



TASK FORCE REPORT ON  
FREEDOM OF EXPRESSION AND  
INCLUSIVE ENGAGEMENT

June 9, 2024

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## 1. INTRODUCTION

Over the last six months, the Task Force on Freedom of Expression and Inclusive Engagement has operated with the mandate to review the University’s existing policies and guidelines related to freedom of expression. As part of the Task Force’s mandate, our work has focused on developing principles that will help ensure that the University maintains a campus environment that promotes a vibrant culture of intellectual exchange, open inquiry, free expression, and inclusive engagement. These principles are defined throughout the report, following the rationale that informed them.

On behalf of the Task Force, we want to thank the members of the University Community<sup>1</sup> for sharing their viewpoints with us. The feedback we received informs the Principles articulated below.<sup>2</sup> As co-chairs, we also want to thank members of the Task Force for the considerable time, attention, and work they devoted to the development of this report. It has been a privilege to work with such dedicated and thoughtful colleagues.

We look forward to future campus-wide conversations regarding freedom of expression and inclusive engagement and the development of an implementation plan that reflects the contents in this report.

*Submitted on behalf of all Task Force members:*

*Scott Kline*

*Christine McWebb*

*June 9, 2024*

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<sup>1</sup> “University Community” refers to University of Waterloo students, faculty, staff, administrators, and Board of Governors members as well as guests invited to the University by administrators, faculty, staff, University-recognized student organizations, or the Board.

<sup>2</sup> For an overview of the consultation process, see section 5.

## 2. THE UNIVERSITY OF WATERLOO MISSION

The University of Waterloo's mission (the "University" versus "universities" which refers to universities in general), as defined in the [University of Waterloo Act](#) (1972), is "to advance learning and knowledge through teaching, research, and scholarship, nationally and internationally, in an environment of free expression and inquiry." This mission is restated in the University's Strategic Plan 2020-2025 "[Connecting Imagination with Impact](#)" and most recently the [Waterloo at 100 Strategic Vision](#).

Freedom of expression is essential for knowledge creation and dissemination, for teaching and learning, for research, and for the pursuit of truth. To fulfill its core mission, the University as an institution exists as a support structure that fosters the expression of a diversity of viewpoints in a free and inclusive environment. The University's commitment to free expression requires it to reject censorship and refuse to inhibit ideas that may be perceived as unpopular, offensive, or controversial, within the bounds of the law.

At the same time, the University is obligated to exercise its duty of care for the University community and abide by the Human Rights Code to ensure that freedom of expression is supported.<sup>3</sup> Duty of care and freedom of expression are not mutually exclusive; rather, they complement each other in a vibrant academic setting where the University is committed to take all reasonable measures, outside of imposing censorship or otherwise inhibiting lawful speech, to ensure the safety, health, and well-being of its students, staff, and faculty.

The University of Waterloo is a public (and publicly assisted) institution of post-secondary education that operates with a model of collegial governance. At this time, it has an enrolment of 42,500 full- and part-time students and a faculty complement of 1,385 and 2,811 non-academic staff. While its core mission is to advance learning and knowledge through teaching, research, and scholarship, the University engages in other activities that support its core mission. This means that the University is not only an educational institution but also an institution that takes on numerous other important roles, including the following:

- It is an employer of more than 4,000 employees.
- It is a community of scholars, students, staff, and visitors.
- It is an owner of property.
- It is a meeting place and public forum.
- It is a provider of services, including health, campus wellness, career services, Indigenous relations, EDI-AR, Centre for Teaching Excellence, and many others.

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<sup>3</sup> In [Practical Law](#), duty of care is defined as "a duty recognized by law to take reasonable care to avoid conduct that poses an unreasonable risk of harm to others." This report recognizes that in a university context, duty of care can be used more broadly, see Recommendation #12.

- It is, for many students, not merely a school but a temporary home or place of residence.
- It is an investor of funds.
- It is a national and international research partner, an incubator of startup companies, and a member of local, provincial, national, and international organizations.

This diverse set of roles generates a complex variety of contexts under which members of the University Community exercise free expression and the University, as an institution, enacts measures, including positive action to support community members, so that all members of the University Community are free to express themselves on any matter.

#### Principle 1: Commitment to the University of Waterloo's Mission

In support of its mission, the University is committed to providing opportunities and forums to strengthen the University's sustainable and diverse communities and for members of the University Community to pursue learning and knowledge through teaching, research, and scholarship, nationally and internationally, in an environment of free expression, inquiry, and inclusive engagement.

#### Principle 2: Rejection of Censorship

The University's commitment to free expression requires it to reject censorship and refuse to inhibit ideas that may be perceived as unpopular, offensive, or controversial, within the bounds of the law.

#### Principle 3: Duty of Care

The University's obligation to exercise its duty of care for the University community is fundamental to fostering an environment of freedom of expression and inclusive engagement. Duty of care and freedom of expression are complementary to one another.

### 3. A FRAMEWORK FOR FREEDOM OF EXPRESSION AND INCLUSIVE ENGAGEMENT

The University of Waterloo’s mission and its various roles make it necessary to develop, articulate, and implement its [values](#) on many levels. Some of those values are related to its primary academic mission; some to its legal and human rights obligations as an employer and public institution, including adherence to [equity, diversity, inclusion, and anti-racism \(EDI-AR\)](#), and [reconciliation and decolonization](#); some to its strategic objectives as a research partner; and others still to its function as a provider of housing, various services, and venues for community events.

Sometimes these values are framed in opposition to, or as needing to be balanced against, freedom of expression. To the contrary, freedom of expression can strengthen diversity through a university’s commitment to all members of the community, including those who are marginalized, silenced, or historically excluded from full participation. The concept of “inclusive freedom” as developed by Sigal R. Ben-Porath, in her book *Free Speech on Campus* (2017), provides a helpful framework:

An inclusive freedom framework for speech on campus takes seriously the importance of a free and open exchange as a necessary precondition for and as a contributing condition to the development of civic and democratic capacities. It lends similar weight to the related demand that all members of the campus community be able to participate in this free and open exchange if it is to accomplish the goals of free inquiry, open-minded research and equal access to learning and to civic development.<sup>4</sup>

The principle of inclusive engagement, which the Task Force has adopted here, underscores that the right to free expression extends to all members of the community. “Inclusivity” reminds the university community that, in a world where power and privilege are not distributed equally, universities need to ensure that those from historically marginalized groups enjoy full protection of their rights and freedoms, including the expectation to speak and to be heard, and to learn in a climate free of prejudice. “Inclusivity” stands in contrast to concepts like “civility” or “respect,” which have all too often been used to silence or inhibit debate.<sup>5</sup> The principle of inclusive engagement places an onus on the university to undertake measures to enhance, rather than restrict, speech when members of the community are silenced or excluded from participating in dialogue and debate.

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<sup>4</sup> Sigal R. Ben-Porath, *Free Speech on Campus* (Philadelphia: University of Pennsylvania Press, 2017), 37. We define ‘inclusivity’ in the way that it is understood by Ben-Porath, as including all community members in enjoying full protection of their rights and freedoms.

<sup>5</sup> See Sarah Bray, David G. Embrick, and Johnny E. Williams, “[Civility for Whom?](#)” *Inside Higher Ed* (November 15, 2018); and Karen Grigsby Bates, “[When Civility Is Used as a Cudgel Against People of Color](#),” NPR (March 14, 2019).

#### Principle 4: Free Expression and Inclusive Engagement

The University values free expression and inclusive engagement as mutually reinforcing principles: to defend one is to defend the other.

### **Freedom of Expression and Academic Freedom**

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.

#### *Freedom of Expression: Scope and Legal Context*

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. In Canada, the Charter applies only to government. It is important to note that it remains an open question in the Canadian courts whether public universities are “government” institutions and thus subject to the Charter or, instead, private actors and thus outside the scope of the Charter. While the question remains open, Canadian universities have generally been operating with the strong presumption that public universities should operate as Charter-bound institutions, especially with regard to freedom of expression. This means that universities generally recognize a constitutional duty to uphold freedom of expression on their campuses.<sup>6</sup>

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. 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

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<sup>6</sup> A leading Supreme Court decision determined universities were not “government” for Charter purposes in the context of university-imposed mandatory retirement rules. See: *McKinney v. University of Guelph*, [1990] 3 S.C.R. 229. However, courts have determined that the Charter can apply to universities in the free expression context. See: *UAlberta Pro-Life v Governors of the University of Alberta*, 202 ABCA 1. Scholars have also argued that recent provincial regulatory and legislative initiatives have solidified free expression on campuses as being subject to the Charter. See: Emmett Macfarlane, “Beyond the Hate Speech Law Debate: A Charter Values Approach to Freedom of Expression,” *Review of Constitutional Studies*. (2022) 27(1): 145-68 at 163; Richard Moon, “[The Ontario Government Extends Constitutional Protections to University Encampments](#),” Centre for Free Expression Blog (May 21, 2024).

in potential human rights violations. 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. 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.”<sup>7</sup> 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.

#### 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.

#### Academic Freedom: Scope and Legal Context

Academic Freedom as defined in section 6 of the [FAUW/University Memorandum of Agreement \(MOA\)](#) is an employment right that belongs to members of the professoriate and, by extension, to students engaged in teaching and research activities. Academic Freedom allows for the free exchange of knowledge and ideas, the promotion of learning, and the pursuit of knowledge. 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. Academic freedom also imposes responsibilities on rights holders which help to define its limits and limits on freedom of expression in different contexts, as outlined below.

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<sup>7</sup> *Saskatchewan (Human Rights Commission) v. Whatcott*, 2013 SCC 11, [2013] 1 S.C.R. 467, at para. 87.



In 2011, [Universities Canada](#) adopted the following definition of academic freedom:

Academic freedom is the freedom to teach and conduct research in an academic environment. Academic freedom is fundamental to the mandate of universities to pursue truth, educate students, and disseminate knowledge and understanding.

In teaching, academic freedom is fundamental to the protection of the rights of the teacher to teach and of the student to learn. In research and scholarship, it is critical to advancing knowledge. Academic freedom includes the right to freely communicate knowledge and the results of research and scholarship.

Unlike the broader concept of freedom of speech, academic freedom must be based on institutional integrity, rigorous standards for enquiry and institutional autonomy, which allows universities to set their research and educational priorities.

Academic freedom is, according to the [Universities Canada](#) definition, not only a right but also a responsibility:

Evidence and truth are the guiding principles for universities and the community of scholars that make up their faculty and students. Thus, academic freedom must be based on reasoned discourse, rigorous extensive research and scholarship, and peer review.

Academic freedom is constrained by the professional standards of the relevant discipline and the responsibility of the institution to organize its academic mission. The insistence on professional standards speaks to the rigor of the enquiry and not to its outcome.

The constraint of institutional requirements recognizes simply that the academic mission, like other work, has to be organized according to institutional needs. This includes the institution's responsibility to select and appoint faculty and staff, to admit and discipline students, to establish and control curriculum, to make organizational arrangements for the conduct of academic work, to certify completion of a program and to grant degrees.

The [Canadian Association of University Teachers](#) developed a policy statement on academic freedom in 1977, last revised in 2019, as follows:

Post-secondary educational institutions serve the common good of society through searching for, and disseminating, knowledge and understanding and through fostering independent thinking and expression in academic staff and students. Robust democracies require no less. These ends cannot be achieved without academic freedom.

Academic freedom includes the right, without restriction by prescribed doctrine, to freedom to teach and discuss; freedom to carry out research and disseminate and publish the results thereof; freedom to produce and perform creative works; freedom to engage in service to the institution and the community; freedom to express one's opinion about the institution, its administration, and the system in which one works; freedom to acquire, preserve, and provide access to documentary material in all formats; and freedom to participate in professional and representative academic bodies. Academic freedom always entails freedom from institutional censorship.

Academic freedom does not require neutrality on the part of the individual. Academic freedom makes intellectual discourse, critique, and commitment possible. All academic staff must have the right to fulfil their functions without reprisal or repression by the institution, the state, or any other source. Contracts which are silent on the matter of academic freedom do not entitle the employer to breach or threaten in any way the academic freedom of academic staff employed under such collective agreements or other employment contracts.

All academic staff have the right to freedom of thought, conscience, religion, expression, assembly, and association and the right to liberty and security of the person and freedom of movement. Academic staff must not be hindered or impeded in exercising their civil rights as individuals including the right to contribute to social change through free expression of opinion on matters of public interest. Academic staff must not suffer any institutional penalties because of the exercise of such rights.

Academic freedom requires that academic staff play a major role in the governance of the institution. Academic staff members shall constitute at least a majority on committees or collegial governing bodies responsible for academic matters including but not limited to curriculum, assessment procedures and standards, appointment, tenure, and promotion.

Academic freedom must not be confused with institutional autonomy. Post-secondary institutions are autonomous to the extent that they can set policies independent of outside influence. That very autonomy can protect academic freedom from a hostile external environment, but it can also facilitate an internal assault on academic freedom. Academic freedom is a right of members of the academic staff, not of the institution. The employer shall not abridge academic freedom on any grounds, including claims of institutional autonomy.

Defined in this way, academic freedom means that those university members with research or teaching functions have expressive employment rights and responsibilities that go beyond freedom of expression.<sup>8</sup>

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<sup>8</sup> It is worth noting that academic freedom is internationally recognized in the United Nations Educational and Scientific and Cultural Organization (UNESCO) document "[Recommendation Concerning the Status of Higher-Education Teaching Personnel](#)," (Nov. 1997).

### 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.

## **The Principles of Institutional Autonomy, Neutrality, Impartiality, and Restraint**

### *Institutional Autonomy*

As outlined above, freedom of expression and academic freedom are freedoms enjoyed solely by the individual; that is, they are not institutional rights or freedoms. The university as an institution serves as a support structure to vigorously serve, protect, and enhance the free expression rights and academic freedom of its *individual members*. The university, in turn, enjoys institutional autonomy, which ensures that universities are “free to pursue their own mission based on the oversight of their governance bodies to meet university community needs and local needs,” as stated in Universities Canada’s [Institutional Autonomy: Principles](#). The University of Waterloo operates on a Canadian bicameral model that includes a Senate, which oversees all academic matters, and a Board of Governors, which has fiduciary responsibility related to financial and operational matters.<sup>9</sup> As a collegially governed institution, the faculty—both individually and collectively (e.g., through the Faculty Association)—play a distinct role in governance relative to other members of the University Community.

Institutional autonomy places the onus on the university to fulfill its academic mission and execute its obligations as a public institution and an employer, as well as in its other roles as a university. This means that the university must take actions, make decisions, and use its institutional voice to lobby, promote, and effect its own activities, policies, and legal duties. These can range from lobbying government in pursuit of laws and policies that benefit or advance the academic mission or the financial health of universities, to furthering or promoting institutional values that pertain directly to its core mission or the institution’s legal obligations, or to governance decisions that relate to employer responsibilities or investment decisions relating to its endowment funds.

### Principle 8: Institutional Autonomy

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<sup>9</sup> Specific powers of both the Senate and the Board of Governors are defined in the [University of Waterloo Act](#), 1972.

