The process of gathering documents continued during our second visit.

***b. INTERVIEWS:***

Several weeks before we arrived for our first visit, we submitted to MAFA a list of persons we wished to interview. It was our intention to proceed by both interview and archival examination. We likewise set up interviews for our second visit and brought our archival work to completion.

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*i. administrative non-participation:*

Efforts by MAFA at the time of our first visit to arrange interviews with the Person Chairing the Board, the President of the University, the Vice-President (Academic), the Vice-President (Administration), the Dean of Arts and the Director of Continuing Education were unsuccessful. By letter dated September 13, 1999 to the Faculty Association [Appendix I], Mr. David Stewart, Vice-President (Administration), referred all inquiries relating to our investigation to Ms. Freya Kristjanson, a Toronto lawyer, “retained to represent the University and Bill Driedzic [who was, by the time of our investigation, no longer employed at Mount Allison University]”.

We tried to arrange meetings with senior Administration and J.J. Keith, the Chair of the Board of Regents in anticipation of our second visit [see, for example, letter from Bernice Schrank to Mr. Keith, Appendix II].<sup>5</sup> These efforts were as unsuccessful as the efforts of the Mount Allison Faculty Association at the time of our first visit. We received a response from Mr. Keith in which one of the reasons given for his refusal to meet with us is that we were “hired” by CAUT [see Appendix III for full text of letter].<sup>6</sup> On December 29, 1999, Mr. Keith again wrote to us apologizing for his misuse of the word “hired” [see Appendix IV for full text of letter].

On November 29, 1999, Professor Schrank wrote to Ms. Freya Kristjanson, requesting four pieces of information: (1) copies of the form(s) used by the Administration in 1996, 1997, 1998 and 1999 to appoint persons to teach courses for the Department of Continuing and Distance Education; (2) copies of all the documents on which Dr. Driedzic relied in writing his letter of April 7, 1998 to Professor Thorpe; (3) copies of the handbook given to newly-appointed members of the Board of Regents of Mount Allison University; and (4) copies of any payroll records that indicate that Professor Thorpe received a salary while on strike (Appendix V). She replied by letter and fax on December 23, 1999 (Appendix VI).<sup>7</sup>

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<sup>5</sup>Similar letters were sent to Dr. Driedzic, Dr. Newbould, Dr. Ennals, Mr. Stewart and Mr. Dykeman.

<sup>6</sup>CAUT investigators are invited by the CAUT Academic Freedom and Tenure Committee to participate. CAUT covers the cost of travel, meals and lodging only. There is no other payment.

<sup>7</sup>The letter from Professor Thorpe to Dean Ellard to which Ms. Kristjanson refers can be found in Appendix VII.

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In any event, in spite of the regrettable absence of information from the Administration, an abundance of information was made available to us from other sources, sufficient in our view to establish the facts of the matter.

*ii. participation of faculty, students and former administrators at Mount Allison:*

MAFA was successful in arranging interviews with former administrators of Mount Allison University both in Sackville and elsewhere, as well as with Professor Thorpe, his colleagues and students, and other interested parties. In all, we conducted 33 interviews with 40 persons.<sup>8</sup> During our first and second visit, through the use of the interview format, we were able to talk to a comprehensive cross-section of the University community, including former students and former colleagues of Professor Thorpe. We have, it is worth noting, benefitted from the fact that many administrators at Mount Allison either return to the ranks and to the bargaining unit, or, occasionally, accept positions at other universities in Atlantic Canada. A number of former administrators of Mount Allison University (both on and off campus) provided us with information and their insights concerning the matters which had brought us to Mount Allison.

**4. THE BROADER CONTEXT:**

It is clear that there are two overlapping narratives within the Thorpe complaint: (1) the story of Professor Thorpe and his relationship with the Administration of Mount Allison University, which is the immediate subject of our inquiry, and (2) the story of the Administration of Mount Allison University and its relationship to faculty, and to the faculty union, a story which helps us to understand what happened to Professor Thorpe.

Nearly every person we interviewed characterized the relationship between the Administration and the faculty at Mount Allison University as being strained.<sup>9</sup> Persistent reference

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<sup>8</sup>The apparent discrepancy between the number of interviews and the number of persons results from the participation of several persons at several of our interviews.

<sup>9</sup>For more extensive treatment of this strained relationship, see the report of Professor Fred Wilson to CAUT. Wilson is a Professor of Philosophy at the University of Toronto and a former President of CAUT. He was sent by CAUT at the invitation of Mount Allison Faculty Association to examine the governance of Mount Allison University. The report of his findings was released in 1997. Although the report is critical of both the Administration and the faculty, it gives more  
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was made to the two faculty strikes, both of which have occurred during the tenure of the present President, the second in 1999, both of which were strongly supported by faculty. At the time of the first MAFA strike, Professor Thorpe wrote to the local press voicing strong support for the faculty, and he also had a lead article on the strike in the *CAUT Bulletin*, “What Maclean’s Did Not See at Mount Allison University,”<sup>10</sup> a reprint of an article published earlier in a local paper, the *New Brunswick Telegraph Journal* (January 24, 1995). In this article, Professor Thorpe urges the Board of Regents not to reappoint Ian Newbould to a second term because, in Professor Thorpe’s view, Dr. Newbould was largely responsible for the distressed state of faculty-Administration relations as evidenced by the acrimonious MAFA strike.

Various people with whom we spoke also mentioned the staff strike which, likewise, was supported by faculty. Professor Thorpe, it should be noted, like many of his colleagues, strongly supported the staff during what proved to be a long and bitter strike.<sup>11</sup> Professor Thorpe was retired by the time of the second faculty strike. He nevertheless supported that strike too, encouraging those walking the picket lines and making donations of food to strike headquarters. For many with whom we spoke, the occurrence of three strikes in less than a decade was taken as strong evidence of the intransigence if not outright hostility by senior Administration toward faculty and staff.

Several of the people we interviewed also alerted us to a controversy surrounding the appointment of an Acting Director of Research in which Professor Thorpe played a role when the matter crystallized into a vote of non-confidence in the President of the University. Without going into great detail, we note that there was general faculty dissatisfaction with the role played by Administration in the selection process for the position of Acting Director of Research. A faculty member who was coincidentally President of the Faculty Association was the unanimous choice of

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<sup>9</sup>(...continued)

emphasis to the role of Administration in the maintenance of what Wilson regards as a stressed and perhaps even dysfunctional relationship.

<sup>10</sup>Michael Thorpe, “What Maclean’s Did Not See at Mount Allison University,” *CAUT Bulletin*, Vol. 42, No. 3, March 1995 p.1; p.5.

<sup>11</sup>This view is supported in the press. See, for example, the *Telegraph Journal* article by Jacques Poitras of February 9, 1994, “Mt. A. strike blamed on poor fiscal management,” p. A10. Also see the *Sackville Tribune Post*, February 11, 1994, “Mt. A strike turns ugly. Replacement workers hired; picketers allegedly struck,” p. 1; 10. The Mount Allison Faculty Association is reported as having given a \$5,000 contribution to the Mount Allison Staff Association strike fund.

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the Research Committee. Despite the recommendation of that Committee, the President of the University declined to make the appointment, holding that there might be a conflict of interest were a President of MAFA to hold the position.<sup>12</sup>

It seems clear from our interviews that many faculty were distressed by the actions of the President of the University. A motion of non-confidence in the President was put to Faculty Council<sup>13</sup> on March 9, 1993 (moved by A. Motyer, a former Head of the Department of English a former Director of Drama, and a former Vice-President (Academic), seconded by C.H.H. Scobie).<sup>14</sup> Professor Motyer made a lengthy opening statement outlining his reasons for making the motion.

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<sup>12</sup>The matter of discrimination on the basis of union activity was taken to arbitration. The Arbitration Board found that there was discrimination and no conflict of interest in such an appointment. The Board also found that the President of the University had other reasons for not appointing the President of the Faculty Association to the position.

<sup>13</sup>It is important to note that, at Mount Allison University, Faculty Council is chaired by the President of the University. In many other Canadian Universities, Deans and Directors chair such meetings. What this means is that the President more frequently interacts with faculty in situations in which debate and disagreement are understood to be a normal part of academic discourse than Presidents of other Canadian Universities. It is the perception of many of Thorpe's colleagues that Professor Thorpe was a fearless, persistent and articulate, even eloquent, opponent of various administrative initiatives in Faculty Council and in Senate. We have been told that, while others offered resistance to Administration policies, their opposition was issue-specific. Professor Thorpe, we were told, more than any other member of faculty, pursued both the administrative style of the University President as well as Administration policies on many occasions and in many fora including Faculty Council and Senate. Consistent with this overall assessment, Professor Thorpe did not hesitate to lend his voice in favour of the motion of non-confidence.

<sup>14</sup>Professor Scobie would, in 1998, refuse to accept the title of Professor Emeritus because, in his view, it had been unfairly denied to Professor Thorpe.



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That motion reads as follows:

Whereas Mount Allison's current President, Dr. Ian Newbould, continues to ignore those duly constituted structures which exist within the University to protect and promote academic freedom, scholarship and research;

and whereas Mount Allison's current President has, in the particular matter of the Research Office, acted unilaterally to eliminate it in its present form, consulting neither the Acting Director of Research, nor the Research Committee, nor the Faculty Council, nor the University Senate;

the academic staff of Mount Allison declares it has no confidence in this current President as the academic leader of our community.

Various faculty members spoke in favour of the motion, including Professor Thorpe, who is reported in the Minutes of Faculty Council as stating:

He [Thorpe] noted that when the President met belatedly with the Research Committee on the matter of the restructuring, Dr. Newbould stated unequivocally that it would be unwise to ask for people's opinions first because they would resist you. His mode of operation is to play with his cards close to his chest, and pre-empt any opposition. This is surely not collegiality? (Minutes of Faculty Council, March 9, 1993, p.5)

Professor Thorpe's statement could hardly be construed as supportive of the administrative style of the President. The motion of non-confidence passed by a vote of 50 in favour, 16 against, with 1 abstention.

The strained relationship between faculty and the senior Administration revealed in part by the support for the non-confidence vote as well as by two faculty strikes (along with Professor Thorpe's role in these events) forms the backdrop to the Thorpe case.

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## ***5. A HISTORY OF MICHAEL THORPE'S EMPLOYMENT RELATIONSHIP WITH MOUNT ALLISON UNIVERSITY:***

### ***a. THORPE'S ACADEMIC CAREER:***

Michael Thorpe was hired into the Department of English at Mount Allison University with the rank of Professor and Head in 1974. He came to this post from a position in the Department of English at the University of Calgary, where he was first an Associate Professor (1970-1973) and then a Full Professor (1973). Before coming to Canada, Professor Thorpe had served as a Lecturer at Nanyang University in Singapore and then as Lecturer and Senior Lecturer at the University of Leiden, in the Netherlands. In other words, at the time of his retirement, he had been teaching English at University level for well over thirty years.

His areas of special interest are the Victorian and early modern period, contemporary British and Post-Colonial literatures as well as Canadian literature. He has published very widely. His work includes critical books on Siegfried Sassoon, Doris Lessing, Matthew Arnold, Arthur Clough and Edmund Blunden. He has authored three pamphlets for the British Council series "Writers and Their Work" on Doris Lessing, V.S. Naipaul and John Fowles. He has published eight volumes of poetry. He has written over 60 articles and chapters on subjects that range from the work of the Czech-Canadian novelist Joseph Skvorecky to the novels of Iris Murdoch and Thomas Hardy. He has produced well over 150 reviews of contemporary fiction, and authored a great many individual poems. Clearly, Michael Thorpe is an accomplished and productive scholar and poet. He has also written a large number of polemical letters and articles concerning Mount Allison University affairs to local and provincial newspapers as well as to the *CAUT Bulletin*. About these we will have more to say below.

Reports from former students and colleagues make it clear that Professor Thorpe was an exciting, demanding teacher. He was not, we were told, a crowd pleaser. What he offered students, according to one former student, were "intellectual and visceral conduits" to such politically engaged writers as Yeats and Kundera. He taught with conviction, and projected an urgent understanding of the interrelationship between literature and the environment, particularly the political environment.

Although hired at the rank of Full Professor and Head of the English Department (a position which he held, for the first time, from 1974–1977), Professor Thorpe did not come to Mount Allison

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with tenure. We have been informed that Professor Thorpe's tenure application was complicated by problems he encountered trying to administer the English Department. There were serious differences of opinion over the importance of scholarly activity. The Department also split into factions on how to deal with a particularly fractious and difficult colleague. When the Department considered Professor Thorpe for tenure, it could not reach consensus. In the end, the then President awarded him tenure by what appeared to Professor Thorpe to be fiat.

***b. THORPE'S SECOND TERM AS HEAD OF THE DEPARTMENT OF ENGLISH:***

Whatever difficulties he encountered during his first stint as Head of the English Department, those difficulties did not prevent Professor Thorpe from being offered and assuming the Headship at a later date since he again served as Head of the Department from 1988–1993. Two matters of consequence arose during his second headship which negatively affected his relations with his colleagues in the Department.

