

# Freedom of Expression and Inclusive Engagement – Academic Leadership Program

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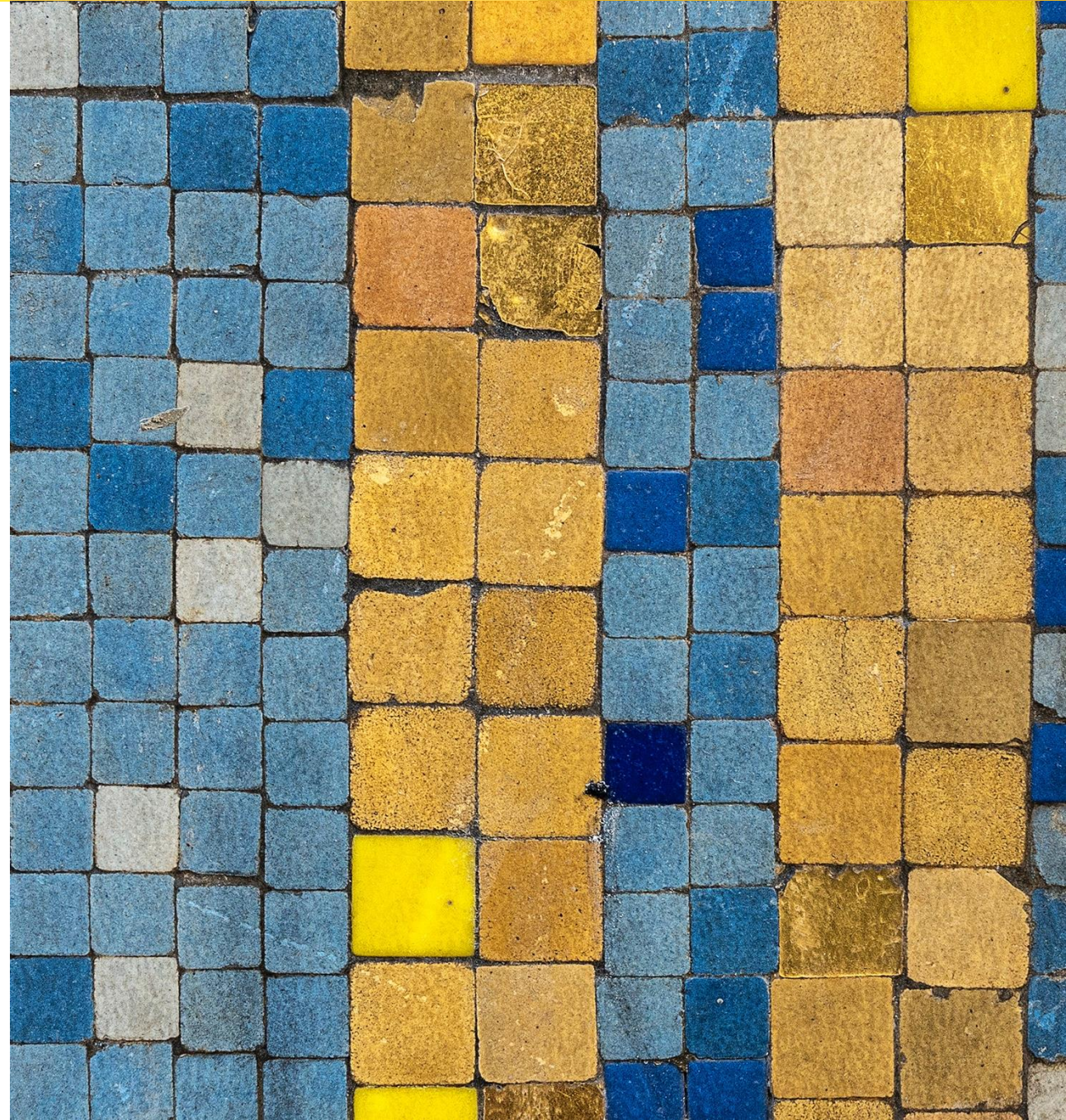
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# Action Plan



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# Thematic Clusters of Recommendations

(1) The  
University's  
Voice

(2) Policies  
and  
Guidelines

(3) Culture  
and  
Climate

# The University's Voice - Communications

- Statement on Institutional Neutrality, Institutional Restraint and Communications
- Statement on Institutional Neutrality, Institutional Restraint and Communications (Guidance for Executive Council members)
- Institutional Neutrality, Institutional Restraint and Communications - Guideline for Collective Bodies (Faculties, Units, ASUs) – Senate, Nov 2025

# Policies and Guidelines

## Policy revisions

We are in the process of revising specific policies related to freedom of expression:

- Policy 2 – Bulletin Board, Temporary Signs, and Notices (Class G Policy - Working Group created and is meeting)
- Policy 8 – Freedom of Expression (Class G Policy - Working Group created and is meeting)
- Policy 15 – Bookings – Use and Reservation of University Facilities for Activities Not Regularly Timetabled (Class G Policy - Draft completed, in consultation process)
- Policy 33 – Ethical Behaviour (ongoing)