The University relies on institutional autonomy in its mandate to fulfill its academic mission and execute its obligations as a public institution and an employer, as well as in its other roles as a university. This means that the university must take actions, make decisions, and use its institutional voice to lobby, promote, and effect its own activities, policies, and legal duties.

### *Institutional Neutrality*

Institutional neutrality refers to the principle that university presidents, senior administrators, and authorized spokespersons should refrain from making statements, on behalf of the university, on political, social, or moral issues out of concern that such statements politicize the university and constrain academic freedom and the freedom of expression.<sup>10</sup> The University of Chicago's Kalven Committee, in its "[Report on the University's Role in Political and Social Action, 1967](#)," proclaims that "a university must sustain an extraordinary environment of freedom of inquiry and maintain an independence from political fashions, passions, and pressures." It further states that in fulfilling this mission, the university "must embrace, be hospitable to, and encourage the widest diversity of views within its own community." On these grounds, the Kalven Committee developed a principled approach to institutional neutrality. The Committee justified this principle of neutrality not only by emphasizing the university's overarching commitment to free inquiry but also by highlighting the adverse effects, which would include silencing dissent and minority voices, that would arise if a university were to take an institutional stand on social, political, and moral matters. The Committee writes:

Since the university is a community only for these limited and distinctive purposes [of teaching and research], it is a community which cannot take collective action on the issues of the day without endangering the conditions for its existence and effectiveness. There is no mechanism by which it can reach a collective position without inhibiting that full freedom of dissent on which it thrives. It cannot insist that all of its members favor a given view of social policy; if it takes collective action, therefore, it does so at the price of censoring any minority who do not agree with the view adopted. In brief, it is a community which cannot resort to majority vote to reach positions on public issues.

The neutrality of the university as an institution arises then not from a lack of courage nor out of indifference and insensitivity. It arises out of respect for free inquiry and the obligation to cherish a diversity of viewpoints. And this neutrality as an institution has its complement in the fullest freedom for its faculty and students as individuals to participate in political action and social protest. It finds its complement, too, in the obligation of the university to provide a forum for the most searching and candid discussion of public issues.

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<sup>10</sup> Len Gutkin, "What is Institutional Neutrality, Anyway?" *The Chronicle of Higher Education*. (October 30, 2023).

In sum, the Kalven Committee concludes that a university must adhere to a principle of institutional neutrality to prevent constraints being imposed on the free expression and academic freedom of its members, including those members who hold dissenting voices, those who hold minority views, and those who might otherwise be silenced in society.

To be clear, the purpose of institutional neutrality is not to signal the university's indifference to the well-being of members of its community, or a lack of courage in refusing to engage on matters of social or political concern. Rather, the purpose of institutional neutrality is to recognize that the advancement of debate, criticism, and agitation for social and political change is the domain of individual members of the university community and not that of the institution.

#### Principle 9: Institutional Neutrality

The University adopts the principle of institutional neutrality. This means that the University's president, provost, other senior administrators, deans, and authorized spokespersons should refrain from making statements on social, political, or moral issues, on behalf of the University, out of concern that such statements politicize the University and constrain the academic freedom and the freedom of expression of individuals in the University Community.

#### *Institutional Neutrality in Relation to the Principles of Impartiality and Restraint*

In addition to institutional neutrality as a principle in and of itself, it is often defined in relation to institutional impartiality and institutional restraint. The need to further distinguish between neutrality, impartiality, and restraint is born out of the common mischaracterization of neutrality as implying that a university should shun values.<sup>11</sup> This mischaracterization asserts that universities must remain neutral on all matters, including operational decisions related to their core mission that have social, political, and moral relevance. However, all universities appeal to their values to animate their commitments to free expression, academic freedom, and the distinct role that universities have in democratic society as forums for social, political, and moral change led by faculty and students. Other values, such as equity, diversity, and inclusion, when they are part of a campus culture that prioritizes freedom of expression and academic freedom, can enhance a university's efforts to ensure that all members of the university community are free to express themselves on any issue.

Based in part on the belief that institutional neutrality means a lack of values, some universities, most notably [Princeton University](#), have adopted the principle of institutional restraint, which assumes that the university operates with many values but refrains from making public comments out of respect for freedom of expression. While much has been made of the difference between

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<sup>11</sup> See, for example, Michael Vasquez, "Is Institutional Neutrality Catching On?" *Chronicle of Higher Education* (Feb. 8, 2024).

the University of Chicago’s principle of institutional neutrality and Princeton’s principle of institutional restraint,<sup>12</sup> the Task Force does not see a fundamental disconnect between the two. Instead, the Task Force understands institutional neutrality as a principled position of impartiality that relies on a complementary principle of institutional restraint as the university carries out its core mission and engages in activities related to its many functions as a public university. As a result, such an understanding means that nothing about the principle of institutional neutrality prevents the university from making decisions required of it in relation to either its core academic mission or its various operational responsibilities, including those as an employer and public institution.

It is important to recognize that many decisions the university necessarily makes—ranging from an advocacy role the university plays in post-secondary education, to the promotion of values related to its human rights obligations and duty of care, to investment decisions—are inherently political. While these decisions can be interpreted as having a symbolic expressive effect, the principle of institutional neutrality is not violated by the need for the university to make decisions in matters directly related to its core mission, governance, operations, or functioning as a public institution. In these matters, the principle of institutional neutrality serves as a critical tool in ensuring that university decisions protect, to the greatest extent possible, a climate of freedom of expression and inclusive engagement.

The principle of institutional neutrality does not mean that the university should adopt a posture of false obliviousness to local, national, or world events that may have an impact on members of the community. While the principles of impartiality and institutional restraint underlying institutional neutrality predispose the university as an institution to refrain from making substantive statements to endorse, criticize, condemn, or prescribe on matters unrelated to its core mission, governance, and operations, they do not inhibit the publicizing of institutional supports and services for its members, such as those relating to health or counselling, campus wellness services, to EDI-AR or Indigenous relations, or the creation of new forums for discussion and debate.

#### Principle 10: Institutional Neutrality in Relation to Institutional Impartiality and Restraint

As an institution, the University remains neutral out of respect for free inquiry and its commitment to be a forum where all members of the University Community can freely debate diverse views without undue interference from the University. The University understands institutional impartiality and institutional restraint as underlying principles of institutional neutrality, and not as distinct and separate approaches.

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<sup>12</sup> See, for example, Michael T. Nietzel, “[The Kalven Report and the Limits of University Neutrality](#),” *Forbes* (Dec. 26, 2023).

## **Limitations on Freedom of Expression**

The university's core academic mission and its other institutional roles, coupled with the principles of academic freedom, institutional autonomy, and institutional neutrality, offer a framework by which to assess the limits of the core principle of freedom of expression within a variety of contexts.

### *Expression in the Classroom*

Those teaching courses are bound by requirements determined by disciplinary or programmatic expectations, including those reflected in the academic calendar, as well as collegially developed policies on grading and relevant university procedures, such as student appeals processes. Thus, a faculty member teaching an astronomy course could not rely on academic freedom to justify teaching nothing but astrology. Yet, within these constraints, course instructors are ensured broad latitude to teach content how they see fit, with respect to both their teaching methods and the topics, cases, content, concepts, framing, and language they use. The course instructor enjoys authority to stipulate how the class operates, including who can speak and when. As a result, and as a necessary corollary to the learning process, the free expression of students is validly limited in the classroom context and constrained further by evaluative expectations about the quality of their in-class interventions.

#### Principle 11: Expression in the Classroom

Expression in the classroom is limited by the instructor's exercise of academic freedom. Beyond ensuring that the courses are taught in a manner consistent with disciplinary norms, programmatic expectations, and established University policies, course instructors have the right to teach how they see fit, including as it relates to their own expression in the classroom. Students' exercise of free expression in the classroom is validly limited by the pedagogical expectations and classroom management decisions of the instructor.

### *Expression in Research, Scholarship, and Creative Work*

Academic freedom provides the widest possible ambit to pursue research, scholarship, or creative work that includes decisions about which topics or issues to explore, what modes of inquiry to pursue, how to frame one's inquiry, and how to disseminate findings. Limits on these freedoms are those that are consonant with the demands of scholarly rigor. For example, the university, faculties, and units have collegially governed tenure and promotion processes to evaluate research performance. Similarly, the freedom to publish in scholarly forums is traditionally governed by the demands of the peer review process. These "limitations" on the research and dissemination practices of scholars are consistent with the underlying rationale of academic

freedom, which underscores academic and disciplinary approaches to the advancement of knowledge.

Principle 12: Expression in Research, Scholarship, and Creative Work

The pursuit of research, scholarship, or creative work exists within the exercise of academic freedom.

*Intramural Expression*

Academic freedom protects the right of faculty to criticize university policy and governance (intramural speech), subject only to legal limits, such as the law of defamation. The protections afforded to such intramural speech are unique relative to most employment professions and emanate, in part, from the faculty-led collegial nature of university governance. Although students and non-academic staff within the campus community generally do not enjoy academic freedom, a healthy working environment ensures that students and staff can voice their views and concerns with respect to policy and governance matters. By contrast, during the periods when a faculty member fills a senior administrative role, that individual relinquishes (to some extent) their academic freedom, including their freedom to engage in critical intramural speech in public settings.

Principle 13: Intramural Expression

Intramural expression is protected by academic freedom and can be limited only when a faculty member fills a senior administrative role, upon which academic freedom is relinquished as a consequence of occupying this role. Students and non-academic staff contribute their voices as an exercise of their freedom of expression.

*Extramural and Public Expression*

Academic freedom also pertains to extramural faculty expression, “made in relation to matters of public interest or concern, whether or not it is related to their area of scholarly expertise.”<sup>13</sup> The university may not sanction faculty for lawful extramural speech, regardless of whether that speech relates to their area of expertise, and no matter how controversial or offensive the speech in question. The one area where the extramural speech of a faculty member might warrant university investigation and sanction is where a faculty member engages in demonstrably fraudulent claims under the cover of their university position or expertise. Fraudulent claims can only apply to questions of fact, not moral, social, or political concern. For example, a faculty member who leverages their expertise or credentials in medicine or public health to make

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<sup>13</sup> James L. Turk, “Academic Freedom in Canada: Its Origins, Components, and Limits,” *Canadian Labour and Employment Law Journal* (2023) 25(1): 25-72, at 54.



demonstrably false claims about the benefits of refusing established medical treatments might be subject to institutional sanction.

This protection is effectively jurisdictional: faculty are not to be punished or silenced for their adherence to any ideological perspective or for holding lawful views on any subject expressed “outside the walls of the university.” It is not the role of the university to operate as censor or judge, in the face of internal or external pressure, to determine whether a faculty member's extramural speech is “acceptable” or not. The freedom of extramural speech for faculty, in general, can only be limited by the law rather than the discretion of university administrators. This protection extends to all forms of extramural expression (public speaking, media interviews or op-eds, social media, personal websites, etc.).<sup>14</sup>

Given the underlying purposes of this protection, it does not matter whether the faculty member is speaking as a private citizen or speaking publicly as a professor or expert; the protection is to ensure that, regardless of their expressed views – whether it pertains to their professional work or not – they remain free to teach, research, and engage in scholarship.

There are no grounds for institutional punishment for public speech by a student or a non-academic staff member that does not violate the law or university policy. In this regard, students and non-academic staff members are afforded the same rights and freedoms as citizens under the Charter.

Finally, those in senior administrative roles must be sure not to speak on behalf of the university on extramural matters lest they violate the principle of institutional neutrality. It is also worth noting that some senior administrators do not cease to be active researchers and scholars, and in that respect, they continue to enjoy academic freedom to speak to the media or share knowledge within their area of expertise but may have role-related reasons for exercising greater restraint while they are in their administrative position.

#### Principle 14: Extramural and Public Expression - Faculty

The University may not sanction faculty for lawful extramural speech, regardless of whether that speech relates to their area of expertise, and no matter how controversial or offensive the speech in question. The only example of a faculty member’s extramural speech that might warrant

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<sup>14</sup> The relationship between academic freedom and freedom of expression in the context of extramural speech is described in the 1977 Webber case, in which Memorial University decided not to renew an individual’s probationary teaching contract on the basis that she was active in the Marxist-Leninist Party of Canada. David Robinson, “[Speak Up – On the Importance of Extramural Academic Freedom.](#)” CAUT. (February 2024).

University investigation and sanction would be a faculty member who engages in demonstrably fraudulent claims under the cover of their university position or expertise.

Principle 15: Extramural and Public Expression – Students

While students do generally not enjoy academic freedom, there are no grounds for institutional punishment for extramural speech that does not violate the law or University policy.

Principle 16: Extramural and Public Expression – Non-Academic Staff

While non-academic staff do not enjoy academic freedom, there are no grounds for institutional punishment for extramural speech that does not violate the law or University policy.

Principle 17: Extramural and Public Expression – Senior Administrators

Senior administrators' right of free expression and academic freedom is limited through the principle of institutional neutrality.

*Campus Safety*

Universities have legal obligations to ensure the physical safety of everyone on their campuses. Safety fosters an environment of free expression in which members of the university community are free to pursue knowledge, engage in debate, and challenge the status quo without fear of physical harm. Safety may, also, serve to limit expression that would unduly disrupt the ordinary activities of the university community or impinge upon the physical safety of its members. In recognition of the dual responsibilities universities have to provide a safe campus and a campus that fosters free expression, universities must pursue safety with measures that are (a) in response to specific safety concerns, (b) applied narrowly, and (c) sensitive to the particular settings, such as a classroom, residence, or public spaces. Because safety is so linked with freedom of expression, universities would be well advised to ensure that campus safety becomes part of a collegial, shared governance framework.

Freedom of expression may result in individuals stating that they feel “unsafe” because they consider someone’s views disagreeable, harmful, hurtful, or offensive—a concept sometimes referred to as “intellectual safety.” If universities were to restrict lawful expression on the grounds of subjective “intellectual safety,” that would constitute an undue interference and an untenable limitation on freedom of expression. Instead of restricting lawful expression, universities should develop and support a wide range of initiatives that encourage members of the university community to respond to distressful legal expression with an educational, intellectual, and dialogical approach that raises understanding and consideration of diverse

viewpoints. With this approach, universities can provide their communities with access to resources and services that promote dialogue, well-being, resiliency, diversity, peaceful conflict resolution, and other values that are indicative of a healthy university community.

Principle 18: Campus Safety

The University must pursue campus safety in a manner consistent with the University's commitment to free expression and inclusive engagement.

Principle 19: Supporting Initiatives that Foster Dialogue and Diversity of Viewpoints

The University commits to the development and support of a wide range of initiatives that encourage members to respond to distressful lawful expression with an educational, intellectual, and dialogical approach that raises understanding and consideration of diverse viewpoints.

*Protest and Forms of Protest*

All members of the university community have the freedom to pursue knowledge, engage in debate, assemble, peacefully protest, and participate in expressive activity on campus in accordance with the law and university policies.