***i. The proposed course in Children's Literature :***

The first issue of contention concerned a course in Children's Literature. Professor Thorpe's wife, Elin Elgaard, had taught courses in Children's Literature over a period of four or five years on a per course basis in Continuing Education for the Education Department and the Canadian Studies programme.<sup>15</sup> When the Education Department decided not to offer a course in Children's Literature again, Professor Thorpe felt the course was not secure within the Canadian Studies programme alone, and so proposed that the course be offered in future for an English credit. It was suggested to us that some members of the Department perceived Professor Thorpe's support for an English Department course in Children's Literature to be clouded by his interest in finding his wife a more permanent University teaching post. Professor Thorpe contends that there was no guarantee, had the course been approved, that his wife would have taught it; he also points out that it would still have been offered only in the Continuing Education programme. No 'permanent' position would have been involved, only part-time work. In any event, the majority of the Department argued that the proposed course lacked academic validity and decided that it did not wish to offer it. Here the

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<sup>15</sup>It should be noted that Sackville is a small University town, population about 6,000, and many spouses, if they choose to work, seek and often find employment with the University because it is the largest employer in Sackville, and, for many spouses, the only employer for their particular skills. Moncton, which is nearby and much larger, requires bilingual skills for many positions.

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matter ended, but, it would appear, with a certain degree of lingering acrimony, at least from Professor Thorpe's perspective.

*ii. The one year appointment:*

According to Professor Thorpe, the catalyst for his resignation from his second term as Head concerned the handling of an application for a one year appointment in the Department of English. The application of the candidate who was actually appointed was late, and the choice was, in Professor Thorpe's opinion, a poor one. The Department had, we were told, turned down this applicant for a tenure track position on previous occasions. In Professor Thorpe's view, this appointment was made to satisfy the wishes of senior Administration, who wanted to compensate the candidate for having been unable earlier to obtain an administrative position within the University. The handling of this matter appeared to demonstrate to Professor Thorpe that the Department could be made to yield to pressure from the Administration.

The difficulties surrounding Professor Thorpe's second term as Head should not obscure the recognition given by the University to his scholarly accomplishment. In 1990, the Executive Committee of the Board of Regents approved Professor Thorpe's appointment to the prestigious Joseph Allison Chair of English Language and Literature.

*c. POST-HEADSHIP CONTROVERSIES:*

*i. The Writer-in-Residence :*

Another matter which affected Professor Thorpe's relationship with his colleagues as well as with the Administration concerned the failure of the University to appoint his wife to the position of Writer-in-Residence. Ms. Elgaard's appointment had been recommended by the Head, Dr. Carrie MacMillan (Professor Thorpe's successor), supported by the Department and approved by the Dean. The appointment did not take place. We were told that one of the reasons offered by the senior Administration for its actions in not appointing Ms. Elgaard was that the position was not properly advertised. We were also told that the new Vice-President (Academic), Dr. Louis Visentin, regarded the appointment as a form of nepotism. This matter became, in February 1995, the subject of a complaint before the Human Rights Commission of New Brunswick. In that complaint, we have been told, Ms. Elgaard, Professor Thorpe's wife, alleges that she was denied the position of Writer-in-Residence because of her marital status.

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In 1998, the case went to the Court of Queen's Bench in Fredericton. In December 1999, the Court ruled in Ms. Elgaard's favour. In early February 2000, David Stewart, Vice-President (Administration) announced that the University would be appealing that decision.<sup>16</sup> That appeal was rejected in May 2000. We have been advised that in October 2000, several days before the case was to be heard by a tribunal appointed by the New Brunswick Ministry of Labour, it was concluded by confidential agreement between the parties.

Professor Thorpe's irritation with his colleagues over the Writer-in-Residence affair at the time appears to be based on his belief that his departmental colleagues were not sufficiently outraged by the apparent interference of senior Administration in departmental matters. The Writer-in-Residence matter provided one more reason for Professor Thorpe's alienation from the life of the Department. [See Appendix VII for a letter from Professor Thorpe to Dean Ellard in which Professor Thorpe takes up, among other issues, the matter of the Writer-in-Residence. This letter is the one referred to in the letter from Ms. Freya Kristjanson to be found in Appendix VI.]

*ii. The Director of the Canadian Studies Programme:*

Another matter which engaged Professor Thorpe's interest concerned an internal appointment for the position of Director of Canadian Studies Programme and the Centre for Canadian Studies for a three year period, beginning in February 1995. On January 13, 1995, Professor Thorpe nominated Dr. William Godfrey of the Department of History to serve as Director of the Canadian Studies Programme. Dr. Godfrey was a senior professor with administrative experience, having served a term as Dean of the Faculty of Arts; he had also been a candidate for the Presidency of Mount Allison University in 1990 in the same search from which Ian Newbould emerged as the successful candidate for President. We have been told that Dr. Godfrey was the candidate with the greatest faculty support.

Several days before nominations closed (January 30, 1995), Professor Thorpe wrote to the then Vice-President (Academic) Visentin to complain that nominations were being received from students, although the announcement for the position indicated that nominations were to be solicited from colleagues. It seems fair to infer from Professor Thorpe's concern that he feared a variation of the difficulties surrounding the appointment of the Acting Director of Research.

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<sup>16</sup>Katie Tower, "University Appealing Decision In Elgaard Case," *Sackville Tribune-Post*, February 9, 2000.

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Professor Thorpe then went on to suggest to Vice-President Visentin that he seek input from faculty, especially those associated with the Canadian Studies programme. The next day (January 27, 1995), having read a report of an interview with the Vice-President in the student newspaper, Professor Thorpe wrote to those colleagues associated with the Canadian Studies Programme highlighting those remarks of the Vice-President which Professor Thorpe regarded as prejudicial to Dr. Godfrey.

When the Vice-President solicited opinion on the suitability of the candidates for the position of Director of Canadian Studies, Professor Thorpe responded with an explanation of his support for Dr. Godfrey. In Professor Thorpe's view, Dr. Godfrey "is clearly the most appropriate candidate of the three, inevitably standing out beside people who are junior to him, inexperienced in Administration, and who have not yet held a tenurable position. He has the requisite scholarly record and reputation internally and externally; as an administrator he would command widespread respect and trust among the faculty including the Associates [of Canadian Studies]" (Memorandum to L. Visentin from Michael Thorpe dated April 12, 1995).

The longest section of Thorpe's memorandum is, however, devoted to a critique of the process used by the Vice-President for making the appointment, and in particular to what Professor Thorpe saw as his apparent bias against Dr. Godfrey. The day after this memorandum was sent, on April 13, 1995, a letter, signed by eight faculty and librarians including Professor Thorpe, was forwarded to President Newbould (see Appendix VIII).<sup>17</sup> The letter takes up the same procedural problems that Professor Thorpe had written about in his memoranda to Vice-President Visentin. There is reference to the article in the student newspaper, and to the denigration of "55 year old professors" (*Argosy* January 26, 1995, p.6), which the signatories took to be a not too subtle attack on Dr. Godfrey, who was 53 at the time and the eldest of the three candidates.

In response to their group letter to the President, Professor Thorpe (apparently alone) received a letter from President Newbould dated April 17, 1995 (see Appendix IX). The President identifies the letter, signed by eight faculty and librarians, as "your [Thorpe's] letter." The President's letter, among other points, takes up the following:

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<sup>17</sup>We were told that a ninth colleague wrote independently to Dr. Newbould on the same matter, and received a separate reply.

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1. he notes that Professor Thorpe has raised procedural concerns as well as concerns of bias, which he dismisses on the following grounds: “An allegation of bias is a serious charge which requires substantial and sound evidence. I would have thought that ‘evidence’ from *The Argosy* scarcely meets such a test”;
  2. he brings up a difficulty Professor Thorpe encountered with an application Professor Thorpe had made some time previously to the Marjorie Young Bell Faculty Fund Committee for a travel grant;
  3. he attributes prime motivation for the group letter to Professor Thorpe: “you wander the halls attempting to get others to sign this latest diatribe”;
  4. he advises Professor Thorpe to “concentrate on [his] academic duties until [he] can produce something a little more informed than this latest letter”;
  5. he defends the Vice-President: “Dr Visentin has a distinguished and full set of academic credentials, an equally distinguished record of academic and administrative experience and a long-standing commitment to matters Canadian”;
  6. he attacks Professor Thorpe: “Against that, your intemperate, self-serving, rude and personal attacks do little to serve the best interests of Mount Allison and its students”; and
  7. he concludes by assuring Professor Thorpe “that the appointment process for a Director of Canadian Studies shall be conducted with the utmost propriety, care and attention.”

Despite these assurances, the President’s letter does not actually address the specific concerns raised by the eight signatories. Even if the Vice-President were misquoted in his interview in the student newspaper about “55 year old professors,” and it is not clear from what the President says that Dr. Visentin was misquoted, the fact is that a statement denigrating Professors of a certain age appeared in *The Argosy*. It is not unreasonable, in such circumstances, for the professoriate to raise questions about that interview and what it suggested in relation to the appointment of the Director of Canadian Studies, especially since one candidate was two years shy of being a “55 year old professor.” That those questions should produce such an apparently hostile response from the President, directed primarily at Professor Thorpe, suggests that the President regarded Professor Thorpe as one of his primary antagonists.

Because he believed that he alone amongst the eight signatories had received a reply from the President (and Professor Thorpe appears to be correct in this supposition), Professor Thorpe responded to the President a day later (April 18, 1995) taking up those “points that especially

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concern me,” and Professor Thorpe provides a comprehensive rebuttal to the matters the President’s letter raises (see Appendix X).

1. In relation to the interview in *The Argosy*, Professor Thorpe writes that “if the Vice-President did not consider that [venue] valid he should not have given an interview.”
2. With regard to student participation, Professor Thorpe reiterates that the notice inviting applications specifically invited nominations from colleagues, “not a term that customarily includes students.”
3. Professor Thorpe provides an explanation for the difficulty in relation to his application for travel funds.
4. Professor Thorpe ends his letter as follows: “I am sorry to learn that you cannot regard the criticisms made in our letter, which were temperately expressed, as constructively intended. There is good reason to question the process as it appears to be unfolding.”

Despite important differences in style and content in the two letters, it is clear that each letter would irritate its recipient. In the event, an appointment was made, although it was not the candidate supported by Professor Thorpe. The matters that Professor Thorpe and the seven other signatories raised remained unaddressed.

We have gone into considerable detail in relation to this incident because, in our opinion, the correspondence reflects the way the interpersonal dynamic between the President and Professor Thorpe worked, and the degree to which the President appeared to dislike Professor Thorpe’s criticism<sup>18</sup>. It seems to us that Professor Thorpe not only marshaled more cogent arguments in this exchange, but he did so with an ease and elegance of expression. It is not unreasonable to infer that the President would have found such a skilled assault very threatening.

***d. THORPE AS A VOCAL OPPONENT OF THE CURRENT ADMINISTRATION:***

Indeed, Professor Thorpe was an early and then a persistent critic of President Newbould, and did not shrink from using the epistolary format to give public voice to his concerns about the President’s administrative style and decisions. According to Professor Thorpe, he had frequently criticized the Administration but, prior to the arrival of Dr. Newbould, he had confined his views

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<sup>18</sup>The exchange illustrates equally well the degree to which Professor Thorpe appeared to dislike the President’s actions.



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to within the institution. With the accession of President Newbould and what Professor Thorpe apparently regarded as his overtly confrontational and autocratic administrative style, Professor Thorpe increasingly chose to air his views in a more public way. Professor Thorpe became a prolific public letter writer, publishing on University matters in the *Mount Allison Faculty Association Newsletter*, the *CAUT Bulletin*, the *Sackville Tribune-Post*, the *New Brunswick Telegraph Journal* and the *Moncton Times & Transcript*. Since, in our view, a great deal is explained by Professor Thorpe's letter writing, we think it necessary to provide some illustration.

*i. three examples of Thorpe's letters written before the dispute that arose over the Directorship of Canadian Studies:*

The tenor of Professor Thorpe's letters is captured in the following three examples, which precede the heated exchange over the appointment of a Director of the Canadian Studies Programme referred to above, and these letters provide evidence of an increasingly distressed relationship between Professor Thorpe and the President.

On April 15, 1992, during the first MAFA strike, in which Professor Thorpe participated and to which he was deeply committed, Professor Thorpe wrote a letter to the *Sackville Tribune-Post* in which he defends the strike as the only "honorable alternative," given what he regards as the unacceptably dictatorial behaviour of the Administration. Professor Thorpe notes that, in previous coverage in the *Tribune-Post* of the dispute at Mount Allison, President Newbould condemned the strike because it impacted negatively on students. Professor Thorpe points out that,

[w]e on the picket-lines have, in turn, been "deeply affected" by many students' willingness to hear our case, to receive and discuss the information we distribute. Some have fortified us with hot coffee and chocolate—remarkable behaviour in people we are using as a "lever." Perhaps they judge differently and this has been part of their education, as it has been for us—in camaraderie and solidarity. Free collective bargaining, still young here, is worth defending, as a heartening number of young faculty are doing despite financial and professional insecurity. The intolerable alternative—unhealthy for our students also—would be accepting dictation, not only of regressive terms and conditions of employment, but of academic policies damaging to this reputable university.