## Policy Development

- Statement on rights and responsibilities for both the University and University-recognized student groups (addressed through P8)
- Policy (or guideline) on the use of University websites and social media in the context of intramural and extramural freedom of expression (addressed through P8)

# Culture and Climate

- **Governance Structure for Implementation Process**

- Executive sponsor: AVP, Faculty Planning and Policy
- Presidential Advisory Committee for Freedom of Expression and Inclusive Engagement
- Orientation of and alignment with Task Forces on a) Social Responsibility in Investing and b) Principles for Institutional Partnerships

- **Multi-year programming**

- Antagonism and Intimidation in Academia 2-year Speaker Series (2024, 2025)
- Antagonism and Intimidation in Academia - International Conference – June 2024
- Dialogue4Sharing Program – Conrad Grebel College
- THPER490 – Selected Seminars in Drama & Theatre Arts
- University Communications Requirements

# Freedom of Expression and Academic Freedom



1. Definitions
2. Use in Policies and Memorandum of Agreement

Freedom of expression and academic freedom are the two fundamental principles of university research and teaching that allow universities to play an important role in free and democratic societies.

# What is Academic Freedom?



**Definition:** Academic Freedom as defined in section 6 of the MOA is an employment right that belongs to members of the professoriate and, by extension, to students engaged in teaching and research activities.



**Purpose:** Academic Freedom allows for the free exchange of knowledge and ideas, the promotion of learning, and the pursuit of knowledge.



**Academic Freedom vs. Freedom of Expression:** There is a clear distinction between freedom of expression, which applies to all individuals under the Charter of Rights and Freedoms, and academic freedom, which applies to those university members with research or teaching functions that have expressive employment rights and responsibilities that go beyond freedom of expression.



**Responsibilities and Limits:** Academic freedom also imposes responsibilities on rights holders which help to define its limits and limits on freedom of expression in different contexts.





# Principles

- **Principle 7: Freedom of Expression and Academic Freedom**

The University recognizes a clear distinction between **freedom of expression**, which applies to all individuals under the Canadian Charter of Rights and Freedoms, and **academic freedom**, which applies to those members of the University Community who have expressive employment responsibilities as teachers and researchers that would grant them academic freedom.



# Academic Freedom in University Policies

- **Policy 33: Ethical Behaviour**

The policy directly states that it supports academic freedom for all members of the University and community.

Academic freedom carries with it the duty to use that freedom in a manner consistent with the scholarly obligation to base teaching and research on an honest and ethical quest for knowledge.

Academic freedom encompasses academic activities, including teaching and scholarship, as is articulated in the principles set out in the Memorandum of Agreement between the FAUW and the University of Waterloo, 1998 (Article 6).





# Academic Freedom in the MOA



- **Article 6: Academic Freedom**

Academic freedom encompasses the rights to investigate, speculate, comment, teach, and publish findings without adherence to prescribed doctrine.

It grants individuals the freedom to practice their professions as teachers, researchers, and scholars, engage in open discussion, be creative, and criticize the University and the Association.

Individuals with academic freedom have a responsibility to respect the academic freedom of others and to use it ethically in research and teaching.

No censorship shall be exercised or allowed against any material relevant to the pursuit of learning.



# Example of Intramural Speech and Academic Freedom

- Prof. James Newman is a member of the Department of History at Grand River University, where he teaches courses on British history and colonialism. At a retreat prior to the start of the fall term, the Chair announced that the Dean of Arts and Humanities was moving ahead with a plan to merge their department with two interdisciplinary programs: Social Justice Studies and Canadian Studies. Prof. Newman voiced his strong opposition, calling the decision "ignorant, autocratic, and proof that the Dean needed to be removed." The undergraduate student representative, who also minors in Social Justice Studies, wrote to the Chair, "I found Prof. Newman's comments to be disrespectful and hurtful." The Director of the Canadian Studies program wrote to the Dean, "Prof. Newman's unprofessional response denigrated our program and faculty." A week later, at the request of the Dean, the Chair prohibited Prof. Newman from attending future department meetings pending a Faculty investigation into the "disruptive events" at the retreat.

# Example of Extramural Speech and Academic Freedom

- Dr. Sarah Jenkins is Professor of Geography at Fairweather University, a publicly funded university in Edmonton, Alberta. Hours after the murder of Darrell Blondin, a far-right wing media commentator, Dr. Perkins posted the following message on her Bluesky account: "Murder is harsh. Mr. Blondin's death, though troubling, should not be a license to excuse the race-baiting, neo-Nazi ideology he normalized in US politics and among our Alberta political leaders. I guess Mr. Blondin now knows the meaning of FAFO." The following day, a reporter from the *National Post* quoted Dr. Perkins' post in an article that contained the subheading, "Professor Celebrates Death of Blondin, Calls Alberta Government neo-Nazi." The next day the University issued this statement: "Dr. Jenkins is on indefinite paid leave, the building where she works is closed until further notice, and an internal investigation is underway."