With respect to the occupation of an area of campus that does not generally disrupt campus operations or the freedom of movement of others (e.g., sit ins, teach ins, occupations, encampments), the university owes a duty of restraint in permitting ongoing peaceful assembly, even if protesters are technically trespassing or in violation of various university policies. This duty of restraint does not mean that protesters have a right to endlessly occupy what is meant to be shared space—there is thus a temporal dimension to potential limits on protest. Moreover, while this duty of restraint is intended to maximize freedom of expression consistent with constitutional rights and freedoms, it does not supersede the university's requirements to meet statutory obligations, including those related to noise, light, public health, and physical safety.

The university should weigh its duty of restraint against the degree of disruption caused, physical safety, and the nature of the location occupied. Dialogue should be the principle that guides any resolution. Attempts to enforce the removal of protesters, through injunctions or by requesting police action, should be considered only as a last resort, and only under conditions where the disruption to campus has become untenable or where there are specific reasons to believe the physical safety of the protesters, or the community can no longer be assured.

In the context of protests on university property, the university has the authority and right to ensure that its core functions—teaching, research, and related activities—remain free from undue interference, though a degree of disruption is inevitable when peaceful protest occurs. Further, members of the campus community have the right to general freedom of movement, and the university owes a duty of restraint in allowing peaceful protest on campus. This includes the taking up of space, the right to exhibit signs safely, to shout slogans, and to march. The right of counter-protest is equally protected, so long as it meets the above conditions.

#### Principle 20: Freedom to Debate, Assemble, and Peacefully Protest

All members of the University Community have the freedom to pursue knowledge, engage in debate, assemble, peacefully protest, and participate in expressive activity on campus in accordance with the law and University policy.

#### Principle 21: Peaceful Assembly, the Duty of Restraint, and the Limits of Peaceful Assembly

The University owes a duty of restraint in permitting ongoing peaceful assembly, even if protesters are technically trespassing and in violation of various University policies. While some degree of disruption is to be expected from peaceful assembly, and in light of the University's duty of restraint, this form of expression must not hinder the University's right to ensure that its core functions—teaching, research, and related activities—remain free from undue interference. Nor must this form of expression prevent the University from meeting its statutory obligations.

#### Partnerships and Investments

The Task Force recognizes that many universities around the globe are currently under pressure to review their principles, policies, and practices regarding partnerships and investments. The recent events in the Middle East have added a sense of urgency and a heightened sense of scrutiny for university leaders and Board members who maintain fiduciary responsibility for their universities. In response to this pressure, universities are drawing on a history of institutional review dating back to the Vietnam conflict in the late 1960s and early 1970s, the anti-apartheid movement in South Africa in the 1980s, and calls for divesting from fossil fuels over the past decade. In each of these cases, student protests drove calls for boycotts and divestment.

For the past half-century, universities have adopted different approaches to partnerships and investments. For example, many universities continue to refrain from using partnerships or investments to advance social, political, or moral positions based on the principle of institutional neutrality.<sup>15</sup> From this perspective, boycotts and divestments, which are intended to make social,

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<sup>15</sup> See, for example, Alecia Taylor, "[Students Are Voting to Support Boycotts of Israel. How Are Colleges Responding?](#)" *Chronicle of Higher Education* (April 5, 2024).

political, or moral statements, diminish the university's distinctive role in providing a forum and an environment for free expression. The concern is that such actions limit the ability of faculty and students to engage freely and openly on the widest range of issues. It is also a concern that decisions to sever partnerships have the potential to violate academic freedom of university members as they may implicate ongoing research or scholarship activities. Other universities, including many who operate with the principle of institutional neutrality, contend that partnerships and investments are operational matters; and because they are operational, it is within purview of the university to consider social, political, and moral factors in forming partnerships and as part of their investment strategies.

It is the Task Force's view that partnerships and investment decisions are operational matters that fall under the principle of institutional autonomy. In other words, a university maintains the right to manage partnerships and invest funds in accordance with its mission, values, and policies, which may include social, political, and moral concerns. In taking this perspective, however, universities should exercise considerable restraint given that these decisions may raise critical questions about a university's commitment to institutional neutrality as a foundational principle of free expression. The University of Chicago's "[Report on the University's Role in Political and Social Action, 1967](#)" (the Kalven Committee) recognized that there may arise truly exceptional instances in which the corporate activities of the university, such as those involving the university as an owner of property, a receiver of funds, and a member in organizations, compel it to consider its activities in light of social, political, and moral concerns. The Kalven Committee emphasized that it would be only in exceptional instances where university activities are "incompatible with paramount social values" that it would undertake a review. Otherwise, the Committee writes, "[t]hese extraordinary instances apart, there emerges, as we see it, a heavy presumption against the university taking collective action or expressing opinions on the political and social issues of the day, or modifying its corporate activities to foster social or political values, however compelling and appealing they may be."

With regard to partnerships, then, it would not unduly impinge upon the principle of institutional neutrality, if a university were to adopt the standard that it would partner only with academic institutions, government agencies, private entities, or other such bodies that do not diminish or stand in opposition to the university's mission and values (e.g., institutional autonomy, freedom of expression, and academic freedom).

With regard to investments, it is important to note that, in June 2020, 15 Canadian universities, including the University of Waterloo, signed on to "Investing to Address Climate Change: A Charter for Canadian University." The charter is based on a responsible investment strategy that takes into account a broad set of environmental, social, and governance (ESG) factors.<sup>16</sup> The ESG approach enables the university to consider a wide range of factors that have become part of

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<sup>16</sup> See, for example, Sharon Aschaiek, "[Universities Leveraging Shareholder Power to Promote Climate Action](#)," *University Affairs* (May 10, 2021).

responsible investing. The distinction between single-issue investment or divestment and a broader ESG framework, or a similar approach, is an important one for universities to make. While single-issue investment or divestment decisions might unduly diminish the university's role as a forum for free expression, an ESG approach would not violate the principle of institutional neutrality, given that multiple and changing factors are considered in the investment management process and the investment decisions are made by arm's length investment managers based on ESG informed criteria. In effect, universities adopting an ESG investing framework are both acknowledging the shareholder value associated with responsible investing and exercising institutional restraint with a broader ESG informed investment approach.

#### Principle 22: Partnerships Rooted in the University's Mission and Principled Commitments

As part of its operational responsibilities, the University should establish partnerships with academic institutions, government agencies, private entities, or other bodies based on the principle that the relationship must not diminish or stand in opposition to the University's mission or its commitment to institutional autonomy, freedom of expression, or academic freedom.

#### Principle 23: Responsible Investing

Responsible investing is an integral part of the University's fiduciary duty to act reasonably and prudently. It is not a violation of institutional neutrality, but rather an exercise in institutional restraint, for the University to adhere to a broader environmental, social, and governance (ESG) or similar investing framework. And as part of the University's responsible investment framework, the University should promote transparency by publicly disclosing its holdings and annually reporting on its ESG targets and progress.

#### Speaking Events

Speaking events and guest speakers are a normal and healthy aspect of campus life and contribute to the intellectual vibrancy of campus. Freedom of expression endows these events with fundamental protections, not only for the right of the speaker but also for the right of those who wish to listen. The university is obligated to allow lawful expression in the context of invited speakers and must not place restrictions on who is entitled to speak or on what topic. Moreover, given the strong presumption that publicly assisted universities in Canada are Charter-bound institutions, universities must adhere to legal obligations regarding access to space. In some cases, the university may authorize third parties to rent space for conferences, lectures, and other events where expression might be controversial. For this reason, among others, universities should have clear policies and agreements in place that articulate terms and conditions related to the use and rent of space for an event.

While members of the community have the right to protest speakers or views with which they disagree, attempts to shut down or seriously disrupt speaking events is not permitted. It is the university's duty to provide those who raise concerns with the support they need while also protecting the free expression of both the speaker and those with the right to listen. As part of its role as a support structure for free debate and discussion, the university supports members of its community to host counterprogramming under the same guidelines.

Principle 24: Speaking Events

The University is obligated to allow lawful expression in the context of invited speakers and events organized by University members as well as by authorized third parties on the University campus. The University must not place restrictions on who is entitled to speak or on what topic beyond those restrictions recognized in law.

#### 4. RECOMMENDATIONS

Much of the Task Force's (TF) work focused on developing general principles that could guide the University as it carries out its mission "to advance learning and knowledge through teaching, research, and scholarship, nationally and internationally, in an environment of free expression and inquiry." Principles are typically broad, abstract, enduring, and universally applicable. Collectively, they provide a framework for individuals and groups to make decisions based on a common set of values and guidelines. Principles also provide institutions with a set of norms and standards that foster consistent action and serve as the foundation for critical reflection on an institution's actions. In this report, principles such as free inquiry, institutional neutrality, institutional restraint, and inclusive engagement are highlighted as essential elements of a campus culture that embraces freedom of expression and academic freedom as integral to the pursuit of the University's core mission.

It is beyond the scope of this TF to develop specific, practical action plans. That important work will need to be carried out by the University Community in the days, months, and years to come. To help initiate this work, the TF is recommending a set of specific actions related to the principles cited above. These recommendations stem from the TF's direct engagement with various policies, procedures, and practices it encountered during the course of its deliberations. As a result, this list is neither exhaustive nor complete. Members of the TF see these recommendations as practical steps that the University Community should consider as it engages in a dialogical process of renewing a collective commitment to freedom of expression and inclusive engagement.

For the sake of clarity, the recommendations are grouped in three general areas: (1) the University's Voice, (2) Policies and Guidelines, and (3) Culture and Climate.

##### The University's Voice

1. Develop a statement (or policy), based on the principle of institutional neutrality, that (a) clarifies the reasons why it is important the president, provost, other senior administrators, deans, and authorized spokespersons avoid speaking and taking positions on social, political, or moral matters on behalf of the University; and (b) articulates the conditions that would warrant the president, speaking on behalf of the University, addressing social, political, or moral matters.
2. Develop a statement (or policy) that defines the authority of a University body to take a collective public position on social, political, or moral matters. This would include, for example, the Board of Governors, Senate, Faculties, departments, schools, and academic support units. The TF is aware that there will be disagreements on the extent to which these social, political, or moral matters are directly related to the University's core mission and its various functions. However, the presumption should be, based on the principle of



institutional neutrality, that collective bodies within the University should exercise restraint and refrain from taking a position out of the reasonable concern that any such stated position would create a chilling effect and thus limit freedom of expression and academic freedom. The TF is also aware that some schools, departments, and institutes that work closely with professional organizations, such as those in the fields of public health, social work, or some fields within psychology, often undertake joint research and creative activity in the form of policy reports, white papers, and professional standards reports. This work does not violate the principle of institutional neutrality as long as this work fits within the body's academic or professional domain. To the greatest extent possible, those bodies in this situation should clarify that the position or positions expressed belong to the body and not to the University.

3. Develop a statement (or policy) on University communications consistent with the principles of freedom of expression, academic freedom and institutional restraint that ensures University communications do not inhibit or have a chilling effect on the free expression of members of the University community.

#### Policies and Guidelines

4. Revise *Policy 2 – Bulletin Board, Temporary Signs, and Notices* to ensure that the widest range of free expression is recognized in policy and to clarify the limits of that expression beyond an arbitrary and vague standard of “objectionable.”
5. Revise *Policy 8 – Freedom of Speech* to ensure that the principles of freedom of expression and inclusive engagement articulated in this report are guiding the government-mandated University policy on free speech. This report might usefully be published as a guideline in connection with Policy 8 in the interim.
6. Revise *Policy 15 – Bookings – Use and Reservation of University Facilities for Activities Not Regularly Timetabled* to ensure that it is consistent with Charter protections regarding freedom of expression and the principles in this report. Additionally, all agreements (e.g., rental agreements) between the University and users of University space (e.g., renters) must include clear terms regarding respective responsibilities and duties related to, for example, crowd management, security, and other contingencies related to freedom of expression.
7. Revise *Policy 33 – Ethical Behaviour* on the following grounds:
  - to clarify that academic freedom is a right afforded to individual faculty members *and* to those students engaged in a professional teaching and research capacity;
  - to revise the definition of “poisoned environment,” which would include removing references to subjective terms such as “offensive” in favour of the definition provided by the [Ontario Human Rights Commission](#); and

- to recognize the principles of freedom of expression and inclusive engagement throughout.
8. Revise *Policy 34 – Health, Safety, and Environment* to ensure that principles of freedom of expression and inclusive engagement are recognized in the University’s duties and obligations to provide a campus that is safe for all members of the University Community and visitors. As part of any revision, consideration should be given to establishing a framework for Senate (or the appropriate Senate Committee) to receive reports on health and safety measures that constrain freedom of expression or academic freedom.
  9. Develop a policy or statement on student groups formally associated with or recognized by the University of Waterloo that includes a framework outlining the rights and responsibilities for both the University and University-recognized student groups.
  10. Develop a policy or statement regarding the use of University websites and social media, which would clarify both the nature of the website or media and who has the authority to post content (e.g., is the University website solely a tool to communicate University-approved content, or do the University website and social media platforms serve as a “virtual quad” and “[forum for conversation](#)” open to all members of the public?).
  11. Align any framework or principles developed by the Task Force on Institutional Partnerships and Investment Strategies with the principles of freedom of expression and inclusive engagement, particularly Principles 22 and 23.

### Culture and Climate

12. Establish a Task Force with the mandate to develop a robust working definition of duty of care that incorporates the principles of legal obligations to ensure an environment that supports both the safety and freedom of our University community. Through proactive measures and clear guidelines, we can navigate conflictual situations effectively, ensuring that our campus remains a place of inclusive and open dialogue and that we continue to maintain a responsive and supportive academic environment for all.
13. Designate or appoint an individual to serve as the University’s lead on freedom of expression and inclusive engagement.
14. Appoint a standing Free Expression and Inclusive Engagement Advisory Body, composed of members with relevant expertise to be available to advise the University’s senior administration on free expression matters.
15. Develop, with the direction of the University lead on freedom of expression and inclusive engagement, educational programming and a multi-year public engagement plan for all

faculty, staff, and students on freedom of expression and inclusive engagement. Such consideration may include the formation of an academic centre or a research cluster focusing on freedom of expression.

16. Include freedom of expression duties and responsibilities in various leadership portfolios (e.g., associate vice-presidents, deans and associate deans, and leaders in various other units, including University Relations and Communications, Human Resources, the Student Ombudsperson, the Office of Research, and the Library).

## 5. PROCESS

The Vice-President, Academic and Provost announced the creation of The Freedom of Expression and Respectful Engagement Task Force (TF)<sup>17</sup> on November 30, 2023, with a mandate to review and update the University’s existing policies and practices, and to develop principles of freedom of expression to ensure that the University maintains a campus environment that promotes a culture of robust intellectual exchange, open inquiry, and free expression. The University’s existing policy guidance relies on the [mandate](#) from the Ministry of Training, Colleges and Universities that every publicly assisted college and university develop and publicly post its own free expression policy that meets a minimum standard specified by the government; this is our [Policy 8 – Freedom of Speech](#), which the present report will support.