In another example of Professor Thorpe's impassioned but reasoned epistolary style, he writes to the *Moncton Times* (12 March 1993), in the aftermath of the non-confidence vote on the President [Professor Thorpe, as indicated above, spoke at Faculty Council in favour of the non-

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confidence motion], to rebut comments made by the President included in an article (“Feud Brews at Mount A Over Leadership”) in that paper concerning that vote. Professor Thorpe concludes his remarks with a highly critical assessment of the President:

The President’s remarks display him, as usual, as one contemptuous of opposition however large. Some fifty faculty members are merely “a group of dissenters” who “make some noise”; and, as usual, he tries to deflect the issue by asserting that his critics cannot accept “fiscal responsibility and change.” It isn’t those things they cannot accept, but the President’s authoritarian and insensitive ways of implementing what are generally recognized as necessary, if painful changes. Our President has exacerbated the pain.

In a third example of Professor Thorpe’s epistolary practice, a piece published in the MAFA *Newsletter* (October 11, 1994), he issues a call to arms to disaffected and demoralized faculty, urging them to abandon lethargy and detachment because, in his view, their failure to oppose actively the policies and attitudes of the President encourages the President to believe that,

he is supreme...[he] gives vainglorious interviews, praising his toughness and reveling in his unpopularity with a typical “macho” cliché—“it comes with the territory” (*Tribune-Post*, 14th September [1994]). The answer to that is: “Not necessarily.” There are different ways of exercising power. Budgetary cutbacks are not now the issue: it is the President’s habit of authoritarianism, his insensitivity to human and humane considerations. Administrators in universities, as the Concordia case tragically showed, lack training for their jobs. They treat criticism with indifference, or react by stonewalling—or even with abuse; few have the will or skill to debate or seek consensus. They are, typically, accountable to no-one but a Board made up of people very like themselves.

The solution for what Professor Thorpe regards as the President’s authoritarian behaviour and inappropriate attitudes is for faculty to commit to opposition.

These three examples of Professor Thorpe’s letter writing skills are united by a polemical tone and what seems to us to be a somewhat vitriolic finger-pointing at the President. They precede the blowup with the President over the appointment of a Director of Canadian Studies and help to explain why, rightly or wrongly, President Newbould inferred that the letter signed by eight colleagues was the work of Professor Thorpe. One can appreciate the frustration that prompted these epistles, and one can likewise imagine the anger which they undoubtedly generated for some of their readers.

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*ii. Thorpe's letter writing after 1995:*

Professor Thorpe's letter writing continued throughout the period of time that his employment and President's Newbould's tenure in office overlapped; it was kept up for nearly a year after he retired, and it ceased, perhaps only temporarily, at the time he was denied a position in Continuing Education and this Committee of Inquiry was put in place. In the period after the dispute over the appointment of the Director of the Canadian Studies, Professor Thorpe's letters continue to express his disenchantment with the management style of the President, a style that he now begins to believe is unamenable to amelioration.

Accordingly, in *The Argosy* of March 18, 1996, Professor Thorpe seizes the opportunity provided by a student interview with the President also in *The Argosy* to rebut what Professor Thorpe believed was the President's dismissal of the meaning of the referendum that opposed his reappointment to a second term. Professor Thorpe writes:

Dr. Newbould arrived without significant faculty support<sup>19</sup> and gained little, but not because of general unawareness that there was a "financial problem." Already in his prior interviews, his abrasive style had repelled; certainly he found "discord," but he was not the man to ameliorate it. He tries to rationalize away his unpopularity by asserting that "every President [of Mount Allison University] since the Sixties has been the worst ever." I don't know how he knows: I have been here since 1974, he since 1991. While no president has been very impressive, Dr. Newbould's relations with faculty have been worse than any, especially than those of his immediate predecessors, Wells and Brown, with whom one could differ without losing civility.

The critique of the President's administrative skills is, it seems to us, becoming more harsh and sweeping.

Three months later, in June, 1996, Professor Thorpe is again embroiled in a dispute with senior Administration over his criticism of the award of an honorary degree, a complaint which Professor Thorpe aired in the pages of the *Sackville Tribune-Post*. The then Vice-President (Academic), William Driedzic, takes issue in Senate with Professor Thorpe for expressing his

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<sup>19</sup>Professor Thorpe is here referring, presumably, to strong faculty support for the candidacies of William Godfrey and Sheila Brown for President of Mount Allison.

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opinion in the local newspaper.<sup>20</sup> Dr. Driedzic states that Professor Thorpe, by writing to the *Sackville Tribune-Post*, failed to respect the decision of Senate in voting to bestow the honorary degree. In a memorandum to Senate, Professor Thorpe responds by passionately insisting on his right to free speech:

We now have such a deluge of printed propaganda giving the public and alumni a one-sided view that it becomes even more imperative to speak out in organs of communication beyond the “University’s” control.

It should be clear that Professor Thorpe is formulating a rationale for his increasingly strident criticism. He believes that it is necessary to oppose the actions of the Administration, and to find fora in which this activity could be most effective. According to Professor Thorpe, if such fora turn out to be the public print media, so be it.

When the Wilson Report<sup>21</sup> is released in 1997, Professor Thorpe, by now in the first year of his retirement, uses the opportunity provided by its appearance to put into the public domain, once again, his opinions about what he regards as the mismanagement of Mount Allison University. He advises readers in his letter to the *New Brunswick Telegraph-Journal* (December 31, 1997) as well as the province’s Minister of Education not to be “misled by the glowing ranking of the university in MacLean’s,” and urges everyone interested in the true state of affairs at Mount Allison to give the Wilson Report careful scrutiny.

In a letter to the *Sackville Tribune-Post* (December 24, 1997), Professor Thorpe expresses similar sentiments about the value of the Wilson Report. Along the way, he offers as an example of what he believes to be the habit of misrule at Mount Allison University, a criticism of the way the then Vice-President (Academic), William Driedzic, was appointed. He concludes his letter with an appeal to open discussion of the Wilson Report’s meaning and significance. “[F]ree enquiry and free speech,” Professor Thorpe writes, “should not only be academic topics but practised without fear or favor.” For the second time, Professor Thorpe frames his particular criticism within the right and necessity of free speech and inquiry. It appears to us that Professor Thorpe’s correspondence has moved from a narrow-focused criticism, with its implied hope for reform, to an articulation of the need to express opposition, regardless of the outcome.

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<sup>20</sup>See Minutes for Senate for 9 May 1996.

<sup>21</sup>See footnote 9.

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To conclude: the history of institutional in-fighting between Administration and faculty created a volatile situation at Mount Allison University. The Administration appears to be unpopular with a majority of faculty; the faculty appears to be disliked by the Administration. Two faculty strikes, a staff strike, a motion of non-confidence in the President, a referendum opposing the President's reappointment and a series of harsh letters to the press by Professor Thorpe speak to this situation. Professor Thorpe was a highly visible, articulate and prolific opponent of the Administration and seems to have been perceived by the Administration as one of the primary mobilizers of faculty opposition.

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## **6. THORPE'S RETIREMENT:**

In the Spring of 1997, Professor Thorpe took early retirement for health reasons. In anticipation of his retirement, the English Department proposed marking the occasion by inviting members of the university community and former students to contribute to a fund that would enhance English literary scholarship at Mount Allison. Professor Thorpe agreed to the proposal and suggested that he would like to see the monies so collected used to acquire works of poetry for the Mount Allison Library. In his written response to this conciliatory and gracious gesture from the English Department, Professor Thorpe records his appreciation that previous differences could, on this occasion, be transcended.

Thorpe's retirement was also marked by a personal letter of what seems to us to be considerable warmth and sincerity from the Chair of the Board of Regents, J.J. Keith, who wrote on May 23, 1997:

I would be guilty of negligence to a considerable degree if I did not thank you for all you have done for so many students during your 23 years at Mount Allison. I know they appreciated your efforts on their behalf. If we are guilty of anything, it is our reluctance to say "Thank You" and to express gratitude to those who work on our behalf. Hopefully, this note corrects that sin in a small way.

May your retirement be filled with happiness and good health.

THANK YOU !!!

Subsequent behaviour by Mr. Keith in response to Professor Thorpe's appeals (see below) give this letter a piquant and ironic quality.

## **7. THORPE'S POST-RETIREMENT RELATIONSHIP WITH MOUNT ALLISON:**

Professor Thorpe's post-retirement relationship with Mount Allison University is marked by two events: (1) the denial of his application to teach an intersession course in the Department of Continuing and Distance Education; and (2) the failure of the Board to award him Professor Emeritus status. These two issues converged in the Spring of 1998.

### ***a. THE DEPARTMENT OF CONTINUING AND DISTANCE EDUCATION:***

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In the Spring of 1997, Professor Thorpe applied for an appointment to teach English courses through the Department of Continuing and Distance Education. Professor Thorpe wanted to continue to teach on a part-time basis. On the face of it, the situation was that a highly accomplished teacher and scholar in English could be employed by a division of the University at a pittance. Such a situation would seem to have advantages for both parties. We have been told that newly retired faculty apply for and receive such teaching, and that they count on being able to obtain such positions as a necessary prerequisite for their early retirement. In accordance with his perception of common practice, Professor Thorpe informed the Department of Continuing Education that he wanted to teach by writing a letter to the Director. Professor Thorpe received an appointment to teach two half courses without any difficulty.

The Department of Continuing and Distance Education at Mount Allison is an academic unit with a mandate, according to the University Calendar, to provide educational opportunities for part-time, mature and evening students. Intersession courses are offered during the period May-June, in Sackville and Moncton. Courses so offered are understood to expand the offerings available to evening students as well as provide the opportunity for full-time students to take additional courses.

We were told that the Department of Continuing and Distance Education would routinely circulate a form to all faculty soliciting names of colleagues interested in teaching courses for that Department. There does not appear to have been a formal application process beyond the solicitation of names: no materials such as a CV or letters of reference were required although it was suggested to us that, in the case of applicants from outside the University, the Director probably obtained a CV, and the Director would in all likelihood take the CV of such an applicant to the Department for their consideration.

We were told, further, that there was considerable concern in the Department of Continuing Education over their ability to staff the courses they offered, and that it was not always easy to recruit full time faculty for this activity. Indeed, the phrase which seems best to capture this apparently difficult situation and which various faculty members used in talking to us is “beating the bushes.” Retired faculty members and others who were deemed qualified (by whom is not clear from the information we received) were employed to bolster the ranks of available teaching staff for these courses. Approval of the Head of the Department in which the course was regularly taught (as evidenced by the signature of the Head on the form circulated by Continuing Education) was perceived by those who spoke to us as the most important element in the hiring process, at least until

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Professor Thorpe was denied teaching in 1998. We have been told that Deans did in fact sign the form recommending appointment, but that the signature of the Dean was a formality. We have not seen this form, and no one with whom we spoke could remember if the form had place for the signature of the Vice-President (Academic).

From our discussions, it was clear that the procedure for hiring was informal to the point of being casual. We were told that there was often a lack of teachers to staff these courses and that the common practice until 1998 was for retirees, whether regular or early, routinely to be accepted to teach. We were told many times that the Department of Continuing Education had no rigid procedures for staffing or for assessing applicants. Once the Head had signed the form, we were advised, it was the regular practice for the person so approved to be hired. Such apparently was the case when Professor Thorpe was hired by the University to teach two half courses in English in the Department of Continuing Education in the Spring of 1997. These Professor Thorpe taught, and no concerns of any kind appear to have been raised with him about the quality of his teaching.

***b. THORPE'S APPLICATION FOR EMPLOYMENT IN THE DEPARTMENT OF CONTINUING AND DISTANCE EDUCATION IN 1998:***

In the Spring of 1998, as he had done uneventfully the previous year, Professor Thorpe applied to teach for the Department of Continuing and Distance Education in the intersession period. The application was approved by the Heads of Continuing Education and the English Department, as had happened in 1997. His name was published in the course schedule (letter from Hamer to Professor Thorpe dated March 12, 1998) as had happened in 1997. However, when the application reached Vice-President Driedzic, he vetoed the appointment.

Nearly everyone with whom we spoke, including a number who were familiar with the process, was surprised that the form from Continuing Education reached the desk of the Vice-President; however, a former Vice-President advised us that all such forms would routinely come to the Vice-President, but that it would be unusual for the Vice-President to do more than just glance at them. In the Spring of 1998, the Vice-President appears to have given the applications for teaching in the Department of Continuing Education some scrutiny. In an e-mail dated 3 March 1998 to the Heads of English and Continuing Education, copied to various other administrators, Dr. Driedzic ordered that "M. Thorpe is not to teach at Mount Allison." Dr. Driedzic offered no reasons



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for his unprecedented action. Professor Thorpe, who had not received a copy of the e-mail from Dr. Driedzic, learned of Dr. Driedzic's decision later, from the Director of Continuing Education.

***c. THE SENATE VOTES IN FAVOUR OF EMERITUS STATUS FOR THORPE:***

Eight days after Dr. Driedzic's e-mail, the Senate voted in favour of Emeritus Professor status for Professor Thorpe, with only five opposed, having received a unanimous recommendation of the Advisory Committee on Emeriti Appointments, a Committee that was chaired by Dr. Driedzic. Senate Minutes of March 11, 1998 indicate, under item 98.3.7, "Report of the Advisory Committee on Emeriti Appointments":

The Vice-President [Driedzic] left the Chair to present the Committee's Report. Dean Hamer presided.