# What is Freedom of Expression?



Freedom of expression is a **constitutional right** that is guaranteed to every person under the Canadian Charter of Rights and Freedoms in that it protects any expressive activity that conveys or attempts to convey meaning, excepting violence or threats of violence.



Freedom of expression is integral for seeking and attaining the truth, for participation in social and political decision-making, and individual self-fulfillment.



Reasonable limits on free expression are permitted under section 1 of the Charter so long as they are demonstrably justified in a free and democratic society. Limits on free expression are established in the criminal law, including those relating to hate speech, harassment, perjury, fraud, sedition, and indecency.





# What is Freedom of Expression?

The common law establishes limits on **defamatory speech**.

Human rights laws include restrictions on discrimination, harassment, and sexual harassment and require public institutions to be proactive.

Many other laws include manner and form of restrictions limiting the location, time, duration, or mode of expression permitted in particular contexts, including, for example, municipal noise by-laws.



# What is Freedom of Expression?

Recognizing that the bar for what constitutes unlawful hate speech is high, it is important to point out that the assessment is not based on the emotional reactions of individual targets of speech but whether the speech in question rises to the level of exposing members of an identifiable group to hatred. The standard is speech likely to instill in third parties “**unusually strong and deep-felt emotions of detestation, calumny and vilification.**”

It is important to recognize, therefore, that under the law not all “hateful speech” rises to the level of unlawful hate speech. It is not the university’s role to act as arbiter on what is determined as hate speech; rather, the university relies on the Criminal Code, the Ontario Human Rights Code, or other relevant legislation (e.g., Occupational Health and Safety Amendment Act, 2009; Ontario Bill 168) that define legal limits to freedom of expression.





# Principles



- **Principle 5: Canadian Charter of Rights and Freedoms**

In accord with the Canadian Charter of Rights and Freedoms, the University is committed to freedom of expression.

- **Principle 6: Legal Limitations of Freedom of Expression**

Speech and other expression that (a) meet the legal threshold of hate speech, criminal harassment, or other relevant provisions under the Criminal Code; (b) constitute an offence under the Ontario Human Rights Code; or (c) are restricted by other relevant legislation (e.g., Occupational Health and Safety Amendment Act, 2009; Ontario Bill 168) are not permitted.



# Freedom of Expression in University Policy

## ▪ Policy 8: Freedom of Speech

All members and visitors respect other's right to engage in free speech on University property and at University events.

The University is fully committed to providing an environment within which members of the University and visitors are able to engage in free speech on University property and at University events without undue interference.

Policy 8 highlights the University's commitment to free speech by affirming the rights of all members and visitors to engage in free speech on university property and at university events without undue interference. It emphasizes respecting the rights of others to express their views openly and without censorship. It also provides definition of terms such as “free speech” speech”, and “undue interference”.

# Freedom of Expression in University Policy

- **Policy 33: Ethical Behaviour**

The policy highlights that in the academic setting, free debate **may involve discussing unpopular opinions or controversial topics**. It is essential to handle such material openly, respectfully, and sensitively.

Members of the University community must refrain from unduly disrupting the academic or work activities of others, whether on campus or during official off-campus University functions.

[Harassment is defined as engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome.]

# Freedom of Expression in the MOA

- **Article 7: Non-Discrimination**

The article affirms the right to equal treatment in employment without discrimination based on various factors, including age, ancestry, citizenship, gender, and more.





# CASE 1 – CALL FOR DONATIONS FOR EARTHQUAKE VICTIMS

A devastating earthquake resulting in deadly mudslides recently hit Senovia. The main earthquake was 8.9 and one of the aftershocks was 7.5, both are considered extreme disasters. Reports are that many have no access to food, water, or shelter—many people are currently living in cars. Now 72 hours after the quake, local authorities are reporting more than 23,000 casualties, with most of the population in the affected regions still under rubble. News channels and social media outlets have shown videos of Senovians hearing family members under the rubble, still alive and asking for help, but don't have the means to take them out safely. Low lying areas are flooded. All highways, airports, harbors, and essential infrastructure are destroyed, slowing down volunteers and equipment heading to the region. To make matters even worse, the Senovian government is accused in media reports of withholding aid or relief.

In response to the catastrophe, a group of students in the Faculty of Engineering, which has the highest percentage of international students from Senovia at Yorkdale University, have reached out to the Faculty's communications coordinator to request that the Associate Dean, Outreach lead a fundraising drive within the Faculty community and that the Dean write a letter to the Government of Canada calling for the immediate release of Canadian funds to support the UN-led Senovian Relief Response. The students demand that all Chairs/Directors sign this letter to support the Dean.



***Discussion question:*** *Based on the Statement on Institutional Neutrality, Institutional Restraint and Communications, how should the Dean/Chairs/Directors respond to the request of the students to publish a call for donations and to write to the Government of Canada to support the UN-led relief efforts?*

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