The TF co-chairs, Dr. Scott Kline and Dr. Christine McWebb, announced the TF membership on [January 19, 2024](#). The TF held its first meeting on January 24, 2024. At this first meeting, the co-chairs welcomed members and reviewed the TF’s terms of reference. The TF agreed on a work plan that included engagement with the University Community given that freedom of expression, along with academic freedom, is at the core of university life. The TF also agreed that it needed to engage in a period of research, which included gathering university statements, opinion pieces, articles, and academic literature on the topic of freedom of expression. With the end product in mind, the TF opened up a discussion regarding the structure of the final report. In total, the TF met formally 11 times over the period between January 24, 2024 and June 7, 2024.

From March 13 to 28, 2024, the TF conducted a series of focus groups, held both in-person and online, to inform the TF’s deliberations. The focus groups concentrated on three questions, which are included in Appendix C in this report. The groups consisted of the following stakeholders:

- Four open stakeholder focus groups for staff, students, faculty
- Faculty Association of the University of Waterloo (FAUW)
- Graduate Student Association (GSA)
- Waterloo Undergraduate Student Association (WUSA)
- Staff Association
- Individuals not selected to participate on the Task Force
- University Relations, EDI-AR, Indigenous Relations
- Deans Council

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<sup>17</sup> After careful consideration, the Task Force chose to emphasize “inclusive engagement” instead of “respectful engagement” for reasons covered in section 2 above.

A total of 84 attendees participated in the focus groups as follows:

- Four open stakeholder focus groups for staff, students, faculty
  - March 13, 2024, in-person, 7 attendees
  - March 14, 2024, online, 13 attendees
  - March 18, 2024, online, 20 attendees
  - March 21, 2024, in-person, 9 attendees
- Faculty Association of the University of Waterloo (FAUW)
  - March 19, 2024, in-person, 3 attendees
- Graduate Student Association (GSA)
  - March 28, 2024, in-person, 1 attendee
- Waterloo Undergraduate Student Association (WUSA)
  - March 18, 2024, in-person, 0 attendees
- Non-academic Staff
  - March 27, 2024, in-person, 6 attendees
- Individuals not selected to participate on the Task Force
  - March 20, 2024, in-person, 2 attendees
- University Relations, EDI-AR, Indigenous Relations
  - March 25, 2024, in-person, 6 attendees
- Deans Council
  - April 24, 2024, in-person, 17 attendees

The TF also received community input through an anonymous online form, which remained open from mid-March through May 30, 2024. 52 responses were received.

Drafting the report commenced on May 1, 2024. TF members considered a working first draft in its meeting on May 13, 2024. The focus was on ensuring that the issues identified during the TF's deliberations, as well as input from the University Community through the focus groups and online form had been captured in the draft outline. TF members then considered a second draft on May 27, 2024. The TF discussed a penultimate draft on June 7, 2024. The TF delivered a final draft to the University of Waterloo President and Provost on June 10, 2024 for consideration and endorsement.

## APPENDICES

### Appendix A: Task Force Membership

- **Scott Kline**, Chair and Associate Professor, Religious Studies; University of Waterloo Academic Colleague to the Council of Ontario Universities (co-chair)
- **Christine McWebb**, Associate Vice-President, Faculty Planning and Policy (co-chair)
- **Wasem Alsabbagh**, Associate Professor, Pharmacy
- **Daniel E. Davison**, Associate Professor, Electrical and Computer Engineering
- **Maura R. Grossman**, Research Professor, Cheriton School of Computer Science
- **Neela Hassan**, President, Graduate Student Association
- **Julie Joza**, Director, Office of Research Ethics
- **Laura Mae Lindo**, Assistant Professor, Philosophy, Gender and Social Justice
- **Emmett Macfarlane**, Professor, Political Science
- **Beth Sandore Namachchivaya**, University Librarian
- **Rory Norris**, President, Waterloo Undergraduate Student Association

Supported by Jennifer Dalicandro, Administrative Assistant, Office of Faculty Planning and Policy

## **Appendix B: Terms of Reference and Objectives**

We aim:

- To review the University's existing policies and practices related to freedom of expression.
- To examine the current state of freedom of expression on the University's campuses.
- To carry out an environmental scan of work being done on freedom of expression by other U15 universities and elsewhere.
- To develop principles guiding University members (faculty, staff, students) in upholding freedom of expression and in understanding the relationship between freedom of expression and academic freedom as components of an inclusive environment that fosters respectful engagement.
- To develop principles that will ensure a campus climate of open dialogue and exchange of ideas.
- To make the principles available on a webpage to which the University community can refer, and which will also hold related policies and institutional resources and positioning to maintain freedom of expression and respectful engagement.

## **Appendix C: Summary of Principles of Freedom of Expression and Inclusive Engagement**

### **University of Waterloo Mission**

#### Principle 1: Commitment to the University of Waterloo's Mission

In support of its mission, the University is committed to providing opportunities and forums to strengthen the University's sustainable and diverse communities and for members of the University Community to pursue learning and knowledge through teaching, research, and scholarship, nationally and internationally, in an environment of free expression and inquiry, and inclusive engagement.

#### Principle 2: Rejection of Censorship

The University's commitment to free expression requires it to reject censorship and refuse to inhibit ideas that may be perceived as unpopular, offensive, or controversial, within the bounds of the law.

#### Principle 3: Duty of Care

The University's obligation to exercise its duty of care for the University community is fundamental to fostering an environment of freedom of expression and inclusive engagement. Duty of care and freedom of expression are complementary to one another. Duty of care and freedom of expression are complementary to one another.

### **Freedom of Expression and Academic Freedom**

#### Principle 4: Free Expression and Inclusive Engagement

The University values free expression and inclusive engagement as mutually reinforcing principles: to defend one is to defend the other.

#### 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.

#### 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.

### **Institutional Autonomy, Neutrality, Impartiality, Restraint**

#### Principle 8: Institutional Autonomy

The University relies on institutional autonomy in its mandate to fulfill its academic mission and execute its obligations as a public institution and an employer, as well as in its other roles as a university. This means that the university must take actions, make decisions, and use its institutional voice to lobby, promote, and effect its own activities, policies, and legal duties.

#### Principle 9: Institutional Neutrality

The University adopts the principle of institutional neutrality. This means that the University's president, provost, other senior administrators, deans, and authorized spokespersons should refrain from making statements on social, political, or moral issues, on behalf of the University, out of concern that such statements politicize the University and constrain the academic freedom and the freedom of expression of individuals in the University Community.

#### Principle 10: Institutional Neutrality in Relation to Institutional Impartiality and Restraint

As an institution, the University remains neutral out of respect for free inquiry and its commitment to be a forum where all members of the University Community can freely debate diverse views without undue interference from the University. The University understands institutional impartiality and institutional restraint as underlying principles of institutional neutrality, and not as distinct and separate approaches.

### **Limitations on Freedom of Expression**

#### Principle 11: Expression in the Classroom

Expression in the classroom is limited by the instructor's exercise of academic freedom. Beyond ensuring that the courses are taught in a manner consistent with disciplinary norms, programmatic expectations, and established University policies, course instructors have the right to teach how they see fit, including as it relates to their own expression in the classroom. Students' exercise of free expression in the classroom is validly limited by the pedagogical expectations and classroom management decisions of the instructor.

#### Principle 12: Expression in Research, Scholarship, and Creative Work

The pursuit of research, scholarship, or creative work exists within the exercise of academic freedom.

#### Principle 13: Intramural Expression

Intramural expression is protected by academic freedom and can be limited only when a faculty member fills a senior administrative role, upon which academic freedom is relinquished as a consequence of occupying this role. Students and non-academic staff contribute their voices as an exercise of their freedom of expression.

#### Principle 14: Extramural and Public Expression - Faculty

The University may not sanction faculty for lawful extramural speech, regardless of whether that speech relates to their area of expertise, and no matter how controversial or offensive the speech in question. The only example of a faculty member's extramural speech that might warrant University investigation and sanction would be a faculty member who engages in demonstrably fraudulent claims under the cover of their university position or expertise.

#### Principle 15: Extramural and Public Expression – Students

While students generally do not enjoy academic freedom, there are no grounds for institutional punishment for extramural speech that does not violate the law or University policy.

#### Principle 16: Extramural and Public Expression – Non-Academic Staff

While non-academic staff do not enjoy academic freedom, there are no grounds for institutional punishment for extramural speech that does not violate the law or University policy.

#### Principle 17: Extramural and Public Expression – Senior Administrators

Senior administrators' right of free expression and academic freedom is limited through the principle of institutional neutrality.

#### Principle 18: Campus Safety

The University must pursue campus safety in a manner consistent with the University's commitment to free expression and inclusive engagement.

#### Principle 19: Supporting Initiatives that Foster Dialogue and Diversity of Viewpoints

The University commits to the development and support of a wide range of initiatives that encourage members to respond to distressful lawful expression with an educational, intellectual, and dialogical approach that raises understanding and consideration of diverse viewpoints.

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All members of the University Community have the freedom to pursue knowledge, engage in debate, assemble, peacefully protest, and participate in expressive activity on campus in accordance with the law and University policy.

#### Principle 21: Peaceful Assembly, the Duty of Restraint, and the Limits of Peaceful Assembly

The University owes a duty of restraint in permitting ongoing peaceful assembly, even if protesters are technically trespassing and in violation of various University policies. While some degree of disruption is to be expected from peaceful assembly, and in light of the University's duty of restraint, this form of expression must not hinder the University's right to ensure that its core functions—teaching, research, and related activities—remain free from undue interference. Nor must this form of expression prevent the University from meeting its statutory obligations.

#### Principle 22: Partnerships Rooted in the University's Mission and Principled Commitments

As part of its operational responsibilities, the University should establish partnerships with academic institutions, government agencies, private entities, or other bodies based on the principle that the relationship must not diminish or stand in opposition to the University's mission or its commitment to institutional autonomy, freedom of expression, or academic freedom.

#### Principle 23: Responsible Investing

Responsible investing is an integral part of the University's fiduciary duty to act reasonably and prudently. It is not a violation of institutional neutrality, but rather an exercise in institutional restraint, for the University to adhere to a broader environmental, social, and governance (ESG) or similar investing framework. And as part of the University's responsible investment framework, the University should promote transparency by publicly disclosing its holdings and annually reporting on its ESG targets and progress.

#### Principle 24: Speaking Events

The University is obligated to allow lawful expression in the context of invited speakers and events organized by University members as well as by authorized third parties on the University campus. The University must not place restrictions on who is entitled to speak or on what topic beyond those restrictions recognized in law.

## Appendix D: Consultation Questions

### Freedom of Expression and Respectful Engagement Task Force Focus Group Guide March 2024

My name is \_\_\_\_\_ and I am here with \_\_\_\_\_. We are two members of the Freedom of Expression and Respectful Engagement Task Force. I will be moderating this session and \_\_\_\_\_ will be taking notes. [Also joining us today from task force is/are \_\_\_\_\_. They will be listening to the conversation.] We are very pleased to be here with you.

Before turning to our discussion questions, I would like to say a few words about the task force’s aims and our purpose for being with you. As stated in the announcement launching the task force, one of the task force’s objectives is the development of principles to guide University members (faculty, staff, students) in upholding freedom of expression and in understanding the relationship between freedom of expression and academic freedom as components of an inclusive environment that fosters respectful engagement. Task force members believe that it is crucial to our work that we meet with faculty, staff, and students to hear the many experiences and perspectives our University members have regarding freedom of expression and the principles that are foundational to the exercise of that freedom. Indeed, what we hear in these conversations with University members will fundamentally inform the task force’s deliberations.

We would like to conduct this focus group as a conversation. The premise behind engaging in a conversation in this focus group is that a conversation among University members may generate new ideas or bring to light values that are foundational to the development of any principles related to freedom of expression.

While position statements are certainly welcome, we would ask that you share those statements through our anonymous webform on the University’s Freedom of Expression webpage—this webform will be available on March 18th. You may also use the webform to address any matters you think are important but not covered in our focus group today.

Also [Finally], to ensure that everyone has an opportunity to share their perspectives, I will use a speakers list and monitor the time. This may mean that I will move a speaker who has not yet spoken toward the top of the speakers list. It may also mean that I must limit the length of a response—in this case, I will ask you to quickly wrap up your answer before moving on to the next speaker. I want to thank you in advance for your understanding.

[Finally, because this focus group is being conducted online, I want to note that our conversation will *not* be recorded; nor will it be reproduced with a transcript that will be stored or analyzed. Any member may use accessibility features, including live transcription. Any transcript should be used solely to facilitate that member’s participation in our discussion.]

## Questions:

To guide our conversation today, we have three general questions we want to pose to you.

1. What does Freedom of Expression mean to you? *(10 minutes)*
  - What are three (3) words that come to mind when you think about Freedom of Expression? Please write them out or create a mental list.
  - Let's do a quick go-around. What was the first word that came to mind? Please share only one of your words with the group. We will ask you to develop your thoughts related to your list of words in our next question.
  
2. Drawing on your three words, what is your opinion of the following statement regarding the proper role of the university in fostering a healthy academic climate? *(20 minutes)*

“The neutrality of the university as an institution arises then not from a lack of courage nor out of indifference and insensitivity. It arises out of respect for free inquiry and the obligation to cherish a diversity of viewpoints. And this neutrality as an institution has its complement in the fullest freedom for its faculty and students as individuals to participate in political action and social protest. It finds its complement, too, in the obligation of the university to provide a forum for the most searching and candid discussion of public issues.”
  
3. Drawing once again on your three words, do you think there are circumstances where a university should place limits on freedom expression? *(20 minutes)*
  - If you think there are limits, what are they and why do you think they are important? If you think there should be no limits, why is that important?
  - What are some of the ways a university can promote freedom of expression and maintain a safe and inclusive environment?

**Appendix E: Environmental Scan of Freedom of Expression Policies at Canadian Post-Secondary Institutions**

**ALBERTA**

## Mount Royal University

### Freedom of Expression Website Q&A

#### [What is the purpose of the Expression and Free Speech Policy and why was it developed?](#)

A cornerstone or tenet of being a university is that, within the bounds of Canadian law, university policies and collective agreements, everyone on campus should feel free to express their ideas. Mount Royal takes a collective approach to supporting expression and free speech on campus.

[The Expression and Free Speech Policy](#) states the University's position on the rights and responsibilities of individuals engaging in free speech at Mount Royal. This includes the right to communicate opinions and ideas without censorship or sanction, such as the right to engage in peaceful protest against the content of free speech of others.

In July of 2019, the University received notice from the Minister of Advanced Education that all Alberta post-secondary institutions must demonstrate their commitment to the principles of the [Chicago Statement on Free Expression](#) through a Board-approved governing document. Given the choices provided by the Minister, Mount Royal drafted the Expression and Free Speech Policy (Policy) using the expedited policy approval process in the University's Policy on University Policy and Procedures.

The University's Board of Governors approved the Policy on October 28, 2019, followed by the President and Vice-Chancellor forming a Task Force to begin the conversation on understanding expression and free speech in a Mount Royal context.

#### [What is the purpose of the Presidential Task Force on Freedom of Expression?](#)

Mount Royal takes a collective approach to supporting freedom of expression on campus. Building on the work that began with the approved Expression and Free Speech Policy, the Presidential Task Force on Freedom of Expression was struck to engage with the campus and listen to feedback on the Policy, recommend Policy updates that continue to meet the ministerial mandate around freedom of expression and advise on the roll-out of the final Policy, including campus education on how best to put the Policy into action.