The Vice-President outlined to the meeting the terms of reference of the Committee, and presented the names of Dr. E. Hay and Prof. M. Thorpe, each for the designation Professor Emeritus. Both candidates were approved by ballot.

The Vice-President returned to the Chair.

From Senators with whom we spoke who were present at that meeting, we were told that Dr. Driedzic, who had relinquished the Chair of Senate in order to present the Report of the Advisory Committee on Emeriti Appointments (of which he was also Chair), offered no criticism of either candidate. Nor did anyone else.

***i. Policy and Procedures governing the granting of Professor Emeritus Status:***

Unlike the situation that obtains with regard to appointments in Continuing Education, with Professors Emeriti, there is a written policy, promulgated on September 18, 1987. This policy specifies that the purpose of the title is to honour the retirement of Professors and Librarians. The privileges associated with the title are honorific. "Professors Emeriti and Librarians Emeriti are publicly recognized at the Convocation at which they are presented, their names are listed in the University Calendar, and they may be recognized by the University on certain special occasions." There is no financial benefit associated with the title.

Eligibility "will normally be given to those who, on retirement with the rank of Full Professor or Librarian IV, have served the University full time for at least ten years." We have been told by those with whom we spoke about this matter, that "normally" relates to rank and length of service. That is, the policy allows those with less than ten years, and/or who have not achieved the

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rank of Full Professor to be considered for Professor Emeritus status, but they would be exceptions. In fact, no one with whom we spoke could remember an instance in which someone who was not at the rank of Full Professor was granted the title of Professor Emeritus.

There has been considerable debate at Mount Allison as to whether this title was to mark academic distinction or whether it was to mark rank and service. We have been told that this debate has been settled in favor of rank and service. A paper on this matter, authored by Berkeley Fleming entitled “On the Honorific Titles of Professor ‘Emeritus’/Meanings, Criteria, and Processes/Remarks to Senate,” was presented to Senate on April 19, 1995. In that paper Fleming notes:

The title of Professor Emeritus is generally understood outside Presidential offices and Board committees as a symbolic expression of thanks to former faculty members who have served students and worked with colleagues. It is recommended by Senate to the Board of Regents which, except under extraordinary circumstances, typically approves—rubber-stamps if you like—the recommendation. This is parallel to what happens with recommendations for degrees.

In Fleming’s view, and in the view of everyone else with whom we spoke who had knowledge about the practice of granting of the title of Professor Emeritus at Mount Allison, all Full Professors who have served for ten years or more could reasonably expect, buttressed by past practice, that they would receive the title “Professor Emeritus” on retirement. The practice, until Professor Thorpe was proposed for Emeritus status, was that the granting of Emeritus status appeared to be automatic because everyone in the specified rank with the specified years received the title.

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The procedures of the Advisory Committee on Emeriti Appointments are set out in a document entitled “Professors Emeriti and Librarians Emeriti: Policy and Procedures”:

1. the Senate appoints a standing Advisory Committee on Emeriti Appointments;
2. it consists of the Vice-President Academic (Chair), two Professors Emeriti, one faculty member of Senate and one student member of Senate;
3. the Committee meets in January of each year and considers the names of all faculty and librarians who have retired in the previous year;
4. the Advisory Committee makes recommendations, which it forwards to Senate;
5. Senate considers the recommendations of the Advisory Committee and votes on them by secret ballot;
6. those names approved by Senate are forwarded to the Executive Committee of the Board of Regents in time for their April meeting;
7. the Executive Committee considers “the Senate’s recommendations and shall appoint the Professors Emeriti and Librarians Emeriti” (“Professors Emeriti and Librarians Emeriti: Policy and Procedures”)

Despite the widespread perception that the granting of Emeritus status was automatic for those at the rank of Full Professor with the requisite number of years of employment at the university, the language of the policy document suggests that the Advisory Committee, the Senate and the Board have discretion in the matter. We have already commented that “normally” might be interpreted in a number of different ways. The Advisory Committee advised the Senate about years of service and rank.

The Senate voted, but seems always to have approved the recommendations of the Advisory Committee. The Board, despite the reservoir of discretion inherent in receiving “recommendations,” appears to have rubber stamped the Senate’s recommendations, a perception that is supported by the fact that everyone who was a Full Professor with ten or more years service as a faculty member always received the title. There is, of course, an ambiguity in the wording of the policy which speaks to this issue. Examine carefully the following sentence:

The Executive Committee of the Board *shall consider* the Senate’s *recommendations* and shall *appoint the* Professors Emeriti and Librarians Emeriti. (our emphasis)

“Consider” and “recommend” point to the Executive Committee having the power to select and determine from the list provided by Senate those who shall receive the title Professor Emeritus and

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those who shall not. However, the use of the definite article “the” in the phrase “shall appoint the Professors...Emeriti” cuts in the other direction. It suggests that the Executive Committee might “consider” and “recommend,” but that, at the end of the day, they would appoint the candidates for the position on the list provided by Senate in its entirety. In so doing, of course, they would be following what the Fleming paper suggested was the appropriate parallel, the awarding of degrees to graduating students. We infer that this ambiguity has remained hidden for so long because no circumstances until the events of 1998 ever required such a close scrutiny of the wording of the document. To conclude: until 1998, past practice reflected a virtual rubber stamping at the level of the Board.

*ii. the Advisory Committee on Emeriti Professors:*

In February, 1998, the Advisory Committee on Emeriti Appointments met and considered the names of those who had retired in the previous year. There were two Full Professors, one of whom was Professor Thorpe, and there were four Associate Professors. Dr. Driedzic, as Chair, provided a written thumbnail sketch of each of these people (a half page at most, the very brevity a clear indication, in our opinion, that academic record was not the issue) for each member of the Committee, and made available to them their full files should members of the Advisory Committee wish further or fuller information. Even if the thumbnail sketches were vastly condensed summaries of lengthy careers, we believe, having reviewed the sketches ourselves, that Professor Thorpe’s record of academic achievement is, on the face of it, the strongest in the group. We have been told that the Committee, functioning as it always had in the past, considered the names only in relation to the criteria of rank and time. Using those criteria, the two Full Professors were recommended to Senate by the Advisory Committee and the four Associate Professors were not.

*iii. The Senate Recommends Thorpe:*

As required by the policy document, the recommendation of the Advisory Committee went to Senate on March 11, 1998. Senate voted in favor of recommending both Full Professors to the Executive Committee. It was not the practice to announce the actual vote, but we were told that when Dr. Driedzic was advised of the vote result he commented privately that he perceived five to be a significant number of negative votes. We were also told that the negative votes were not unusual; it was common for there to be a sprinkling of negative votes in Senate for those being recommended for Professor Emeritus status.

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***d. THE “PAPER WAR”:***

As events surrounding the granting of Professor Emeritus status were unfolding, a “paper war” over the position in Continuing Education broke out. On March 4, 1998, Professor Thorpe wrote to Dr. Driedzic seeking an explanation for Dr. Driedzic’s action in denying him the minor teaching post. A week passed without a response. On March 10, 1998, Professor Thorpe wrote to the Dean of Arts & Letters, Dr. Kathy Hamer, requesting that she obtain from Dr. Driedzic either at Faculty Council or at Senate an explanation of his actions. He notes that efforts to obtain a reply from Dr. Driedzic have elicited the information from Dr. Driedzic’s secretary that Dr. Driedzic would reply, but there was no indication as to when that reply might be received.

On the same day, March 10, 1998, the Joint Liaison Committee (made up of two members of Mount Allison Faculty Association and two members of the Administration) met. This Committee meets regularly to discuss matters of concern in an informal manner. At this meeting the question of appointments in Continuing Education was raised by the union. The “Minutes” read:

The Vice-President was asked for his reasons for not appointing [Thorpe]. He replied that this was not something that he was prepared to discuss with the Association. The discussion then turned to the general question of whether criticism of University administrators could be the basis of a decision not to make an appointment. Bill Driedzic said that he doubted that such criticism would ever be a factor in these decisions. When asked if competence would be the main criterion in selecting teachers for Continuing Education, Bill Driedzic noted that it was one of many factors to be taken into consideration. (Minutes, Joint Liaison Meeting 114, March 10, 1998, p.2)

At this stage, the Vice-President appears to have been as unprepared to offer any explanation to the union for his treatment of Professor Thorpe, as he was to Professor Thorpe.

The Dean was more prompt than Dr. Driedzic in responding to Professor Thorpe. Within two days of receiving Professor Thorpe’s letter, on March 12, 1998, the Dean made a written reply. She notes that Professor Thorpe’s inquiries were more appropriately addressed to Dr. Driedzic himself, and that she did not consider Senate or Faculty Council as “appropriate venues for resolution of issues such as this.” Professor Thorpe, however, had not ask for “resolution”; Professor Thorpe had

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asked for reasons. She also states that Dr. Driedzic told her that Professor Thorpe had “declined an offer from him [Driedzic] to call you to discuss it<sup>22</sup> further”.

In her letter, the Dean indicates her understanding of the way appointments to Continuing Education are supposed to be made. Whether or not they were ever clearly spelled out in written procedures we have not been able to learn. What we have learned is that, if there were such procedures, none of the Heads and former Deans with whom we spoke, administrators who themselves routinely oversaw the processing of applications for Continuing Education, ever saw them. The Dean’s letter asserts that “all academic appointments must be approved at the level of the Vice-President’s office,” by which she seems to imply that it was routine for appointments to Continuing Education to be vetted by Dr. Driedzic. No one with whom we spoke (including a former Vice-President) believes that, prior to March 1998, any Vice-President ever scrutinized appointments in Continuing Education. Of course, Dean Hamer may merely mean that it was routine for formal approval to be obtained from the Vice-President, and that formal approval was little more than a “rubber stamp.”

The Dean goes on to explain that “approvals for Continuing Education appointments are supposed to be obtained *before* the schedule of courses is published, and before prospective faculty are confirmed in these positions.” It is clear from such a clarification that the practice of appointing people to teach in Continuing Education varied and that the schedule of courses to be taught in 1998 was published before approval of appointments had been obtained by an academic administrator above the level of the Director of Continuing Education and the Department Chair. It is difficult not to conclude that these circumstances arose because appointments in Continuing Education were, up until the Spring of 1998, always approved. The approval, according to those with whom we spoke about this matter, invariably came from the Head of the Department and the Director of Continuing Education, with, perhaps, some overseeing by the relevant Dean, although the Dean’s role appears to have been more or less that of a “rubber stamp.”

Having received no response from Dr. Driedzic and no explanation that satisfied him from Dr. Hamer, on March 13, 1998 Professor Thorpe wrote to the Chair of the Board of Regents, J.J. Keith, complaining that he had no reply to his request to Dr. Driedzic for reasons. His letter asks the

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<sup>22</sup>To what “it” refers is not clear in the text, but most probably means the ban on Thorpe’s teaching.

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question, am I [Thorpe] “to be discriminated against as a teacher for exercising a reasonable right of free speech?” This question suggests that Professor Thorpe believed that the refusal to employ him for post-retirement teaching was linked to his outspokenness. He concludes by juxtaposing his being denied a minor teaching appointment with his being voted Professor Emeritus by the Senate:

My distinction, really, is to become the first Emeritus Professor<sup>23</sup> debarred from teaching at a university he has served conscientiously, albeit critically, for 23 years.

On March 18, 1998, Professor Thorpe responded to the Dean’s letter of March 12, 1998 to clarify the nature of his request for reasons and the undertaking that he had received from Dr. Driedzic’s secretary. Professor Thorpe acknowledges that Dr. Driedzic’s secretary communicated to Professor Thorpe the promise of a reply from Dr. Driedzic in response to Professor Thorpe’s request for reasons. Professor Thorpe makes the assertion to the Dean that an “explanation” of the actions taken is the only course available after the event; the Dean’s perception that Dr. Driedzic was prepared to “discuss” the matter with Professor Thorpe, Professor Thorpe believes, is an absurdity, since, according to Professor Thorpe, “one can hardly ‘discuss’ a *fait accompli*.” Professor Thorpe also notes that the Dean’s comments on procedure do not address his concern, inasmuch as, even had the procedure, whatever it was, been deemed to have been properly followed, and the outcome was Dr. Driedzic’s edict denying him a position in Continuing Education, Professor Thorpe “would still question this exercise of his [Driedzic’s] ‘prerogative.’”

Professor Thorpe concludes the letter by observing that he had been recommended for the title of Professor Emeritus by his peers in the Senate and yet had been refused a minor teaching appointment: “I learn that last week the Senate voted me the title of Professor Emeritus—more apt would have been *DEmeritus*.” This letter is copied to Dr. Driedzic. Just in case Dr. Driedzic had not noticed the disjunction between his directive denying Professor Thorpe a teaching position and the recommendation of Senate (coming from an Advisory Committee chaired by Dr. Driedzic) that Professor Thorpe be given Emeritus status, this communication of Professor Thorpe’s would leave him in no doubt as to the incongruity.

On March 19, 1998, the Chair of the Board of Regents responded to Professor Thorpe’s letter of March 13, 1998. The letter does not deal directly with Professor Thorpe’s concerns except to

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<sup>23</sup>Note that Professor Thorpe assumes the granting of Emeritus status to be a “done deal”.

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assure him that he has free speech as evidenced by “your letter,” and that the Chair of the Board will “share your letter with [the other members of] the Board.”

On the same day, the first of what was to be a sequence of articles on the Thorpe controversy appeared in the press. The remarks attributed to Professor Thorpe in these articles, as well as the opinions expressed by him in a steady stream of letters to the local papers, indicate that Professor Thorpe had no intention of being silenced because he had been denied a teaching position. Moreover, from Professor Thorpe’s remarks, it is clear that he intended to make as much as he could out of the fact that he was being denied the teaching while being awarded the honorary title. “Professor Denied Summer Teaching Position,” an article by Caitlin Hayward, appeared in *The Argosy*, the student newspaper, on March 19, 1998. The focus of the article is on reasons for Dr. Driedzic’s action. Nevertheless, it is subtitled, “Thorpe given Emeritus status, yet rejected for summer employment,” an example of how the teaching concern began to coalesce with the Emeritus issue. It is worth pointing out that, in the student paper article, as in Professor Thorpe’s March 13, 1998 letter to Mr. Keith, the assumption is that Professor Thorpe has already been granted Emeritus status although his name had not yet gone to the Board for approval, a clear sign that the Board’s role was seen as rubber stamp.

In *The Argosy* article, Professor Thorpe describes himself as “‘an outspoken critic,’ both in the Senate and in published journals.” He also claims that “the decision to not allow him to teach...was motivated by his criticisms, and is based on personal reasons.” The reporter goes on to note that Professor Thorpe is disturbed not to have received a written explanation from Vice-President Driedzic for the banning. When contacted by the reporter about Thorpe’s claims, Dr. Driedzic categorically denies that Professor Thorpe’s criticism had anything to do with his decision. He is quoted as saying, “‘Any insinuation that the decision was made based on his [criticism] is not true.’” Beyond that Dr. Driedzic would not go, saying that “it’s not a public matter.”

The *Argosy* article ends by picking up the matter of Emeritus status. It explains the way the granting of Emeritus status was perceived in the academic community, and is consistent with what we were told:

In an ironic move, the Senate advisory committee on Emeriti appointments, chaired by Dr. Driedzic, recently nominated Thorpe to the Senate, for the position of Professor Emeritus. The title, which literally translates as “having served out his time,” is at some universities a rare honour. However, at MTA, the criteria for Emeritus status is less



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stringent; a professor or librarian who has been at MTA for a minimum of 10 years as a full professor or librarian is normally given this designation upon retiring. Professor Thorpe met the criteria, and Dr. Ian Box, a member of the advisory committee, stated that the committee was “unanimous in supporting Dr. Thorpe” for the appointment.

From these reports, it is clear that, in the minds of participants and observers at Mount Allison, the issues of Professor Thorpe’s teaching and his Emeritus status were merging and that the ironies were not lost.

There would be further commentary in the press on this issue: (1) an article by Mark Reid in the *New Brunswick Telegraph Journal* on 23 March 1998 entitled “Outspoken prof dropped” with a subheading, “Professor claims it was his harsh criticism of Mount Allison’s Administration during contract disputes that lost him teaching post”; (2) an article by Katie Stokes (Tower) in the *Sackville Tribune-Post* on 25 March 1998 entitled “Prof Suspects Public Views Cost Him A Teaching Position”; and (3) a guest column in *The Argosy* on 26 March 1998. The common thread of these articles is that Professor Thorpe believes that his criticism of the Administration is the reason behind the actions of Dr. Driedzic. Typical of their tenor and content is the following from the *Telegraph Journal*:

Thorpe readily admits that, for the past five years, he has “publicly and consistently” criticized the university’s Administration for its “dictatorial style.”

He believes a recent letter to the editor he penned, critical of the university’s Administration, had a lot to do with the decision to refuse him the position. He was approved for a spring teaching position in the continuing education program last year.

“And the only new development since then in my relationship with the Administration is the letter I wrote in response to the CAUT (Canadian Association of University Teachers) inquiry last December.”

Thorpe’s letter to the editor appeared in the *Sackville Tribune-Post* in December 1997. A similar letter was published in the *Telegraph-Journal* in January. Both letters criticized the university Administration and President Ian Newbould’s reaction to a labor report written by Fred Wilson, a philosophy professor at the University of Toronto.<sup>24</sup>

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<sup>24</sup>The reporter is here referring to the Wilson Report of October 1997 discussed above.

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On March 25, 1998, in the absence of an explanation from Dr. Driedzic, and having failed to convince Dr. Hamer to raise the matter in Faculty Council or Senate, Professor Thorpe addressed a letter to the Secretary of Senate [Appendix XI] requesting that the Senate inquire about the use of the “prerogative” of the Vice-President to ban Professor Thorpe from teaching in Continuing Education. Several days later, on March 30, 1998, the Secretary of Senate assured Professor Thorpe that his letter would be distributed at the next meeting of Senate on April 9, 1998 [Appendix XII].

As these events were unfolding, the faculty circulated a petition supporting Professor Thorpe, which was signed by eighty of Professor Thorpe’s former colleagues. More than 75% of the tenured faculty at Mount Allison signed the petition. Those who circulated the petition did not contact teachers without continuing appointments because, we were told, they were believed to be the most vulnerable to administrative retribution. This petition read as follows:

We, the undersigned, protest the violation of academic freedom. Michael Thorpe’s eminence as a scholar and teacher was recognized by the University Senate’s decision to award him Emeritus status on 9 March 1998.<sup>25</sup> Yet as of 3 March 1998 the Vice-President (Academic) has decreed that “M Thorpe will not be teaching at Mount Allison”. We believe that there is a direct connection between the Vice-President’s decision and Michael Thorpe’s public criticism of the Administration of this university. We believe as well that the right to hold public money to public account is a fundamental freedom. Therefore we demand his reinstatement as an instructor in the Continuing Education Department.

The petition was forwarded to Dr. Driedzic on April 6, 1998. Professor Thorpe, naturally enough, was pleased by the support he received from his former colleagues, as he indicates in a letter to Roger Wehrell (March 27, 1998), then President of MAFA, during the time when the petition was being circulated.

On March 27, 1998, Professor Thorpe again wrote to Dr. Driedzic to urge him to provide an explanation. On March 31, 1998, Dr. Driedzic wrote to Professor Thorpe indicating that he was prepared to meet with Professor Thorpe and to provide an explanation for his action, but Professor Thorpe did not respond because, as he told us, in the circumstances he did not regard a face-to-face

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<sup>25</sup>Our finding is different from this position. As we have already indicated, we believe the granting of Emeritus status was based exclusively on having attained the rank of Full Professor and on having served the requisite number of years as a faculty member at the University.

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meeting in which things said might be misinterpreted as satisfactory. Professor Thorpe wanted reasons for Dr. Driedzic's actions in writing.

In a letter to Professor Thorpe dated April 7, 1998 [Appendix XIII],<sup>26</sup> Dr. Driedzic commits to writing his reasons for banning Professor Thorpe from teaching for Continuing Education. The delay of over a month between the ban on Professor Thorpe's teaching and the sending of this letter raised a suspicion in the minds of many of the people with whom we spoke that the reasons stated in the letter were arrived at after the events rather than having been in place as a product of long-standing concerns. On the day Professor Thorpe received Driedzic's letter, April 8, 1998, a further *New Brunswick Telegraph Journal* report appeared, occasioned by the faculty's petition. Another report was published in the *Moncton Times Transcript* of April 9, 1998.

***e. DRIEDZIC'S LETTER:***

Dr. Driedzic states that he had "reason to believe that acceptance of your application to teach at Mount Allison is not in the University's best interest, or in the best interest of its students." He concludes by noting that "it has been past practice that appointments to teach in Continuing Education have not reached the desk of the Vice-President until classes had started. This will no longer be the case." Thus, Dr. Driedzic confirms in this letter the widespread perception that in the past the decisions about Continuing Education have been made at a lower level of the administrative hierarchy.

Early in Dr. Driedzic's letter, he provides seven points which "contribute[d] to his decision." The following are those points with two names suppressed at the request of Professor Thorpe:

1. There is an uncontested letter of reprimand in your file which describes an incident of harassment of a female Mount Allison student. I understand that this is based on your behaviour during an incident when you trespassed on University property, attempted to interrupt a student reception at Cranewood [the President's residence] held at the request of the Chaplain for our chapel choir, and subsequently harassed the student as she was leaving the premises.
2. A further incident of female harassment occurred when you placed a call to a student of [name suppressed]. [Name suppressed] was being considered for a position for which your

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<sup>26</sup>We include this letter in the Appendix with the deletions as noted.

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wife was also being considered. You placed a call to that female student late in the evening despite the fact that you did not know the student, and had received no complaints from her. You attempted to have her make a complaint against [name suppressed]. The individual who was called was quite upset at what she considered to be harassment. Dr. Visentin, VP (Academic) and Dr. Newbould met with you to discuss the incident and your unprofessional behaviour.

3. A further incident involved the use of language in the classroom which is deeply offensive to many women. You did so in a way that emphasised your use of that language— it is my understanding you wrote the word “cunt” in large letters across the board. A female student complained about this and Dean Ellard was required to speak to you about the matter.

4. We have begun a process of weaving Continuing Education courses into departmental folds. Success will depend upon mutual respect of members of the department and those hired to teach on a stipend basis. Your relationship with the Department of English as evidenced by correspondence in your official file is bitter. The most contentious issue over the past number of years has focused on your ongoing efforts to secure an appointment in the English Department for your spouse. These disagreements resulted in your resignation as Head and further lead [*sic*] to your lack of participation in departmental meetings. The essence of your relationship with the department is captured in a letter to Dean Ellard dated May 31, 1996 in which you wrote that with respect to members of the English Department “it is deeply repugnant to me to sit down with people for whom I have lost respect.”<sup>27</sup>

5. There is an editorial published over your name in the *Tribune* dated May 1, 1996 in which you insult the Senate with reference to a decision the Senate had taken by stating that this body “allowed this distasteful piece of academic pork-barrelling to happen”. Your comments were far in excess of publicizing your dissent as suggested in your letter to Senate dated June 7, 1996.

6. The faculty at Mount Allison went on strike in 1992. You wrote a letter to the University certifying that you were not on strike and, consequently, that your salary should continue. However, you subsequently went on strike without notifying the University. It was only when you were confronted that you admitted that you were on strike and receiving pay to

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<sup>27</sup>For the full text of this letter see Appendix VII.

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which you were not entitled and which was not being received by your colleagues on the picket lines. This action on your part was dishonest, and suggests to me that you do not have the personal qualities that someone who teaches our students should have.

7. I have been advised that post early retirement appointments are to be discouraged since such appointments call into question the tax free status of retiring allowances. You received a substantial retiring allowance last year.

Although Dr. Driedzic initially gives the impression that this list contains all the reasons why Dr. Driedzic banned Professor Thorpe from teaching, before the letter ends, he provides further matters of concern. Dr. Driedzic faults Professor Thorpe for acting towards those with whom Professor Thorpe disagrees in “a rude and unprofessional manner,” and for defaming those with whom he disagrees. Dr. Driedzic also faults Professor Thorpe for silence.

It is one thing to disagree with other members of the University on issues. It is quite another to act towards those people with whom you disagree in a rude and unprofessional manner, or to defame them. You, unfortunately, do just that as is illustrated by your behaviour towards me and other members of this community with whom you refuse to speak.<sup>28</sup>

Dr. Driedzic then points out that Professor Thorpe was disliked by a number of colleagues:

I point out that this is not the first time your suitability for an appointment at Mount Allison has been questioned. Your initial appointment in 1974 was controversial, as was the decision to grant you tenure in 1976....The Committee evaluating your candidacy for tenure was unable to achieve consensus. Concerns were expressed over your relationship with students which was characterized by some as “caustic”. Even your nomination to Senate for an appointment as Professor Emeritus resulted in substantial negative votes.

Dr. Driedzic concludes that “[a]t this time your service to Mount Allison is no longer required.”

Before we assess Dr. Driedzic’s reasons, we note that Professor Thorpe made an immediate and interim response to what he regarded as an assault on his reputation. On April 9, 1998, Professor Thorpe wrote to Dr. Driedzic acknowledging receipt of Dr. Driedzic’s letter. Professor Thorpe states that he will respond fully at a later date, but feels compelled to address immediately Dr. Driedzic’s point 6:

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<sup>28</sup>The reader may have a little problem with these lines. We do not believe that the concept of defamation by silence is one that has widespread acceptance.

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My only recollection is of, not writing a letter, but of signing a form which may have come from the Personnel Office, as it then was, to the effect that I was not, at the time, on strike. It was received before we actually struck, and I remember thinking the form was premature. I can recall no “confrontation” concerning salary to which I was not entitled, and never did I conceal the fact that I was on strike when we actually came out. I do not recall being expected formally to notify the University....At most, it seems I committed an inadvertent error, but in suggesting I was guilty of a “dishonest” act, you go beyond a reasonable interpretation of the facts, such as they may be.

Professor Thorpe’s explanation of his response to the Administration’s inquiry regarding the intentions of individual faculty members regarding an impending strike is, it seems to us, more reasonably characterized as mischievous than as dishonest.