#### [What is "freedom of expression" in Canada?](#)

*The [Canadian Charter of Rights and Freedoms](#) (Charter) guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.*

Everyone has the following fundamental freedoms:

- freedom of conscience and religion;
- freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- freedom of peaceful assembly; and
- freedom of association.

While freedom of thought, belief, opinion and expression is guaranteed under the Charter, it is not clear whether and/or how the Charter applies to universities. There have been many court rulings in Canada that have addressed the overall intent and applicability of the Charter within a university context, but debate continues around whether Canadian universities in different provinces are subject to the requirements of the Charter.

That being said, human rights legislation, common law and the concept of “Charter values” are often cited in non-Charter cases and are seen as important and necessary lenses through which to view whether and/or how the Charter applies.

In keeping with that sentiment and Mount Royal’s belief that the ability to communicate opinions and ideas without censorship or sanction is critical in the pursuit of knowledge, the Expression and Free Speech Policy identifies principles for how Mount Royal addresses expression and free speech.

### [What is "academic freedom" in Canada?](#)

[Universities Canada](#) states:

Academic freedom is the freedom to teach and conduct research in an academic environment. Academic freedom is fundamental to the mandate of universities to pursue truth, educate students and disseminate knowledge and understanding.

In teaching, academic freedom is fundamental to the protection of the rights of the teacher to teach and of the student to learn. In research and scholarship, it is critical to advancing knowledge. Academic freedom includes the right to freely communicate knowledge and the results of research and scholarship.

Evidence and truth are the guiding principles for universities and the community of scholars that make up their faculty and students. Thus, academic freedom must be based on reasoned discourse, rigorous extensive research and scholarship, and peer review.

Academic freedom is constrained by the professional standards of the relevant discipline and the responsibility of the institution to organize its academic mission. The insistence on professional standards speaks to the rigour of the enquiry and not to its outcome.

The constraint of institutional requirements recognizes simply that the academic mission, like other work, has to be organized according to institutional needs. This includes the institution’s responsibility to select and appoint faculty and staff, to admit and discipline students, to establish and control curriculum, to make organizational arrangements for the conduct of academic work, to certify completion of a program and to grant degrees.

Article 23 of the Collective Agreement between the Mount Royal Faculty Association and the Board of Governors of Mount Royal University addresses Academic Freedom at Mount Royal.

### [What is the distinction between "academic freedom" and "expression and free speech"?](#)

From a 2018 Report to the Universities Canada Governance Committee on Freedom of Expression:

“...Academic Freedom draws a distinction between freedom of expression and academic freedom. It says that “academic freedom is the freedom to teach and conduct research in an academic environment,” including the right to freely communicate knowledge and the results of research and



scholarship. But it draws a distinction between the “broader concept” of freedom of speech, saying that “academic freedom must be based on institutional integrity, rigorous standards for enquiry and institutional autonomy, which allows universities to set their research and educational priorities.”

...

Canada does not have legal doctrines with respect to academic freedom. In the United States, as well as most of the European Union, there are specific doctrines of academic freedom. Germany’s constitution, for example, specifically guarantees scientific and teaching freedom (*Wissenschaftsfreiheit und Lehrfreiheit*). The United States has a constitutional academic freedom doctrine, with prominent U.S. Supreme Court statements ruling in favour of academic freedom as an expression of First Amendment values. In Spain, the Constitution explicitly states that “the right to academic freedom” is recognized and protected.”

### [How does the University handle activism on campus? Can demonstrating be used as a way of expressing a point of view?](#)

The right to free expression does include the freedom to critique and contest the expression of others, but it does not extend to efforts that obstruct or prevent the free expression of others. Mount Royal expects that the freedom to critique and contest the expression of others will be exercised in a manner that maintains an environment of respect and civility.

The Expression and Free Speech Policy states that the University is a place of free and open inquiry where all of its members have the opportunity to speak, write, listen, challenge and learn free from harassment or discrimination, in accordance with University policies and applicable collective agreements and that any activity conducted in a public space must not impede the normal flow of pedestrian or vehicular traffic, including ingress to and egress from University structures.

Planned events are assessed by the Campus Events Groups under the [Temporary Use of University Space Policy](#). To ensure the most successful outcome for an event it is required that anyone hosting an event requests to book space under that Policy. Impromptu events or events using University space that have not been approved under the Temporary Use of University Space Policy and that violate University policy may be stopped by the University and trespass notices may be issued in some circumstances.

### [By hosting a speaker, event or group on campus, does the University administration endorse the views of the organizers and participants?](#)

No. The views expressed by speakers at events and by groups who are on the Mount Royal campus or online — even those who have been invited by members of our community — are not endorsed by the University.

### [What is "hate speech"?](#)

Public incitement of hatred, according to the *Criminal Code of Canada*, is communicating hatred in a public place and inciting hatred against any identifiable group where such incitement is likely to lead to a breach of the peace. Sections 318 to 320.1 of the *Criminal Code of Canada* address the promotion and incitement of hate, including such things as hate speech. The threshold for hate speech is high in Canadian law.

The University strives to create an environment free of hate speech on its campus. Hate speech used for any reason is considered a breach of University policy.

[Does "expression and free speech" mean "freedom from consequence"?](#)

Expression and free speech do not give members of our community the absolute ability to say anything in respect to the work and learning environment. Interactions between members of our University community are subject to *Human Rights* and *Occupational Health and Safety* laws, as well as to University policies and collective agreements.

## University of Alberta

### Statement on Freedom of Expression at the University of Alberta

Approved by the Board of Governors of the University of Alberta on December 13, 2019

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The mission and mandate of the University of Alberta is to discover, disseminate, and apply knowledge for the benefit of society through teaching and learning, research, innovation and creative activity, community involvement, and partnerships. To achieve our mission and mandate, we must cultivate an equitable and inclusive environment that fosters respect for human dignity and supports the ability and skills of all members of our diverse community to learn and to discover.

Freedom of expression is one of the key elements of such an environment and has been central to the university since its founding. Learning requires exposure to a variety of views, including those with which one disagrees, and the ability to participate in intellectual debate – including having one’s own views challenged. Research and discovery require the ability to challenge the conventional, to communicate findings and their implications, and to provide informed commentary in the public sphere. Across all areas of its mandate, the university is committed to intellectual integrity, rigorous inquiry, and the robust expression and discussion of ideas. Fostering the ability of members of the university community to engage in debate and deliberation in an effective and responsible manner is an essential part of the university’s educational mission. Recognizing that free expression can thrive only where all members of the university community have the ability to participate fully, we strive to foster an inclusive and respectful institutional culture that is free of discrimination and harassment.

The University of Alberta remains committed to free expression in all forms of communication, including non-violent protest and dissent. The university is a place of free and open inquiry in all matters, and all members of the university community have the broadest possible latitude to speak, write, listen, view, challenge, profess, and learn. Members of the university community have the right to criticize and question other views expressed on our campuses, but may not obstruct or otherwise interfere with others’ freedom of expression. Debate or deliberation may not be suppressed because the ideas put forward are thought by some, or even most, to be offensive, unwise, immoral, or misguided. It is for individuals, not the institution, to make those judgments for themselves and to act not by seeking to suppress expression, but by openly and vigorously contesting the ideas they oppose. The university does not attempt to shield members of the university community from ideas or opinions they disagree with or find offensive. Mutual respect and civility are valued, but their absence does not constitute sufficient justification to limit free expression.

Freedom of expression at the university does not mean that individuals may say whatever they wish, wherever they wish. Free expression is subject to the limitations imposed by Canadian or Alberta law. The university has the authority to restrict expression that violates law, causes the university to violate law, violates applicable university policies, procedures or collective agreements, falsely defames, constitutes a genuine threat or harassment, or unjustifiably violates privacy or confidentiality interests. The university may also regulate the time, place and manner of expression to ensure that it does not disrupt the ordinary activities of the university. However, this administrative discretion should not be exercised in a manner inconsistent with the University of Alberta’s overarching commitment to free expression. Ideas and opinions presented on our

campuses are neither a reflection of, nor an endorsement from, the university, unless otherwise stated.

In a diverse and inclusive university environment characterized by lively debate, people can expect, from time to time, to be confronted by concepts or images that they find offensive or disturbing, and to have their ideas questioned or challenged. The university remains committed to providing support services to those who need them.

The right to academic freedom is addressed separately in the context of the collective agreement with the Association of Academic Staff of the University of Alberta.

Complaint processes are available through existing policies, procedures, and collective agreements.

Source: <https://www.ualberta.ca/provost/policies-and-procedures/freedom-of-expression/statement-on-freedom-of-expression.html>

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Statement from University of Alberta President on Freedom of Expression at UA

President Bill Flannigan  
December 7, 2023

We head into the end of the semester at a challenging time — both in the world and here at the University of Alberta. Every day, we wake up to news from the Middle East and beyond that affects many members of our community in deeply personal ways. We are a diverse community with members from across Canada and around the world. Many members of our community have strongly held and widely divergent views about this conflict in the Middle East.

Over the past months, we've seen university community members express their views in many forums, including social media and demonstrations — a reflection of the university's fundamental commitment to being a place of open inquiry, dialogue and debate, including difficult and challenging conversations. The [2019 Statement on Freedom of Expression at the University of Alberta](#) reflects this core principle:

*The University of Alberta remains committed to free expression in all forms of communication, including non-violent protest and dissent. The university is a place of free and open inquiry in all matters, and all members of the university community have the broadest possible latitude to speak, write, listen, view, challenge, profess, and learn. Members of the university community have the right to criticize and question other views expressed on our campuses, but may not obstruct or otherwise interfere with others' freedom of expression. Debate or deliberation may not be suppressed because the ideas put forward are thought by some, or even most, to be offensive, unwise, immoral, or misguided. It is for individuals, not the institution, to make those judgments for themselves and to act not by seeking to suppress expression, but by openly and vigorously contesting the ideas they oppose. The university does not attempt to shield members of the university community from ideas or opinions they disagree with or find*

*offensive. Mutual respect and civility are valued, but their absence does not constitute sufficient justification to limit free expression.*

With such divergent views on our campuses regarding the conflict in the Middle East, the University Statement on Freedom of Expression makes it clear that it is not the role of the university (or its administrators speaking on behalf of the university) to purport to render judgment on this conflict. Instead, our primary role is to do all we can to ensure the safety of our community and foster conditions for respectful dialogue.

As we engage in open debate, discussion, and protest, I ask sincerely that we do all we can to approach one another with empathy, compassion and a willingness to engage in respectful and thoughtful dialogue. Let us work together as a community through this difficult time, always keeping our core values of respect and compassion at the forefront.

A brief overview of our community members' rights to free expression is included below, [with further resources here](#).

- All **academic staff members** have the right to freedom of expression as outlined in the University Statement on Freedom of Expression. The collective agreement also provides for a right to **academic freedom** for most academic staff members, as outlined in [Article 3 of the academic collective agreement](#) and [Article 11 of the Postdoctoral Fellows collective agreement](#). Academic freedom applies only to academic staff and postdoctoral fellows. It does not apply to support staff, other employees or students.
- **Support staff and other employees** have the right to freedom of expression as outlined in the University's Statement on Freedom of Expression.
- **Students and student groups** have the right to freedom of expression as outlined in the University's Statement on Freedom of Expression. In addition, as determined by the [Alberta Court of Appeal in 2020](#), students also have a [Charter right to freedom of expression](#).
- When university **administrators** speak on behalf of the U of A — including their faculty or administrative unit — they must also exercise reasonable care, demonstrate good professional judgment and speak in a manner consistent with the university's key policies and public positions.

Source: <https://www.ualberta.ca/the-quad/2023/12/from-the-presidents-desk-freedom-of-expression-at-the-university-of-alberta.html>

## **BRITISH COLUMBIA**

## Simon Fraser University

President Statement on Respectful Debate at Simon Fraser University (2010)

*"We are an open, inclusive university whose foundation is intellectual and academic freedom .... we celebrate discovery, diversity and dialogue." (Excerpt from SFU Statement of Values and Commitments)*

Public universities play a unique role in Canadian society: they are places in which people should feel free to exchange ideas, beliefs and opinions. Controversy, conflict, and criticism are inherent to this role. Yet universities also aspire to foster an environment that promotes civility and respects human dignity.

So what position should a university take when one person's speech offends another person's sense of human dignity? Should the university seek to curtail such speech? As tempting as it might be to do so, I believe such action would be misguided in principle and counterproductive in practice.

Universities operate on the principle that freedom of speech is a core component of intellectual enquiry and is central to the pursuit of knowledge. The value universities place on free expression does not imply their endorsement of views that are expressed. On the contrary, it is understood that all ideas, beliefs and opinions are subject to analysis and criticism that may result in their modification or rejection. Critics may themselves face criticism. The expression of provocative, uninformed or distasteful views must be tolerated so their inadequacies can be debated and exposed.

In practical terms, efforts to curtail offensive speech often result in such speech being given greater attention and its purveyors gaining greater prominence than would otherwise be the case. Thus attempts to reduce the influence of offensive speech through regulation are liable to produce the opposite effect.

For these reasons, when disputes arise in our university around major social and political issues, we should err on the side of tolerating free speech. Provided such speech does not overstep legal boundaries, it should not be censored even though it may be provocative or offensive.

This does not relieve us of our responsibility to try to foster an environment of civility and mutual respect. On the contrary, the broad rights of free expression we enjoy oblige all of us to work harder to promote such an environment. Nor does it permit us to disregard the chilling effects that provocative and offensive speech can have on members of our community. These effects are real and we need to show understanding and support to those who suffer them.

I therefore urge all members of the university community to redouble their efforts to create a culture that celebrates robust and vigorous debate within an academic milieu characterized by reason, tolerance, and mutual respect. Freedom of speech is a precious right and, as such, we have a duty to do all we can to ensure that is exercised responsibly and with civility.

Source: [https://www.sfu.ca/pres/administration/former/andrew-petter/statements-andrew-petter/2010/president\\_s-statement-on-respectful-debate-at-simon-fraser-university.html](https://www.sfu.ca/pres/administration/former/andrew-petter/statements-andrew-petter/2010/president_s-statement-on-respectful-debate-at-simon-fraser-university.html)



## University of British Columbia

Working Group on Freedom of Expression (2017-2018)

Freedom Matters (Final Statement of Working Group)

*In September 2017, UBC President and Vice-Chancellor Santa Ono tasked a working group to consider the important issue of freedom of expression – not as an institutional effort to create or change policy, but as an educational and aspirational exercise. The document below, entitled “Freedom Matters”, is the output of that working group’s efforts and expresses that working group’s views of why freedom of expression should matter at UBC and why its protection should apply equitably to all.*

*An early statement was circulated to the university community in November 2017, prompting vigorous debate and attracting feedback from alumni, faculty, staff and students, including nearly 200 written responses and at least three alternative versions. Numerous UBC classes also responded, and the working group convened a public forum to encourage further feedback. Many respondents indicated an appetite for a short, blanket endorsement of free expression, but many more argued for a statement of context exploring how that freedom applies, how it can be protected for all members of the UBC community and how it interacts with other freedoms and rights.*

*In April 2018, following this extended period of consultation and input by many, the working group released the final statement included below. The statement distils many of the tensions that arise between various rights and expectations. It is intended by the working group to be a resource that underscores the importance of freedom of expression while also helping all of us at UBC grapple with specific instances where tensions around expression may arise. (The above paragraphs provide context for the statement on the UBC website.)*

### **Freedom of expression matters. It fuels what good universities do.**

UBC has long been committed to promoting and defending the freedoms necessary for the pursuit and dissemination of knowledge – providing an environment in which people are comfortable to question the status quo, to challenge old assumptions, and to debate difficult issues. As former UBC President Martha Piper wrote in 2001, “in the university, unconventional ideas and controversial opinions deserve special protection.” President Santa Ono has since added, “UBC fosters a welcoming, open community for discussing and debating all ideas and practices, no matter how complex, contentious, or difficult.”

A commitment to these goals is crucial to maintaining an inclusive, collaborative and innovative learning and research environment. Otherwise, as a Canadian public university, how could we, for example:

1. Learn and share the lessons of the past if objectionable parts of the historical record were suppressed?
2. Optimize innovation if entire lines of inquiry were forbidden?
3. Equip students to tackle future challenges, if they were shielded from demanding, provocative thought?
4. Safeguard the freedoms and rights of all our members, including those facing systemic inequality or historic marginalization?

Three principles underlie our commitment to free expression.

First, the common good of society depends upon an unfettered search for knowledge and its free expression. When carried out responsibly and ethically, free and open exchange advances discovery, understanding and wisdom.

Second, UBC's scholarly community comprises people with diverse viewpoints and disciplinary perspectives. By enabling these disparate voices to participate equitably in rigorous investigation and intellectual exchange, we provide a venue for learning and research excellence that is distinct to universities and, given our diversity, unique to UBC.

Third, as a self-governing democratic institution, even one in which rights and freedoms are, or have been, distributed unequally, the resolute and equitable protection of free expression, in balance with other constitutionally protected rights and freedoms, offers the best path toward an inclusive environment and a better world.

As the leading formal expression of Canadian values in this regard, the Canadian Charter of Rights and Freedoms recognizes freedom of expression as one of four "Fundamental Freedoms," and defines it as "freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication." But Charter rights and freedoms are neither absolute nor ranked in any kind of hierarchy. When Charter rights conflict, they must be balanced and reconciled; and legislatures may act to limit all rights and freedoms when they can demonstrate justification for doing so – as, for example, in prohibiting hate speech or defamation. (As a practical matter, the Charter does not directly apply to universities, although its protections may apply when the university implements government programs or policies and may apply as well to some limited discretionary decisions the university makes.)

The full and complicated scope of freedom of expression can be illuminated in contrast to academic freedom. These two concepts, while complementary and related, differ in significant detail.

Academic freedom is defined in the UBC Academic Calendar: "The members of the University enjoy certain rights and privileges essential to the fulfilment of its primary functions: instruction and the pursuit of knowledge. *Central among these rights is the freedom, within the law, to pursue what seem to them fruitful avenues of inquiry, to teach and to learn unhindered by external or non-academic constraints, to engage in full and unrestricted consideration of any opinion.*" By this definition, UBC scholars are entitled to "full and unrestricted consideration of any opinion" – subject to academic constraints. For example, professors are constrained by the need to teach their subject matter. They are constrained in research and publication by peer review, in which subject area experts discriminate between competent and incompetent work. The Academy does not hold that all ideas are equal.

Academic freedom protects scholars from non-academic constraints on their research and teaching. It also creates positive obligations on the university to protect and support the academic freedom of all members of the community—not just students and faculty—and on scholars to use this freedom responsibly. As President Piper wrote in 2001, "Academic freedom must be accompanied by academic responsibility; that is, [participants] must act responsibly, base statements and opinions on fact and evidence, and use acceptable scholarly methods in the pursuit of truth."

No such formal mechanism limits or governs the exercise of free expression. Indeed, some in society invoke the rubric of "free speech" to advance ideas and agendas that might be repudiated by those with expertise. By demanding equal time, insisting on the right to "present both sides of an issue," or dismissing informed criticism as elitist, they can use freedom of expression to assault academic freedom, challenging the very concepts of expertise and knowledge.

Some argue that the best way to counter such attacks is through unfettered public debate. They say that UBC should restrict statements on freedom of expression to a categorical endorsement, subject only to legal limits such as those in the Criminal Code (e.g., hate speech) or in provincial human rights legislation. Anything more, they argue, might be seen as limiting or undermining free expression, rather than supporting it.

UBC's commitment to freedom of expression, however, should go beyond the observation of basic legal requirements. We must hold in balance concurrent legal and moral responsibilities regarding freedom of expression while providing a respectful, constructive and inclusive environment for all.

UBC President Stephen Toope said in a [2009 statement](#), "A tension exists between our community values of respect for human dignity and the special place of free expression that universities protect."

That tension can be both intellectual and emotional. It is inevitable, and sometimes appropriate, that people will feel intellectually uncomfortable when confronting ideas they find noxious, that challenge deeply held beliefs – or when their own deeply held beliefs are decried as noxious and offensive. In such circumstances, openness and respectfulness should be a common goal. That said, the desire for civility ought not be a pretext for shutting down groups or individuals whose views some may find distasteful, disquieting, or disturbing. Principled dialogue does not preclude passion and protest. Tolerance does not demand acquiescence, even if the maintenance of good relationships sometimes requires forbearance.

The tension is also legal and practical. UBC is not an empty public square. As an institution of teaching and research, it is a workplace, a learning environment and, for many community members, a home – multiple contexts in which freedom of expression may be protected differently, as it is honoured in balance with other rights and freedoms, including the right to equality of treatment, and the right to life, liberty and security of the person. For this reason, UBC has created procedures that help community members to work through conflicts together, guided by shared values.

In UBC's 2018 strategic plan, President Ono has offered a framework within which to decide how to balance freedoms and rights. That framework rests on three pillars, one of which is "inclusion," defined as: "a commitment to access, success and representation of historically underserved, marginalized or excluded populations." In making inclusion a priority, the strategic plan reminds us that, in a community and a world where power is not distributed equally, institutions such as UBC ought to ensure that those from historically marginalized groups enjoy full protection of their human rights and freedoms, including the expectation to speak and to be heard, and to learn in a climate free of prejudice. There could be no better example of the need for this priority than the historical abrogation of those rights for the Musqueam and Okanagan First Nations, on whose unceded, ancestral and traditional territories UBC sits.

Everyone at UBC bears the responsibility to recognize the unique vulnerabilities of minority group members and those who have experienced systemic violence or attacks on freedoms. We must ensure that freedom of expression is shared among all. Freedom of expression must never be abused or used to disadvantage members of our community who enjoy less power.

UBC's commitment to freedom of expression is resolute; we must protect it assiduously, in concert with our commitment to an inclusive community. Finding the balance will be an ongoing collective

challenge. Each of us has the responsibility to honour freedom of expression in a safe, inclusive UBC. *Tuum est* – it's up to you!

Working group members:

Alan Hu, Faculty of Science  
Janet Teasdale, VP Students  
Judy Illes, Faculty of Medicine  
Mary Bryson, Faculty of Education  
Mary Liston, Faculty of Law  
Michael Treschow, Faculty of Creative and Critical Studies  
Neil Guppy, Faculty of Arts (Working Group Lead)  
Sally Thorne, Faculty of Applied Science  
Shirley Nakata, Ombudsperson for Students

Source: <https://academic.ubc.ca/freedom-matters>

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Also see UBC's FOE website for related statements, policies, and external documents:  
<https://academic.ubc.ca/academic-freedom/related-policies-documents>

## ONTARIO

## Laurentian University

Policy on Institutional Neutrality (Approved by the Board of Governors December 15, 2023)

### 1. Purpose:

1.1. Laurentian University is committed to creating an environment that encourages open discourse, celebrates diversity, and respects the independent viewpoints of its community members. In line with this commitment, and the existing "[Policy on the Freedom of Speech \(Freedom of Expression\)](#)", the University acknowledges the importance of impartiality and does not itself take political or social stances, other than those consistent with the University's mandate or policies.

### 2. Scope:

2.1. This Policy applies only to the President and Vice-Chancellor, the Chair of the Board of Governors, any officers of the University, or those to whom those persons have delegated authority to speak on their behalf. This policy does not apply to personal statements made by University leaders outside of their institutional duties.

### 3. Policy Statement:

3.1. Laurentian University is a community of diverse viewpoints, encompassing students, faculty, staff, alumni, and volunteers. It is essential to maintain a neutral institutional position on politics or social issues in order to honour this diversity and preserve an environment where the free exchange of ideas can thrive.

### 4. Principles:

4.1. Respect for Discourse: The University values the diverse range of beliefs and opinions within its community. It is a place that encourages respectful discourse.

4.2. Impartiality: The University will remain impartial on matters of a political, social, or ideological nature. It will not engage in advocacy for specific political parties, candidates, or causes, other than those consistent with the University's mandate or policies.

4.3. Unbiased: The University's institutional neutrality will not be influenced by the personal beliefs and opinions of its leadership. The institution must stand as a collective entity that transcends the diverse perspectives of its individual members, including leaders.

### 5. Conclusion:

5.1. Laurentian University is dedicated to providing an inclusive environment that respects the viewpoints of its community members. By adhering to the principles of institutional neutrality, the University seeks to maintain a welcoming atmosphere that supports intellectual exploration, diversity, and open discourse.

Source: <https://laurentian.ca/assets/files/Policies/Institutional-Neutrality-Policy.pdf>

## **McMaster University**

### AD HOC COMMITTEE ON PROTEST AND FREEDOM OF EXPRESSION

#### MANDATE AND TERMS OF REFERENCE

##### Overall Mandate:

In light of recent events at McMaster and at other institutions across North America which have involved disruptive protests, as well as calls for invitations to speakers to be revoked and for events to be cancelled, the Ad Hoc Committee is tasked with considering and articulating McMaster's commitment to freedom of expression, and making recommendations with regard to appropriate principles or guidelines for protests on campus and safeguarding academic discourse.

##### Detailed Requirements:

The Ad Hoc Committee is asked to:

- Consider the meaning of freedom of expression within an academic community and prepare a statement or principles articulating the University's obligations and commitment to freedom of expression and high-quality academic discourse.
- Consider the right to engage in protest and dissent and outline the limitations on such rights, within the context of freedom of expression.
- Make recommendations with regard to principles or guidelines intended to assist event organizers, participants, and members of the University administration in achieving a high level of academic discourse and recognizing and responding appropriately to disruptive protests that might threaten or impede this.
- Consult with interested members of the University community, and gather views, opinions and suggestions, including reviewing the conclusions reached and actions taken by peer institutions with regard to disruptive protests and freedom of expression, as the Ad Hoc Committee deems appropriate.
- Make recommendations for any potential revisions to existing policies, or other actions that the University might consider in response to the work of the Ad Hoc Committee and in support of freedom of expression and high-quality academic discourse on McMaster's campus.

#### MEMBERSHIP

Dr. Karen Bird  
Dr. Ana Campos  
Dr. Neil McLaughlin  
Dr. Emad Mohammed  
Dr. Wil Waluchow  
Dr. Peter Graefe  
Mr. Curran Egan  
Ms. Lauren Arnold

## REPORT

The Committee began by reviewing numerous University policies related to the topics of protest and freedom of expression. The policies reviewed include:

- McMaster University Statement on Building an Inclusive Community with a Shared Purpose
- Policy on the Use of University Facilities for Non-Academic Purposes
- Senate Resolutions Re: Group Conflict
- Violence in the Workplace Policy
- McMaster University Program and Guidelines on Violence in the Workplace
- Policy on Discrimination and Harassment: Prevention & Response (DISH)
- Guidelines Regarding Interactions with the Media
- Policy on Student Groups (Recognition, Risk Assessment and Event Planning)
- Student Event Risk Management Policy
- Student Rights and Responsibilities
- Code of Student Rights and Responsibilities
- Tenure and Promotion Policy
- Statement on Academic Freedom
- Code of Conduct for Faculty and Procedure for Taking Disciplinary Action

The policies are diverse and cover a range of topics from a specific viewpoint often targeted at a specific community, e.g., students or faculty or off-campus groups. Many of the policies have relevant and helpful information related to the issues of protest and freedom of expression however few have been written specifically for these issues. The Committee identified a number of gaps and opportunities for improvement.

Additionally, the Committee met or consulted with a variety of individuals and offices, including a number of student leaders, the Equity & Inclusion Office, the University Secretariat, Security & Parking Services, representatives of Student Affairs, and the Ombuds office. These conversations were helpful and enlightening.



## Recommendation for the creation of a University Statement on Freedom of Expression

“The fundamental mission of the University is to provide opportunities for education, both within and outside of the classroom.” -- President Patrick Deane

Recent years have witnessed a widespread global political polarization alongside an upsurge in protest movements motivated by pressing social and economic issues that have engaged activists from across the political spectrum. Not surprisingly, the broader political climate is influencing university life today; social movements active in protest have found expression on university campuses and the tone of campus debates has also become polarized. The university’s longstanding commitment to freedom of expression, inquiry and protest (henceforth “freedom of expression”) has come into conflict with no less important commitments to human rights and the values of equity, diversity and inclusion. Unchecked freedom of expression can sometimes threaten these latter commitments by shielding various forms of offensive, hurtful and, in some instances, harmful expression. This has led some to argue in favour of more restrictive limits on free expression than contemporary universities have been comfortable observing since they became open to more critical perspectives in the 1960s. Defenders of a robust freedom of expression reply that unduly limiting its reach can threaten the very foundations of a liberal society and the core mandate of its universities.

Arguably a greater threat to these values is to allow harmful, even hateful ideas, beliefs and traditions to continue to roil and fester in some underground and unpredictable existence-- unexposed, unchallenged and unaccountable. In addition, creating a political process within the university controlled by the administration, students or faculty who decide who gets to speak at public events on campus threatens both basic free speech and academic freedoms and creates a dynamic whereby discussions become dominated by differences over who gets to speak as opposed to the merits of the relevant ideas themselves.

McMaster University thus remains unequivocal in its commitment to freedom of expression, inquiry and protest and, with the exception of those forms of expression already outlawed nationally by harassment, libel and hate speech legislation, continues to stand for the vigorous, open and civil dialogue and debate of all ideas, including those that some find offensive or odious, or that appear to conflict with the university’s values of equity and inclusion. Indeed, it is precisely because McMaster is committed to expanding and deepening the diversity and inclusivity of its intellectual community that it will support and encourage the free exchange of ideas, an exchange that has allowed humanity historically to triumph over inhumanity. Censorship by definition is non-pedagogical and collides with the university’s mission to provide meaningful “opportunities for education, both within and outside of the classroom.”