Returning to Dr. Driedzic’s letter, it is clear that his stated reasons for banning Professor Thorpe from teaching fall into two categories: (1) allegations of unprofessional behaviour [points 1–6]; and (2) policy matters regarding Continuing Education [point 7].

Let us consider first Dr. Driedzic’s allegations of unprofessional behaviour. These in turn can be subdivided into (a) unprofessional behaviour towards women, what Dr. Driedzic labels “female harassment;” (b) unprofessional behaviour towards the administrators of Mount Allison University.

With regard to unprofessional behaviour towards women, Dr. Driedzic refers to three matters (points 1, 2 and 3) of which he can have no first hand knowledge. It is unclear how Dr. Driedzic obtained all the information on which he bases his three points.<sup>29</sup> We have been advised that Dr. Driedzic consulted with at least one former administrator at Mount Allison about point 2, but that former administrator had no recent access to any files at Mount Allison and therefore relied only on his memory of events by then several years old. It seems clear that Dr. Driedzic depends on unofficial files or hearsay (or both), and he does so, however inadvertently, using a language that excites prurient interest. “Female harassment” suggests “sexual harassment” without having to establish that sexual harassment actually took place. In our opinion, Dr. Driedzic’s letter does not

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<sup>29</sup>We were unable to obtain clarification regarding documentation of these matters from Ms. Kristjanson. See Appendix VI.

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provide the kind of information that would lead to the conclusion that Professor Thorpe is guilty of “female harassment,” whatever meaning might be attached to that phrase.

In relation to unprofessional attitude toward the University, Dr. Driedzic faults Professor Thorpe for not getting along with his colleagues (point 4). Dr. Driedzic returns to Professor Thorpe’s unpopularity at the end of the letter in his comments about Professor Thorpe’s tenuring, quoting (out of any context) from an unnamed source, some unkind words about Professor Thorpe with which Dr. Driedzic agrees. How Dr. Driedzic knew about events connected to Professor Thorpe’s tenuring so many years ago is not indicated. Again, Dr. Driedzic appears to have relied on unofficial files or hearsay (or both).

Dr. Driedzic also faults Professor Thorpe for not properly advising the Administration that he was intending to go on strike. It is unclear whether Dr. Driedzic believed that Professor Thorpe had an obligation to take the initiative in providing this information to the Administration, or that, as Professor Thorpe indicates in his letter to Dr. Driedzic of April 9, 1998 (quoted above), there was a request circulated by Administration to faculty, who were expected to notify the Administration of their intention to strike (or not strike) beforehand (point 6). In our experience, it is not customary for faculty to notify Administration personally of their intentions to strike. We believe, rather, that it is more usual for Administrations to assume that all members are on strike unless individual members of the bargaining unit inform the Administration otherwise. It is also, in our experience, unusual for employers to canvass members individually about their intentions before the strike, especially since such interventions might be seen as an unfair labour practice in which the employer is unduly pressuring individual members to stay on the job.

With regard to Dr. Driedzic’s allegation that Professor Thorpe received salary during the strike (with its accusation of dishonesty), we note that Professor Thorpe’s request to Dr. Driedzic for better and further particulars was never answered. We inquired of Ms. Kristjanson, the lawyer acting for the Administration, if she would provide the relevant payroll records to substantiate the allegations of Dr. Driedzic. In her response, Ms. Kristjanson indicated that “assuming they [the payroll records] exist,” were we to obtain Professor Thorpe’s consent, she would arrange the release of the relevant payroll records. We also asked Professor Thorpe if he had any information regarding the payment to him of salary during the strike. Professor Thorpe advised us (by fax dated 4 January 2000) that he had obtained from his bank copies of statements “for the period before, during and immediately after the faculty strike of early April 92. They show that I was paid my usual half

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month's salary on 14 April (\$1818.45), during the strike, and that the over-payment was recovered by the University in that month's second payment, after the strike ended, \$257.22 being paid into my account on 28 April." Having received this information from Professor Thorpe, we did not pursue the matter of payroll records with Ms. Kristjanson.

Professor Thorpe provides an explanation of what, in his view, most likely happened regarding salary payments in his letter to Dr. Driedzic dated April 9, 1998 (quoted above). Whether or not other striking faculty received such payments, or how it was that Professor Thorpe, who made no secret of his support for the strike, should have received salary is a matter that requires more careful investigation<sup>30</sup> than that indicated in Dr. Driedzic's letter and most assuredly requires some comment from the Payroll Office as to its practice during and after the strike. Using a good faith model, it seems to us unreasonable to attribute to dishonesty what might, with far greater plausibility, be accounted for as a minor confusion that was in any case quickly corrected without any fuss.

Finally, although not one of Dr. Driedzic's official seven points, Dr. Driedzic notes that Professor Thorpe criticizes people and is sometimes rude and other times silent. In any case, Dr. Driedzic doesn't like the way Professor Thorpe deals with the people with whom he disagrees. Since Professor Thorpe deals with most of those people through letters, it is fair to infer that Dr. Driedzic takes exception to some of Professor Thorpe's letters.

Given that so many of Dr. Driedzic's remarks about Professor Thorpe's behaviour concern matters long past, it is surely significant that Professor Thorpe was never disciplined for any offence during his 23 years of employment at Mount Allison. It is equally significant that none of Dr. Driedzic's points addresses whether or not Professor Thorpe performed competently in the inter-session teaching for Continuing Education in 1997.

The second category, policy matters (point 7), suggests that post-retirement appointments are complicated by tax arrangements relating to the kind of early retirement package Professor Thorpe received. As a reason for banning Professor Thorpe from teaching, it does not adequately take into account that this point applied with equal force in the previous year, when, although retired, Professor Thorpe did teach. It might also be said that payment of personal taxes is, in the final analysis, a matter for the individual, and institutions normally allow employees to make their

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<sup>30</sup>The onus to investigate is surely on the person making the charges.



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own choices, and take whatever consequences might ensue regarding the implications of tax rulings relating to “non-standard” payments.

Having carefully considered Dr. Driedzic’s stated reasons, it does not seem to us that they provide sufficient explanation for denying Professor Thorpe some teaching through the Department of Continuing Education.<sup>31</sup>

***f. THE SENATE MEETING OF 9 APRIL 1998:***

On the same day as Professor Thorpe’s initial response to Dr. Driedzic’s letter (April 9, 1998) was sent, the Senate met. Dr. Driedzic, who chaired that Senate meeting, briefly re-convened the meeting *in camera* during which he read out parts of his letter to Professor Thorpe of April 7, 1998, a letter to which Professor Thorpe had obviously not had time to respond. We have been told by members of Senate who were present on April 9<sup>th</sup> 1998, that Driedzic’s reading out of decontextualized extracts from his letter, with no explanation, had the effect of colouring the meaning of Driedzic’s letter, especially for those present who had no knowledge of the events alluded to, allowing the most damaging conclusions about the actions of Professor Thorpe to be reached. We have been told by Senators who were present that neither substantive questions nor discussion were allowed.

Professor Thorpe’s letter of 25th March was distributed, as the Secretary to the Senate had promised, but, we were told, little time was allowed for it to be read, and it was not discussed. It was, moreover, collected from Senators at the end of the meeting. This action also disadvantaged Professor Thorpe because it prevented the scrutiny of his submission<sup>32</sup> away from the heightened emotion created by the partial disclosure of the content of Dr. Driedzic’s letter.

A few days later, on April 13, 1998, Professor Thorpe wrote again to J.J. Keith, the Chair of the Board, to complain about the way Dr. Driedzic dealt with his letter to Professor Thorpe at the Senate meeting on April 9th. Professor Thorpe contends that Dr. Driedzic “took advantage of his position to divulge parts of his letter to members of the Senate, without waiting for my reply. This

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<sup>31</sup>We offer more extensive comment on Dr. Driedzic’s letter below.

<sup>32</sup>Although Professor Thorpe’s submission to Senate preceded Dr. Driedzic’s letter of April 7, 1998 by nearly two weeks, and so does not address the points raised by Dr. Driedzic, it did bring to the attention of Senate the peremptory manner of his dismissal from teaching.

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was, to put it mildly, an abuse of fair process. Although the proceeding was termed ‘confidential’, his hasty attempt at self-justification will prompt innuendo and gossip, as anyone might foresee. It is, arguably, defamatory.” Professor Thorpe has no record of any reply by Mr. Keith.

***g. THE EXECUTIVE COMMITTEE DOES NOT PRESENT THORPE’S NAME TO THE BOARD:***

The Senate recommendations regarding Professor Emeritus status were submitted to the Executive Committee of the Board of Regents on 14 April 1998, six days after Professor Thorpe received Dr. Driedzic’s letter, and 5 days after the Senate meeting at which Dr. Driedzic read portions of his letter to the Senators (some of whom were members of the Executive Committee of the Board of Regents).

In its current configuration, the Executive Committee is a subset of the Board without either faculty or student representation. We were told that the Executive Committee meeting at which the matter of the two recommendations for Professor Emeritus were discussed, the Executive Committee invited a presentation from Dr. Driedzic, an invitation which was highly unusual, and one which, once again, as in the Senate meeting of April 9, 1998, provided Dr. Driedzic the opportunity to present his views about Professor Thorpe without Professor Thorpe being able to address those concerns (Minutes of the Executive Committee -- Board of Regents, Meeting of April 14, 1998, pp.2–3). Professor Thorpe had written to the Chair of the Board of Regents, Mr. Keith, on April 13, 1998 (Appendix XIV), asking the Board to defer its decision and allow him an opportunity to respond to Dr. Driedzic’s additional comments. The Executive Committee, it is fair to suppose, discussed the Senate’s recommendations as the other candidate recommended by Senate was granted Emeritus status. It did not, however, pass Professor Thorpe’s name on to the full Board. Thus, at this juncture, the Senate’s recommendation that Professor Thorpe be granted Emeritus status effectively passed into limbo.

***h. DRIEDZIC CIRCULATES HIS LETTER TO MEMBERS OF FACULTY:***

On April 16, 1998, Dr. Driedzic responded to the faculty petition which had reached him on April 6, 1998 by circulating his letter to Professor Thorpe (April 7, 1998) to everyone who had signed the petition, that is to 80 faculty members (approximately 75% of the faculty cohort). His cover letter provided the following explanation for his action:

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I am writing you as one of the signatories to the petition I received on April 6, 1998. That petition demanded that I hire Mr. Michael Thorpe as a teacher within the Continuing Education Department. I am attaching the letter I sent to Mr. Thorpe on April 7, 1998. I regret having to make the matters covered in the letter available in this way, but given Mr. Thorpe's public comments and the petition, I felt you deserved to have the facts as I know them, so that you can draw conclusions on an informed basis.

Teaching requires fulfilling a number of responsibilities. I am of the opinion that teaching responsibilities extend to the classroom and beyond. Respect for our students is one of the most important responsibilities we must all adhere to as teachers.

I had hoped to discuss these matters with Mr. Thorpe personally, but he insisted on the reasons in writing and he has made the issue a university, community and public matter. This is unfortunate. I have tried to refrain from discussing these issues publicly, out of respect for Mr. Thorpe's confidentiality as a former employee; I do so only to correct misinformation, misunderstandings and false allegations that have been perpetuated as a result of this issue.

The Committee has concluded that Driedzic's wide circulation of this cover letter with its attachment (Dr. Driedzic's letter to Professor Thorpe of April 7, 1998 ) was inappropriate for a number of reasons:

1. Until April 7, 1998, Dr. Driedzic had not given Professor Thorpe reasons for his decision to deny him a position in Continuing Education, and he had not provided Professor Thorpe with a reasonable time in which to respond to Dr. Driedzic's allegations before Dr. Driedzic circulated his letter and attachment.
2. Up to the point at which he sent his cover letter of 16 April 1998 (with attached letter of April 7, 1998), Dr. Driedzic has not explained to Professor Thorpe the position he took before the Executive Committee when the Senate's recommendations for Professor Emeritus were discussed.
3. In the cover letter of April 16, 1998, Dr. Driedzic states, "Respect for our students is one of the most important responsibilities we must all adhere to as teachers." To the Committee's knowledge, at no time has Dr. Driedzic made any specific allegations against Professor Thorpe suggesting that he does not have respect for students; nor has he given Professor Thorpe an opportunity to respond to such allegations.

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4. Dr. Driedzic suggests that he is correcting misinformation, misunderstandings and false allegations that have been perpetrated as a result of this issue. It is the Committee's conclusion that Dr. Driedzic did not inform Professor Thorpe as to what misinformation, misunderstandings or false allegations Dr. Driedzic was referring to and, accordingly, Dr. Driedzic did not give Professor Thorpe an opportunity to respond and perhaps to clarify these matters.

5. Finally, Dr. Driedzic goes on to say, "you should be aware that the University also has a responsibility and a right to protect its reputation when it is under unfair public attack and will do so in this case if in our judgment that becomes necessary". While the Committee agrees with the substance of this statement, nevertheless, in context, it appears to be a veiled warning to Professor Thorpe that he must be careful in what he says about the University.

***i. THORPE'S REBUTTAL OF DRIEDZIC'S LETTER:***

On April 21, 1998, Professor Thorpe produced a nine page, point by point rebuttal of Dr. Driedzic's letter of April 7, 1998 [Appendix XV]. Professor Thorpe begins by commenting on the following matters, which we present in point form:

1. the procedural unfairness in the way Dr. Driedzic delayed responding to Professor Thorpe and then circulated widely his letter;
2. the totally negative construction which Dr. Driedzic placed upon Thorpe's words and actions; and
3. the stripping away of the context from each of Thorpe's words and/or actions that Dr. Driedzic criticizes.

These seem to us fair criticism of the Driedzic letter.

Professor Thorpe then responds to each of Dr. Driedzic's points. Having quoted Dr. Driedzic's points in full, we shall quote extensively from Professor Thorpe's letter. After each of Professor Thorpe's points, we offer observations.

***i. Thorpe's Rebuttal of Driedzic's Point One:***

About the "uncontested letter of reprimand," Professor Thorpe comments:

This took place during the MASA strike. I invite readers to compare Stewart's letter [Feb. 9, 1994, Appendix XVI] with your summary. Yours specifies a *female*, to make a particular, negative effect; unlike Stewart's letter, it makes no mention of my participating at the time in a demonstration numbering perhaps 50

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people— members of MAFA, MASA and *sympathetic students*. Rather, your edited version could be read as suggesting that I alone harassed a student. In such a demonstration I was scarcely conscious of those leaving Cranewood as individuals, both male and female, to whom we routinely addressed the good-natured invitation to “Come and join us!”

It seemed by no means insignificant that I alone among that crowd received the letter of reprimand, copies of which I distributed later among union members. Was I alone recognizable— to that student, or to whom (I certainly wore a conspicuous long and tattered fur-coat)? Be that as it may, there are several persons who can bear out my account, and who felt it was no mere accident that I was singled out for the letter. To repeat, how striking though are the differences between that Stewart letter and your selective wording!

Subsequently, in a letter to the Board, Professor Arthur Motyer, a former Academic Vice-President, wrote:

*It is not appropriate for a minor bureaucrat to write a formal letter to anyone as distinguished academically as the Joseph Allison Professor of English and threaten him with disciplinary action for daring to demonstrate with students on the lawn of the house which the current President is given to live in with his entertaining companions.*

Nicely put, though you’ll hardly agree.

This reprimand was “uncontested” because it seemed pointless to add to its inflated significance.

Like Dr. Driedzic and Professor Thorpe, we have scrutinized the letter written by Mr Stewart in 1994. Whereas Dr. Driedzic and Professor Thorpe understand it as a letter of reprimand, we are less certain what its status is. Mr. Stewart’s own syntactic construction of the action is conditional. He says, in effect, that, were it not for the fact that there were students involved, the Administration would discipline Professor Thorpe. Put another way, because there are students involved, the Administration is not disciplining Professor Thorpe. Stewart’s letter is not, in our opinion, a “letter

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of reprimand” in the technical disciplinary sense that one usually finds in Collective Agreements. It is a letter critical of an action by Professor Thorpe.

Professor Thorpe is surely right to wonder why he was singled out from the crowd. We spoke to several people who participated in that demonstration, and they remember it as an upbeat event in which all exchanges between demonstrators and those leaving the President’s residence were good-humoured. They assured us that Professor Thorpe’s behaviour was no different from anyone else’s; that he neither said nor did anything different from what everyone else was doing. In essence, the people with whom we spoke who had been at that demonstration confirm Professor Thorpe’s version of the events.

Professor Thorpe is also right to point out the differences between Mr. Stewart’s version of the event and Dr. Driedzic’s. Mr. Stewart’s letter and Dr. Driedzic’s letter do not say the same thing. Neither had first hand information, it is true, but Mr. Stewart’s letter at least had the benefit of proximity to the event. Dr. Driedzic’s letter is written many years later, and filtered through either material in unofficial files or scuttlebutt (or both). The insistence by Dr. Driedzic on identifying the gender of the student mentioned by Mr. Stewart when he had not specified a gender has the effect, as Professor Thorpe notes, of making Professor Thorpe appear a sexual harasser.

***ii. Thorpe’s Rebuttal of Driedzic’s Point Two:***

Professor Thorpe comments on ““A further incident of female harassment”” as follows:

There’s a larger context to this, in particular my problematic relations with an occasional Department member during my headship. I differ from you, however, in considering that the person’s name, that of a third party, should *not* have been used in your letter. I shall, therefore, not enlarge upon that aspect. (Before you hastily circulated your letter on the 16th, I had already prepared a copy substituting Dr. X for the name.) Suffice it to say that I have this particular ex-student’s permission to state that she was, indeed, upset by my phone call, as she told me frankly *at the time*, because apparently she was suffering acutely in her personal life, trying to graduate whilst living in constant fear of someone else, a situation now past.

She does not, however, consider the phone call “female harassment”, and finds it offensive to have been used by the university Administration in this manner without her knowledge or consent.

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I was relieved to learn this, as I had not been able, from her reaction at the time, to square it with her feeling harassed. I did not call her again, though both before and after I had emerged from an interview with President Ian Newbould and Vice-President Louis Visentin, I would have liked to do so. *Had* I done so, she might indeed have felt “harassed”.

I do not recall my wife being mentioned by my inquisitors, nor that she and the third person you name were in the running for a Dept. position, though that person was a candidate for a position outside the Department. She and my wife were, sometimes, both candidates for a stipendiary position, but in such cases, not only did I absent myself from Departmental discussion, but I knew that this particular person, with a Ph.D., would automatically get preference (as happened on an occasion when in February 1994, though the Dept. nominated *another* “departmental wife” for a language instructor’s job, for which she was by experience best qualified, its choice was overridden by Dr. Visentin). My wife did have a competitor, in the Departmental field, with qualifications equal to hers, whom the Department chose for a number of stipendiary positions.

A piquant footnote to this is suggested by the presence of Dr. Visentin as an arbiter of “unprofessional conduct”: his published denigration of “55-year old professors” as candidates for the position of Director of Canadian Studies, on which bias I organized in April 1995 a letter of protest to the President with eight signatories, and his untrue written declaration to my wife’s university in November 1994 that she was then “applying” for a position, so that he could obtain her credentials (though Mount Allison already had them, and she was never informed of his enquiry by him), are two examples whose impropriety disqualified him from judging such matters. Of Dr. Newbould’s qualification I will not speak. Against this background, your high moral tone is misplaced.

What Dr. Driedzic alleges is that Professor Thorpe called a student, and the student complained to senior Administration. Senior Administration spoke to Professor Thorpe, but took no disciplinary action. Professor Thorpe’s rebuttal grants that he called a student. Unlike Dr. Driedzic, who has no first-hand knowledge of the event, Professor Thorpe was a participant. But he does not only rely on his memory of the event; he states that he has checked the matter out with the former

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student. He then offers the explanation that the student was upset, but that was because she was living through a difficult time and was indeed being harassed (“living in fear”) but of someone else (i.e., not Professor Thorpe). Stripped of all commentary by both Dr. Driedzic and Professor Thorpe, this seems to be the nub of the second point.

**iii. Thorpe’s Rebuttal of Driedzic’s Point Three:**

According to Professor Thorpe, Dr. Driedzic’s concern about the use of a four letter word is misplaced:

This item is the most trivial you have presented. Again, you cite it out of context, with distorted detail, and in total ignorance of the literary background, although this was fully discussed with Dean Brian Ellard. It arose from a linguistic explanation of why the word “quaint” in Andrew Marvell’s ‘To His Coy Mistress’ has been interpreted in a double sense, carrying both the meaning familiar to us and a punning allusion to the ‘female pudenda’ (see *Andrew Marvell The Complete Poems*, ed. Elizabeth S. Domo); it is related to the Middle English “qeynte”, used in Chaucer’s ‘Wife of Bath’s Tale’. I avoided uttering the word, and wrote it up— but *not* in “large letters across the board”. Your account, omitting all context, is shallow and misleading.

I have explained this, in various classes, before perhaps 1000 students, most of them, being English students, women. This student’s objection, then, was a rare case, which caught up with me after about 20 years’ teaching: I considered her, as I told Ellard, ultra-sensitive and atypical. He, incidentally, did not think it important enough to mention in my annual evaluation, wherefore it’s doubly inappropriate of you to revive it now.

A university is an institution catering to young adults, of whom most commonly hear such language and some, alas, use it. Offensive to women, you assert: of course, in certain contexts, but a student who heard the same explanation from me in class commented recently she was not in the least offended, much less “harassed”. Accusations like these debase the true meaning of Harassment. Nor in teaching literature should we fudge our material. Blame Marvell, Shakespeare (see Eric Partridge, *Shakespeare’s Bawdy*). Chaucer— or Ginsberg, whose ‘Howl’ should then be unteachable, with such phrases as “a vision of ultimate cunt”, a poem I have



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often discussed in poetry classes, and what are we to do with Angela Carter or Marian Engel, women writers who themselves use the word freely?

I believe the student concerned grew out of it, or was not deeply afflicted; she continued in my course, participated, and did quite well. I did not in any way ‘censor’ my classes for her sake.

Professor Thorpe produces an erudite, convincing and interesting explanation of the word in the context of Marvell’s poetry. Had Dr. Driedzic known the context provided by Professor Thorpe, we cannot imagine that he would have included this matter in his letter. In condemning Professor Thorpe’s use of a word and basing a punitive action against him, at least in part, on his use of that word, Dr. Driedzic appears to us to have violated Professor Thorpe’s academic freedom.

***iv. Thorpe’s Rebuttal of Driedzic’s Point Four:***

Professor Thorpe takes up Dr. Driedzic’s allegation that relations between Professor Thorpe and the other members of the Department are strained:

While it is, regrettably, true that my differences with my Department were “bitter” from November 1994 until I began my sabbatical year in July, ‘96, it is a gross distortion to ascribe these to “ongoing efforts to secure an appointment...for [my] spouse.” During that period, my particular concerns related to my wife were twofold: the Department’s unwillingness, after its initial protest, to continue supporting my wife strongly in the Writer-in-Residence affair in order to avoid jeopardizing relations with the Administration; and secondly, I objected to its new Continuing Education policy, withdrawing approval it had previously given her to teach at the 2000-level, approval also denied the similarly qualified candidate mentioned above, whose teaching I have always supported. This policy was, and remains, inequitable, in the university-wide context, since in other departments several people without a Ph.D. have taught, and are teaching, at the 2000 and higher levels in some cases. This anomalous situation continues. These were the issues during the period when I found it impossible to continue attending Department Meetings.... “[S]ecuring an appointment for my spouse in the Department” inaccurately describes my concerns in my wife’s behalf at that time. In the preceding years of my second headship (1988–1993), I have quoted colleagues’ positive evaluations, copied to me, in which note “integrity”....

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You assert that there's a crucial "lack of mutual respect" which would make it impossible for me to teach "on a stipend basis". It isn't so simple; nothing is as simple as you make it. If your argument is so compelling, how is it that the Department approved my teaching Continuing Education courses in both 1997 and this year (before your veto) and my preparing courses for the correspondence programme? Unlike you, it seems that the Department can separate our past differences—"past" inevitably became I'm out of the Department—from my fitness to continue teaching. I respect that—and the fact that, on my retirement, it took the unusual step of inaugurating a Library fund in my name, demonstrating a capacity to transcend our differences. This sharply contrasts with your expectation that there would, or should, be an unrelenting vendetta. Recently the tenured members, and one other, signed the faculty petition, a generous gesture I have acknowledged....

In his letter to Professor Thorpe, Dr. Driedzic appears to be arguing, at least in part, that because there have been difficulties between Professor Thorpe and his colleagues in the Department, Professor Thorpe ought not to teach. Professor Thorpe responds by saying that, whatever the difficulties, the Department recommended him for the teaching. If the Department is to be the measure, then Professor Thorpe has logic on his side. We spoke to former colleagues of Professor Thorpe in the Department of English, both those still in the Department and others who have retired. Although many saw some of Professor Thorpe's actions through a critical lens, all respected him and all deplored the behaviour of senior Administration in denying him the post-retirement teaching.

***v. Thorpe's Rebuttal of Driedzic's Point Five:***

Professor Thorpe here addresses Driedzic's admission that he regards at least some of Professor Thorpe's criticism as unacceptable.

I thought this was *not* about my public criticisms? Clearly, the "spin" here is that this particular letter (not "editorial"), shows "disrespect" for Senate. On that occasion, I do not deny that it did: but Senate is a protean body, which can act wisely; sometimes it seems to slumber and lose all vigilance. Sometimes, as when on April 9th you exploited your position in Senate to attempt to discredit me by divulging parts of your letter to me, I am appalled at how malleable the Senate can be—as I know many are—and I fought for the Senate's prerogatives, as a Senator for many years, as a Department Head and as a twice-elected Faculty Representative. ...

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[I]f any action showed “disrespect” for Senate, using it for self-serving ends, that was yours on 9th April. It disqualifies you from lecturing me on that subject....

Dr. Driedzic objects to Professor Thorpe’s criticism of Senate; Professor Thorpe objects to Dr. Driedzic’s criticism on the grounds that Senate is sometimes a reasonable place and sometimes not. In any case, Professor Thorpe’s criticism to which Dr. Driedzic specifically objects is protected by Professor Thorpe’s academic freedom. It seems absurd to have academic freedom to criticize, and then, after retirement, discover that such protected speech becomes the justification by which further relationship with the institution is prevented.