The Committee believes strongly in the right to protest, and equally strongly on the importance of informed discussion and debate. McMaster is an institution of higher learning and the community should be able to engage thoughtfully, meaningfully and civilly on all issues, even ones that some members of our community find deeply controversial. The temptation to ‘shut down’ or prevent events from occurring is troubling.

Censorship is not an option. There are very narrow grounds under which McMaster should restrict or stop a speaker or an event, essentially those dealt with in federal and provincial laws governing harassment, libel, slander and hate speech. In all these instances, a very high

threshold must be met before legally restrictive steps can be taken. These thresholds have all been set in recognition of the vital role free expression plays in a free and democratic society. McMaster should be prepared to follow suit. However, it should also be fully prepared to act in circumstances where the prescribed threshold(s) have been surpassed, and to support affected members of its community who may nevertheless suffer the ill effects of offensive, hurtful expression even if and when the prescribed limits have not been exceeded. Therefore, it is important that McMaster work closely with campus groups and provide guidance on how to manage and prepare for speakers and events that have the potential to generate controversy and even protest and contention. It is equally important that steps continue to be taken to help ensure that all members of our community, but especially traditionally marginalized groups, have a strong voice and are empowered to peacefully debate, protest and/or host alternative events to speakers/events with whom they disagree.

McMaster's core educational mission is to provide opportunities for students to develop the knowledge, skills, competence and confidence to explore, evaluate and when necessary vigorously challenge all manner of ideas and arguments. The University cannot succeed in this mission without the cooperation of its members; it is in this sense that one of McMaster's core principles is to "[w]herever possible...reduce or eliminate obstacles to cooperation." So while the right to engage in peaceful protest must be honoured and protected, such protests must take place in a manner that does not impede normal academic procedures or interfere with the rights of others to have access to ideas, to explore, learn and challenge. Nor can campus demonstrations be used to harass or intimidate other individuals or groups.

McMaster faculty members have an obligation and responsibility to explore difficult topics and to educate the McMaster community on issues of free speech, activism, safe space, debate, cyber bullying, etc. There is a concern that we are sometimes experiencing "activism without understanding". **The committee recommends an on-line lecture series (podcasts or YouTube videos) be created and posted to generate high-quality academic discourse on the above topics.** Faculty members should develop the curriculum and deliver the lectures. Ideally, the lecture series would be sponsored or funded by a research institute or the MacPherson Institute.

The Socratic teaching method calls for students and teachers to challenge and question unexamined ideas, assumptions and arguments. This can sometimes be troubling for students who often come to see their fundamental beliefs and worldviews as under threat. **The Committee recommends the MacPherson Institute develop resources for instructors who are teaching controversial and/or potentially challenging material.** The resources should be sensitive to these potential difficulties and provide guidance on how to navigate them successfully. They should help build communities of practice and include classroom management techniques that will allow for questions and discussions to be pursued in fruitful, respectful ways.

Recommendation for the creation of a University policy on the issue of protest and the review of related policies.

Currently, there is no comprehensive policy to address the issue of protest. This, the committee believes, is highly problematic. **The Committee therefore recommends the creation of an official Protest Policy.** Ideally, it should provide guidance to the community on the various forms protest can take and what is appropriate/effective protest, (e.g., what protest should look like in the room/at the event, what protest can look like outside the event [picketing] and the

effectiveness of alternative events and/or non-attendance) and the management of protest (e.g., advice for event organizers, distribution of respectful behaviour expectations at events, etc.) The McMaster Peace Initiative document is a good starting place and should be used when drafting the policy. It should include guidelines for on-line civility before and after events. The Committee reviewed other institutions policies and was particularly impressed with the protest policy developed by New York University. This would be a good place to start when constructing a policy specific to McMaster.

**The Committee recommends that McMaster policies be reviewed** to accurately reflect the current environment and to make provision for early identification of events that may generate disruptive exchanges or protest. The following policies should be reviewed:

- Policy on the Use of University Facilities for Non-Academic Purposes
- Senate Resolutions Re: Group Conflict
- Violence in the Workplace
- Policy on Student Groups (Recognition, Risk Management and Event Planning)
- Student Event Risk Management Policy

#### SUMMARY OF RECOMMENDATIONS

- Creation of a University Statement on Freedom of Expression
- Creation of an on-line lecture series (podcasts or YouTube videos) to generate high-quality academic discourse on topics related to freedom of expression and protest, e.g., free speech, activism, debate, safe space, etc.
- The MacPherson Institute develop resources for instructors who are teaching controversial and/or potentially challenging material.
- Creation of a University policy on the issue of protest and the review of related policies.

## Ontario Tech University

Freedom of Expression Policy  
November 2019

### Purpose

The purpose of this Policy is to confirm the principles and management of free expression in the University community.

### Definitions

For the purposes of this Policy the following definitions apply:

“Freedom of Expression” means the free expression of ideas and perspectives through a variety of media, including text, performance, images, or the spoken word (free speech), either virtually or physically, by individuals or groups.

“functioning of the University” means carrying out University academic, research, and administrative activities.

“Inclusive Freedom” means a commitment to the robust protection of free expression, including the expression of those who could be marginalized, silenced, or excluded from full participation.

“Online University Environment” means all online media including websites, email, social media accounts, online learning tools and applications provided, managed or self-identified as belonging to the University. This includes the University’s website, branded Twitter and Facebook Live events, as well as online learning and collaboration tools such as Google Apps for Education.

“University Members” means individuals who are:

- Employed by the University;
- Registered as a student, in accordance with the academic regulations of the University;
- Holding an appointment with the University, including paid, unpaid and/or honourific appointments; and/or
- Otherwise subject to University policies by virtue of the requirements of a specific policy (e.g. Booking and Use of University Space) and/or the terms of an agreement or contract.

“University Space” means any location owned, leased, rented or otherwise occupied by the University.

### Scope and authority

This Policy applies to all University Members, authorized visitors, and guests to University Space and the Online University Environment.

The Provost and Vice-President, Academic, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of this Policy.

## Policy

The University endeavours to provide a safe environment, conducive to personal and intellectual growth, not only free of discrimination, injustice and actual or threatened violence, but also characterized by understanding, respect, peace, tolerance, trust, openness and fairness. The University is fully committed to promoting and advocating academic freedom and Freedom of Expression. At the same time, it has a responsibility to ensure that all members of its community can reasonably expect to pursue their work and studies in a safe and civil environment.

The University is committed to free and open inquiry into all matters and, therefore, guarantees all of its community members the broadest possible latitude to speak, write, challenge, and learn in an environment of Inclusive Freedom. This policy articulates that commitment, as well as the limits on Freedom of Expression and the constraints on protesting or challenging the Freedom of Expression of other community members.

### Assertion of Freedom of Expression

Consistent with the Ontario Human Rights Code, all University Members, authorized visitors, and guests are encouraged to express ideas and perspectives freely and respectfully in University Space and in the Online University Environment.

### Limits on Freedom of Expression

The Freedom of Expression described in Paragraph 5 is restricted in that it may not:

- Interfere with the university's legal obligations and/or violate municipal, provincial or federal law
- Defame an individual or group
- Constitute a genuine or credible threat, harassment, or discriminatory harassment based on a protected ground under the Ontario Human Rights Code
- Breach fiduciary, contractual, privacy, or confidentiality obligations or commitments
- Unduly disrupt and significantly interfere with the functioning of the University

The University may reasonably regulate the time, place and manner of expression in accordance with the Booking and Use of University Space Policy.

The Policy Owner or delegate, in consultation with General Counsel and/or relevant personnel, will be responsible for decisions that may result in limits on Freedom of Expression under this Policy, including the determination of when expression unduly disrupts or significantly interferes with the functioning of the University.

### Limits on the Protest and Challenge of Freedom of Expression

1. Subject to the limits in section 6, University Members, authorized visitors, and guests are free to criticize and contest any view expressed in University Space or the Online University Environment, and to criticize and contest speakers who are invited to express their views in University Space or the Online University Environment, but they may not unduly obstruct or otherwise significantly interfere with the freedom of others to express views they reject or even find abhorrent.

2. Conduct by students in contravention of this Policy will be subject to investigation and sanctions under the Student Conduct Policy.
3. The Policy Owner or delegate, in consultation with General Counsel and/or relevant personnel, will be responsible for making determinations regarding when protest and challenge of Freedom of Expression unduly obstructs or otherwise significantly interferes with the freedom of others.

#### Responsibilities of Student Associations and recognized Student Organizations

1. Student associations recognized under the Student Associations Accountability Policy are encouraged to adopt a policy that aligns with this Policy.
2. All recognized student organizations are expected to act in compliance with this Policy, as stated in the Policy on Recognition of Student Organizations.

#### Complaints

1. General complaints related to Freedom of Expression in University Space or the Online University Environment under this policy can be submitted to the Office of the Provost for resolution. The Office of the Provost will develop procedures for receiving and resolving complaints, including a form and a means for receiving complaints on its website.
2. Complaints related to decisions made by the University under this Policy will be addressed pursuant to the Safe Disclosure Policy.
3. Complaints related to the activities of recognized student organizations will be addressed pursuant to the Policy on Recognition of Student Organizations.
4. Complaints regarding conduct by Employees in contravention of this Policy will be addressed by the following means:
  - a. Harassment, violence or discrimination will be investigated under the Policy Against Harassment, Violence and Discrimination in the Workplace, and in accordance with any applicable collective agreements.
  - b. Other violations can be addressed by the procedures for receiving and resolving complaints in section 9.1, in accordance with any applicable collective agreements.

#### Monitoring and review

This Policy will be reviewed as necessary and at least every three years. An initial review will be conducted within the first year of implementation. The Policy Advisory Committee, or successor thereof, is responsible to monitor and review this Policy.

#### Relevant legislation

#### Ontario Human Rights Code

#### Related policies, procedures & documents

LCG 1111 Student Conduct Policy  
LCG 1123 Intellectual Property Policy  
LCG 1110 Policy on Recognition of Student Organizations  
LCG 1117 Student Association Accountability Policy  
LCG 1119 Safe Disclosure Policy

LCG 1119.1 Safe Disclosure Procedure

LCG 1105 Harassment and Discrimination Policy

LCG 1137 Policy Against Violence, Harassment and Discrimination in the Workplace

LCG 1137.1 Procedures to Prevent and Address Violence, Harassment and Discrimination in the Workplace

Source: <https://usgc.ontariotechu.ca/policy/freedom-of-expression-policy.php>

## University of Ottawa

### Policy 121

#### PRINCIPLES

As an autonomous, self-governing institution whose most fundamental value is that of academic freedom, the University prizes and protects freedom of inquiry and all forms of freedom of expression. It neither seeks to shield its community from controversial or objectionable views nor permits interference with the free expression of the full spectrum of human thought, within the limits that bind the University under Canadian and Ontario law.

All members of the University of Ottawa community — teaching and research faculty, staff, and students, including both individuals and groups — and all visitors to the campus have the right to express their views freely.

The University recognizes that free debate and critique are essential to the pursuit of knowledge. As participants in collegial self-governance, all members of the community are expected to act in accordance with these values and applicable laws, which the university will safeguard by whatever steps it deems necessary. Visitors to the campus must also respect these values, relevant University policies, and applicable laws. Complaints in connection with this policy should be filed with the appropriate internal body as defined in University policies and regulations.

#### REVIEW AND IMPLEMENTATION

The Office of the Provost and Vice-President, Academic Affairs is responsible for the implementation and periodic review of this Policy.

#### APPROVAL AND AMENDMENT

Any amendment to this Policy shall be approved by the Administration Committee.

Source: <https://www.uottawa.ca/about-us/policies-regulations/policy-121-statement-free-expression>

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### **Senate Statement on Freedom of Expression in the University context**

Approved by the Senate on September 19, 2022.

#### *Background*

In spring 2021, the University of Ottawa asked retired Supreme Court justice Michel Bastarache to chair a committee on issues relating to academic freedom, freedom of expression, the institutional independence of universities, the values of equity, diversity and inclusion and the pursuit of substantive equality, and the legal framework for these issues. The report was tabled at the University Senate on November 22<sup>nd</sup>, 2021, and contained a series of recommendations. On February 14<sup>th</sup>, 2022, the Senate adopted a resolution to create an ad hoc committee to implement the recommendations in the report of the Committee on Academic Freedom. The creation of this statement is in response to one of the main recommendations of that Committee's report, which



proposed drafting a statement affirming the importance and necessity of protecting academic freedom and freedom of expression in a university context. The Ad Hoc Committee has also produced a full report of its work on the other recommendations which can be found here.

#### *Preamble*

- This Senate statement is addressed first and foremost to the University of Ottawa community. It asserts the importance and the necessity to protect freedom of expression in a university setting and academic freedom, while specifying their limits and the context in which these freedoms are exercised and lived out daily. It seeks the fundamental goals of redress, reconciliation, integration, and inclusion within our community.
- The importance of protecting freedom of expression in a university setting and academic freedom must be seen in light of the University's fundamental mission, that is to create an inclusive environment for teaching and learning, and for knowledge creation and transfer. To achieve this, it is essential that we collectively commit to creating and maintaining an environment that encourages discussion, dialogue, and debate, one that allows for the expression of a diversity of voices, including those that are marginalized and have been historically excluded. This environment should be one of openness to criticism, independence, civility, respect, and intellectual rigour.
- While freedom of expression and academic freedom are related, this statement focuses primarily on freedom of expression in a university setting, which is also protected by Policy 121 on freedom of expression. Academic freedom is clearly defined in Article 9 of the collective agreement between the University of Ottawa and the APUO, in Article 2.5 of the collective agreement between the University of Ottawa and the APTPUO and in Article 21.1 of the collective agreement between the University of Ottawa and CUPE 2626 . Nothing in this statement is intended to call into question the definition or scope of academic freedom protected by these agreements.

#### *Statement:*

- We reaffirm the importance and necessity to protect the freedom of expression of all members of the University Community (teaching staff, students, members of the administrative staff, and guests) within the limits set by university policies and regulations, and by the provincial and federal laws that govern us. We recognize and protect free discussion and the development of a critical relationship to knowledge and ideas as essential to the advancement of knowledge. We also reaffirm the University's autonomy and independence from funding agencies, governments and political, economic, and philanthropic actors and entities.
- We condemn racist, discriminatory, and hateful speech and affirm that under no circumstances can a person hide behind freedom of expression, or academic freedom, to justify such speech. We recognize that respect, dignity, and inclusion are essential to learning and to the equal exercise of freedom of expression.
- We recognize and protect teaching staff pedagogical choices, as well as their scholarly approaches and orientations. No word, concept, idea, work, or image can be barred *a priori* from use in a teaching or research context, within the limits prescribed by law.