***vi. Thorpe’s Rebuttal of Driedzic’s Point Six:***

Professor Thorpe takes up here as in his letter of April 9, 1998 (discussed above), Dr. Driedzic’s allegation that he dishonestly received salary while on strike:

I have already queried the details of this in my initial letter of response...the explanation for this accusation it is patently absurd to suggest that a person who was so prominently on strike, on picket lines, and the author, during the strike of a lengthy letter to the local press, which appeared in the 15th April 1992, issue of *The Tribune Post*..., would stupidly misrepresent his activity in the “dishonest” fashion you claim. If your whole approach were not negative in its bias, you might have seen that, if there was an error on my part, it was an honest and inadvertent one—but your letter lacks, throughout, all trace of impartiality. Further, I wonder why, if the “University” considered it could produce evidence I had attempted to defraud it, it did not prosecute, or at least take disciplinary action six years ago. To this letter’s date, you have not replied to my letter of 9th April seeking adequate documentation.

We have seen no evidence to suggest that Professor Thorpe ever proceeded in an underhanded way. On the contrary, we think that he has been made to pay a price for his openness. His opinions on a great many issues are a matter of public record; that, indeed, is one of Dr. Driedzic’s complaints. We therefore think that some confusion arose about whether Professor Thorpe was on strike, a confusion he helped to create by responding to an enquiry from the Administration with the literal truth that he was not on strike when the issue was whether he was going to be on strike. Nevertheless, when it was realized that he was on strike, a fact he did nothing to conceal, the amount that had been wrongly paid to him was deducted from his next pay check. No one at that time appears to have pursued the matter, a fact which we interpret as support for our theory of confusion.

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***vii. Thorpe's Rebuttal of Driedzie's Point Seven:***

About tax restrictions, Professor Thorpe remarks that he does not “think this restriction would extend to occasional, brief stipendiary appointments.” It seems to us that Dr. Driedzie’s concern with tax policy was designed to exclude Professor Thorpe, not to honour some nebulous tax laws or regulations. In the end, a decision about how to deal with the tax implications of a part-time teaching position ought to be left to the discretion of the individual employee.

***viii. The Rest of Thorpe's Letter:***

Thorpe’s letter continues for several more pages, providing by extensive quotation, documentation of his qualities as a teacher. Based on our discussions with former students, we have heard similar positive assessments. The letter ends with a note of caution about Professor Thorpe’s “official file.” Having sought to clarify and verify aspects of his rebuttal by accessing his Official file, Professor Thorpe indicates that he was told by the Vice-President Administration that since he was not an employee of Mount Allison, there was no such file. To test this assertion, we asked a retired colleague who came to speak to us if he would request **his** file, which he did. He told us that he was informed that he could not have access to his file because it had been put into storage. Such a response suggests, and it is only common sense, that the files of former employees are kept. It may be that the Official and personnel files are merged, archived and renamed, so that, technically, an “Official file” and/or a personnel file does not exist after a faculty member retires; but it is, in our opinion, highly unlikely that all material pertaining to a retired faculty member disappears from the University at the moment a faculty member retires. Whether additional material not previously found in either the Official or the personnel file is placed in such a post-retirement file is unclear. Given the unverified allegations in Driedzie’s letter, however, it seems likely that material not in either the Official and personnel files is placed in the newly created post-retirement archival file.

***j. APPEAL TO THE CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS:***

On April 23, 1998, Professor Thorpe appealed to CAUT, setting in motion a process which ultimately led to this inquiry.

***k. THORPE APPLIES FOR A TEACHING POSITION IN 1999:***

Professor Thorpe again applied for teaching in 1999. The new Vice-President (Academic), Dr. Peter Ennals, responded by saying that it was the policy to give preference to current faculty

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rather than to those who had retired.<sup>33</sup> This policy is a somewhat different one than the one(s) enunciated by Dr. Driedzic, but the result is the same, Professor Thorpe has no teaching.

***1. THORPE'S NAME IS SUBMITTED BY SENATE TO THE BOARD IN 1999<sup>34</sup>:***

On April 8, 1999, another motion was introduced in Senate recommending Professor Thorpe for Professor Emeritus status. Once again this motion passed. As part of the motion, the Senate sought an explanation from the Board of their failure to grant Professor Emeritus status to Professor Thorpe in 1997. The Board did not respond, and the Board did not award the title of Professor Emeritus to Professor Thorpe.

The awarding of the title of Professor Emeritus in 1999 was also marked by the refusal of Professor Charles H.H. Scobie, who had held the position of Cowan Professor of Religious Studies, to accept the title because of the refusal of the Board to bestow that same title on Professor Thorpe.

***8. CONCLUSIONS:***

Because the details of the Thorpe case are convoluted, complicated by the troubled and troubling relationship between faculty and Administration at Mount Allison University, we have gone to considerable lengths and great specificity to describe what happened. We have attempted to retain a more-or-less chronological ordering for clarity and cohesion. The broad picture, though, is remarkably simple. Michael Thorpe, a widely published scholar and poet and a highly regarded teacher, was denied a minor and part-time teaching position with a salary amount of under \$4,000, and he was, almost at the same time, denied Professor Emeritus status, a purely honorific title. Professor Thorpe said the reason for this action was his persistent and public criticism of the Administration. The Administration said that he had freedom of speech (Keith), but that he harassed women students (Driedzic); that his Department didn't like him (Driedzic); that he did at least one

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<sup>33</sup>Nearly everyone to whom we spoke, from whatever faculty, gave it as their opinion that the Department of Continuing Education had difficulties with recruitment in 1999 just as they had in the past.

<sup>34</sup> His name was also put forward in May 2000 and again in March 2001 (as recorded in the Senate minutes for those meetings). At the writing of this report Professor Emeritus status had not yet been conferred on Professor Thorpe.

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dishonest thing (Driedzic); that he criticized the Administration in an unprofessional manner (Driedzic); that he was rude (Driedzic); that he was silent (Driedzic); and that the Administration had, apparently unwritten, policies about taxes (Driedzic) and recruitment (Ennals), policies that changed from time to time, but which all seemed to exclude Professor Thorpe from teaching.

Professor Thorpe effectively rebutted all the personal reasons for denying him a teaching position. In the absence of other (not yet stated) reasons, we find it difficult not to conclude that Professor Thorpe was denied the teaching and the Emeritus status because he spoke his mind in Senate, and because he wrote openly critical letters about the Administration which were published in various newspapers. We note, once more, that Professor Thorpe is a polemical writer of considerable skill, a talent less obvious in his opponents, and a skill hardly likely to endear him to them.

Were Professor Thorpe still an employee of Mount Allison University, most of the reasons given for denying him a teaching position would be regarded as violations of his academic freedom and the Collective Agreement clauses related to academic freedom. His treatment would be subject to grievance and arbitration procedures. The failure of the senior Administration to discipline Professor Thorpe while he was a full time employee suggests that senior Administration recognizes the strength of the Collective Agreement protections. Without them, the senior Administration apparently believe that Professor Thorpe has no academic freedom rights.

We do not agree. We believe that academic freedom inheres in the idea of a University, and affects all aspects of the University's interactions. It is entrenched in Universities in which the faculty is certified by Collective Agreement language. Nevertheless, academic freedom exists in non-unionized Universities as well as unionized ones. The denial of a teaching position to Professor Thorpe because he expressed opinions that the Administration did not like was an action which violated Professor Thorpe's academic freedom.

We believe, moreover, that it is not just the academic freedom of Professor Thorpe that has been violated. Whether consciously or unconsciously, in making of Professor Thorpe an example of what may happen to those who criticize, the senior Administration creates a climate of fear that inhibits the academic freedom of all faculty employees at Mount Allison University. Many of the people with whom we spoke expressed such concerns to us. This matter was first raised with Administration on March 10, 1998 at Joint Liaison Meeting 114. At that time, the "Association's representatives noted the danger of creating a 'climate of fear' if past criticisms and expressed

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opinions were used as criteria to rule out applicants for Continuing Education appointments” (p.2). The Administration made no response.

The situation with regard to the granting of Professor Emeritus status to Professor Thorpe is, we think, slightly different from the matter of his being banned from teaching. The criteria for granting the title are well-known, as is the process. The fundamental requirements for Emeritus status are attaining the rank of Full Professor and ten years or more of service at the university. Professor Thorpe had more than ten years service at the rank of Full Professor when he retired.. The collegial process depends on those years of service. There is in the Collective Agreement a clause on Collegial Rights, 10.01. It reads:

The Employer recognizes that employees have heretofore been involved in various collegial processes and the Employer will continue to utilize collegial processes where it deems it appropriate.

In reading portions of his letter on Professor Thorpe to Senate without providing Professor Thorpe an opportunity to rebut the charges and in addressing the Executive Committee of the Board of Regents without providing Professor Thorpe with a chance to answer the concerns which we believe were raised by Dr. Driedzic, Dr. Driedzic subverted the collegial process by which the title of Professor Emeritus is granted.

### ***9. FINAL THOUGHTS:***

There is little doubt in our minds that the central issue in the Thorpe case is one of academic freedom. Academic freedom, accepted in all secular Canadian Universities as essential to the creative life of the University includes, but is not confined to, the right of academics to criticize the running of the institution.

The Administration of Mount Allison University is a party to a Collective Agreement which emphasizes the importance of academic freedom yet members of the University senior Administration by their actions seemingly did not understand or could not accept the freedom to criticize it that such a concept provides for. Professor Thorpe exercised that right and we believe we have adduced evidence sufficient to demonstrate that he was punished for exercising that right. He was punished moreover **after** he had retired from the University.

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It could be argued that Professor Thorpe's criticisms were too polemical and abrasive, even ungentlemanly, though that is not our personal opinion. Vigorous, yes; offensive perhaps to some, **but certainly those criticisms were not beyond the freedom promised by the theory and practice of academic freedom in Canadian universities since the Second World War.** We have noted that the President of the University, Dr. Newbould, and others, especially the then Vice-President (Academic) Driedzic, responded negatively to criticisms offered up by Professor Thorpe. We believe that they had every right to say that they were offended; after all, they too have academic freedom. We believe however that the senior Administration and the Board of Regents in doing what they did to Professor Thorpe after he left the institution breached his academic freedom and offered a clear threat to the academic freedom of other faculty members.

At other institutions where situations similar to the Professor Thorpe case arise the Administration and Board, wisely in our view, accept the rough and tumble of healthy debate and accede to criticism where they think appropriate. It is our view that those who cannot tolerate the **practical implications** of academic freedom should seriously question whether they should be participating in university life in any capacity or at any level.



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### List of Appendices

- I. Letter from David Stewart, Vice-President (Administration), Mount Allison University to George DeBenedetti, President, Mount Allison Faculty Association dated September 13, 1999.
- II. Letter from Bernice Schrank, Member, CAUT Committee of Inquiry to Mr. Jim Keith, Chair, Board of Regents, Mount Allison University dated October 15, 1999.
- III. Letter from J.J. Keith, Chair, Board of Regents, Mount Allison University to Bernice Schrank, Member, CAUT Committee of Inquiry dated October 23, 1999.
- IV. Letter from JJ. Keith, Chair, Board of Regents, Mount Allison University to Bernice Schrank, Member, CAUT Committee of Inquiry dated December 29, 1999.
- V. Letter from Bernice Schrank, Member, CAUT Committee of Inquiry to Freya Kristjanson, Borden & Elliott dated November 29, 1999
- VI. Letter from Freya Kristjanson, Borden & Elliott to Bernice Schrank, Member, CAUT Committee of Inquiry dated December 23, 1999
- VII. Memorandum from Michael Thorpe, Dept. of English, Mount Allison University to Brian Ellard, Dean of Arts, Mount Allison University dated May 31, 1996
- VIII. Letter from Michael Thorpe, Department of English, Mount Allison University to Dr. I. Newbould, President, Mount Allison University dated April 13, 1995.
- IX. Letter from Dr. Ian Newbould, President, Mount Allison University to Professor Michael Thorpe, Department of English, Mount Allison University dated April 17, 1995.
- X. Letter from Michael Thorpe, Department of English, Mount Allison University to Dr. I. Newbould, President, Mount Allison University dated April 18, 1995.
- XI. Letter from Michael Thorpe (formerly Joseph Allison Professor of English) to Dr. R. Stanway, Secretary to the Senate, Mount Allison University dated 25 March 1998
- XII. Letter from R. Stanway, Secretary to the Senate, Mount Allison University to Professor M. Thorpe dated March 30, 1998
- XIII. Letter from William R. Driedzic, Vice-President, Academic and Research, Mount Allison University to Mr. Michael Thorpe dated April 7, 1998
- XIV. Letter from Michael Thorpe to Mr. J.J. Keith, Chair, Board of Governors, Mount Allison University dated April 13, 1998
- XV. Letter from Michael Thorpe to Dr. Driedzic dated April 21, 1998
- XVI. Letter from David Stewart, Director of Human Resources, Mount Allison University to Professor Michael Thorpe, Department of English, Mount Allison University dated February 9, 1994