- We acknowledge the importance of the following elements when implementing principles promoting freedom of expression in a university context: the setting (e.g., classroom, lecture, informal discussion), the statement context (e.g., teaching, research, examination), the status of the speakers (undergraduate or graduate students, full- or part-time professors, teaching assistants, administrative staff, and guests), the audience, and the power relations and inequalities that exist between members of the University community. Freedom of expression must be interpreted in the context of the interdependence of rights, and in particular its connection to the right to equality and dignity.
- We reaffirm and protect the unhindered expression of all voices and promote respectful exchanges in the classroom. Members of the teaching staff who are in position of authority have a particular responsibility in this regard, especially in the context of learning and examination. It is useful to think about how to deal with certain topics, as well as the language that is used and the appropriate moment to do so, in view of the learning objectives pursued and the importance to build trust with learners. It may also be helpful for the instructor to prepare their audience and explain or situate their pedagogical choices. Openness, transparency, and intellectual honesty are paramount.
- We acknowledge that standards and principles applicable to freedom of expression will evolve and change over time, and that we must remain open to reassess them in a respectful manner. We are committed to offering ongoing training and support to all members of our community in this regard.

Source: <https://www.uottawa.ca/about-us/leadership-governance/senate/senate-statement-freedom-expression-university-context>

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The implementation framework uOttawa followed is found here: <https://www.uottawa.ca/about-us/sites/g/files/bhrskd336/files/2022-09/Report%20-%20English.pdf>

## University of Toronto

### STATEMENT ON FREEDOM OF SPEECH

In policies approved by the Governing Council, the University community has held that the essential purpose of the University is to engage in the pursuit of truth, the advancement of learning and the dissemination of knowledge. To achieve this purpose, all members of the University must have as a prerequisite freedom of speech and expression, which means the right to examine, question, investigate, speculate, and comment on any issue without reference to prescribed doctrine, as well as the right to criticize the University and society at large. The purpose of the University also depends upon an environment of tolerance and mutual respect. Every member should be able to work, live, teach and learn in a University free from discrimination and harassment.

The existence of an institution where unorthodox ideas, alternative modes of thinking and living, and radical prescriptions for social ills can be debated contributes immensely to social and political change and the advancement of human rights both inside and outside the University. Often this debate may generate controversy and disputes among members of the University and of the wider community. In such cases, the University's primary obligation is to protect the free speech of all involved. The University must allow the fullest range of debate. It should not limit that debate by preordaining conclusions, or punishing or inhibiting the reasonable exercise of free speech.

Of necessity, there are limits to the right of free speech, for example, when members of the University use speech as a direct attack that has the effect of preventing the lawful exercise of speech by members or invited guests, or interfering with the conduct of authorized University business, the University may intervene. Similarly, although no member of the University should use language or indulge in behaviour intended to demean others on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, handicap, age, marital status, family status, the receipt of public assistance or record of offence, the values of mutual respect and civility may, on occasion, be superseded by the need to protect lawful freedom of speech. However, members should not weigh lightly the shock, hurt anger or even the silencing effect that may be caused by use of such speech.

The right to free speech is complemented by the right of freedom of association. The right to free speech extends to individuals cooperating in groups. All members have the freedom to communicate in any reasonable way, to hold and advertise meetings, to debate and to engage in peaceful assemblies and demonstrations, to organize groups for any lawful activities and to make reasonable use of University facilities, in accordance with its policies as they are defined from time to time and subject to the University's rights and responsibilities.

This policy statement does not exhaust University policy with respect to freedom of speech and is not intended to amend or qualify University policies on academic freedom, as currently expressed, for example, in Article 5 of the [Memorandum of Agreement between the University of Toronto and the University of Toronto Faculty Association](#).

January 29th, 1992

## Wilfrid Laurier University

### Statement on Freedom of Expression

*The Senate of Wilfrid Laurier University approved the following statement on freedom of expression at its meeting on May 29, 2018. The statement was developed through an extensive process involving research, consultation and deliberation, which was led by a task force comprised of representatives from the Laurier community.*

#### The Role of Free Expression

Wilfrid Laurier University's purpose is to extend and deepen understanding of the world and ourselves through open-ended, disciplined, and critical enquiry. Freedom of thought, association, and expression are fundamental principles of an open, fair, and inclusive campus, and are core to the discovery, critical assessment, and effective dissemination of knowledge. As history clearly demonstrates, these freedoms establish conditions necessary for critical thought, and for diverse voices to be heard without the fear of repression or reprisal. They are vital to the creation of knowledge, and to challenging the improper use of power. The Wilfrid Laurier University Act upholds these freedoms in defining the objects of the university as "the pursuit of learning through scholarship, teaching, and research within a spirit of free enquiry and expression."

Laurier unequivocally embraces the principles of free expression required in an academic environment. The university supports the expression, testing, and challenging of a range of perspectives and ideas, including those that may be deemed difficult, controversial, extreme, or even wrong-headed. As an institution of higher learning, Laurier strives to instill throughout its community the ability to think critically, express ideas clearly and persuasively, and articulate positions that are based on reason, evidence, and frameworks of knowledge. The university is distinct from a public square, or an online forum; as an academic institution it is committed to advancing intellectual excellence rooted in diversity of thought in an inclusive learning environment.

#### Inclusive Freedom

As an institution that is deeply committed to free expression, and to diversity, equity, and inclusion, the Laurier community will sometimes be divided over ethical, social, and pedagogical obligations. These disagreements reflect the profound differences of opinion that exist regarding the tension between free expression and other fundamental values and principles. The university acknowledges that members of its community will sometimes struggle with these issues and will even voice dissent about the merit of particular speakers or subject matter in advancing intellectual enquiry or critical discourse and dialogue. Nonetheless, Laurier challenges the idea that free expression and the goals of diversity, equity, and inclusion must be at odds with one another. Instead, the university embraces the concept of "inclusive freedom" which espouses a commitment to the robust protection of free expression, and the assurance that all members – including those who could be marginalized, silenced, or excluded from full participation – have an opportunity to meaningfully engage in free expression, enquiry, and learning.

Laurier recognizes that at times free expression may harm and/or further marginalize community members from visible and invisible minority groups, including, but not limited to those from groups based on Indigeneity, class, race, ethnicity, place of origin, religious creed, spiritual belief, sexual orientation, gender identity and expression, age, and ability. In such cases, the university encourages its community members to respond with an educational and intellectual approach that

increases awareness and consideration of diverse positions. The university reaffirms its commitment to creating an inclusive environment for all Laurier community members, and to providing access to services that support well-being and safety from physical harm.

Some challenging cases of free expression will have to be navigated, but it is not the role of the university to censor speech. To grant the institution such power would set a dangerous precedent. Even if institutional censorship were deemed acceptable in one context, there is no guarantee that such restriction would be applied fairly or wisely in other contexts, or as power changes hands over time. Rather than restricting speech, Laurier is committed to supporting an open and inclusive environment that also protects free expression. Community members are free to reject and vigorously contest ideas while still recognizing the right to express or hear those ideas. The university aspires for its community to engage in *better* speech whereby members strive for a high ethical and intellectual standard for open and constructive discourse.

### Limits and Considerations

Free expression is never without limits. Canada's legal frameworks restrict illegal forms of expression such as threats, defamation, discrimination, harassment, unjustified and substantial invasion of privacy and confidentiality, and hate speech. These limits apply to speech on campus in the same way as they apply elsewhere. The university reserves the right to reasonably manage the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of its community, or impinge upon the physical safety of its members. However, this administrative discretion should not be exercised in a manner inconsistent with Laurier's overarching commitment to free expression. Other context-specific boundaries to free expression apply and are set out in the terms of employment for university staff and faculty, including the university's faculty collective agreements.

### Campus Contexts

Context is an important consideration in matters of free expression. Inside the classroom, the primary focus is teaching and learning, which must align with the fundamental principles of academic freedom as articulated in Article 7 of the university's full-time and part-time faculty collective agreements. The commitment to inclusive freedom extends into the classroom, where all students should feel engaged, included, and heard. In an environment that emphasizes intellectually challenging content, there may be times when instructional material or discussions challenge students' worldviews and identities. However, these moments can be mitigated by strong and balanced pedagogy where openness and respect for human dignity prevail. Students also have the right to expect classrooms that are free from personally directed attacks on their individual character, motives, or attributes.

In campus spaces outside of the classroom, Laurier community members can actively participate in events, forums, and discussions at their own discretion. When confronted with ideas or viewpoints with which they disagree, community members may choose to dissent through, for example, participating in debate, hosting alternative events, inviting speakers to express opposing views, and/or engaging in non-violent protests. The development of such constructive strategies contributes to individual intellectual growth and serves as preparation for ongoing civic engagement. At the university, all forms of expression should be undertaken in a manner that also recognizes the free expression rights of others.

## Our Collective Responsibility

All members of the Laurier community including administrators, faculty, staff, and students share a collective responsibility to build, maintain, and continuously protect an inclusive and respectful institutional culture that champions free expression in the pursuit of knowledge. By supporting free expression in this constructive and pedagogically sound way the university can fulfill its mission, preparing graduates to engage with difficult ideas and challenge the world in all its complexity.

## Editor's Note

For the purpose of the statement, definitions used are sourced from the Criminal Code of Canada (defamation, hate speech), the Canadian Charter of Rights and Freedoms (freedom of expression), and the Ontario Human Rights Code (discrimination, diversity, equity, inclusion, and harassment). It is recognized that these bodies may, over time, modify their definitions. Because the university is committed to operating under best practices and most current definitions, the university recommends that readers consult the original sources to access the most up-to-date definitions.

## Glossary

**Inclusive Freedom:** Framework for speech on campus that takes seriously the importance of a free and open exchange as a necessary condition for the pursuit of knowledge, and as a contributing condition to the development of civic and democratic capacities. It lends similar weight to the related demand that all members of the campus community be able to participate in this free and open exchange (Ben-Porath, Sigal, *Free Speech on Campus*, 2017).

Source: <https://www.wlu.ca/about/discover-laurier/freedom-of-expression/statement.html>

## QUEBEC

## University of Laval / l'Université Laval

Énoncé institutionnel sur la protection et la valorisation de la liberté d'expression à l'Université Laval

### PRÉAMBULE

Nous vivons une époque où les opinions sont de plus en plus polarisées, où les sensibilités s'expriment davantage, où l'intimidation fait souvent office d'argument. Il devient ainsi de plus en plus difficile pour l'université de demeurer un lieu où toutes les idées peuvent être exprimées et débattues. Rappelons que les libertés de penser, de s'exprimer, de débattre, de faire avancer les connaissances et de développer le sens critique sont les fondements mêmes de l'université et de la démocratie. C'est dans ce contexte que cet énoncé s'inscrit. Son objectif vise la protection et la valorisation de la liberté d'expression à l'Université Laval dans les limites imposées par le cadre législatif québécois et canadien.

Les principes soutenus dans cet énoncé traitent de la liberté d'expression et non de la liberté universitaire, qui est déjà enchâssée dans les conventions collectives pertinentes. Ils s'appliquent à toute la communauté universitaire, c'est-à-dire au corps professoral et enseignant, aux membres du personnel et de la communauté étudiante ainsi qu'aux personnes invitées.

Alors que la liberté universitaire protège le droit d'enseigner, d'apprendre, d'étudier et de publier sans craindre l'orthodoxie ou la menace de représailles et la discrimination (Association canadienne des professeures et professeurs d'université (2021, 18 janvier). *Les cas touchant la liberté académique*. Repéré au <https://www.caut.ca/fr/latest/publications/academic-freedom/academic-freedom-cases>.), la liberté d'expression épouse un concept plus large. L'UNESCO la présente comme suit : « Tout individu a droit à la liberté d'opinion et d'expression, ce qui implique le droit de ne pas être inquiété pour ses opinions et celui de chercher, de recevoir et de répandre, sans considération de frontières, les informations et les idées par quelque moyen d'expression que ce soit (UNESCO (2021, 11 janvier). *La Déclaration universelle des droits de l'homme*, article 19. Repéré au <https://www.un.org/fr/universal-declaration-human-rights/index.html>.)

### 1. PRINCIPES GÉNÉRAUX

La protection et la valorisation de la liberté d'expression incombent tant à l'établissement qu'à ses membres, qui doivent agir avec discernement. Les droits et les privilèges de toute personne s'accompagnent d'obligations, dont celle de protéger la libre circulation des idées. La critique devrait toujours porter sur des idées et non sur des individus. Personne ne doit faire l'objet de commentaires de nature dénigrante ou de discrimination sous quelque forme que ce soit et quel qu'en soit le motif. Ce principe s'applique sans égard au moyen de diffusion.

Considérant qu'une idée minoritaire peut être vraie, même si elle s'oppose à celle acceptée par la majorité; que les idées minoritaires peuvent contenir une part de vérité qui n'est pas considérée par la pensée dominante et que d'en débattre peut mettre en lumière des éléments véridiques ou justes; qu'une idée généralement admise, pour être correctement comprise et défendue, doit pouvoir être critiquée et remise en cause, afin d'éviter qu'elle ne se transforme en doctrine stérile que personne n'oserait contester : Les idées, même celles qui sont controversées, doivent pouvoir être exprimées, entendues et débattues (John Stuart Mill [1990]. *De la liberté*, traduit par Laurence Langlet, Gallimard, Collection Folio Essais, Paris)



## 2. ÉNONCÉ FONDAMENTAL

L'Université Laval est un établissement où « s'exerce le droit de l'humanité à poursuivre librement la recherche de la vérité au bénéfice de la société et dans le respect des libertés individuelles et collectives, et ce, suivant des modalités propres à chaque époque (*Charte de l'Université Laval* (2006). « Préambule »).

De ce fait, l'Université Laval souscrit à l'engagement fondamental de ses membres en matière de liberté d'expression, d'association et de réunion pacifique dans un environnement sécuritaire et propice au libre-échange des idées pour que progressent la compréhension et la connaissance.

L'Université Laval se veut un lieu où toutes les voix peuvent être entendues et où différents points de vue peuvent être soumis et débattus dans un esprit d'inclusion, de respect et de dignité.

## 3. LIMITES

La liberté d'expression peut donc s'exercer pleinement à l'Université Laval. Toutefois, il y a certaines limites au-delà desquelles l'Université pourrait être appelée à intervenir. Ces limites sont établies au regard du contenu du message ou de son mode d'expression. Ainsi, l'Université pourra intervenir si l'idée ou la façon de l'exprimer contrevient :

- aux lois canadiennes ou québécoises, et à leur application, concernant notamment la diffamation, les propos haineux ou l'incitation à la violence;
- aux conventions collectives, aux règlements ou aux politiques en vigueur à l'Université

## 4. ENGAGEMENT

L'université a un rôle essentiel à jouer dans le développement de la pensée critique des individus. Dans ce cadre, tout sujet peut être abordé et devant ceux qui sont controversés, l'établissement évite la censure et favorise la prise de parole. Elle invite les personnes qui tiennent des propos polarisants à faire preuve de sensibilité et de bienveillance. Aux membres qui désirent se soustraire à l'expression de contenus jugés offensants, elle propose plutôt de débattre en faisant preuve d'ouverture et d'écoute.

En tant qu'établissement d'enseignement et de recherche et en tant que communauté, l'Université Laval s'engage donc à protéger la libre circulation des idées, même celles qui sont controversées, dans le respect des lois, des conventions collectives et des règlements en vigueur, et à offrir un environnement propice aux échanges, aux débats et au dialogue.

Source : <https://www.ulaval.ca/sites/default/files/notre-universite/direction-gouvernance/bsg/documents-officiels/directives-procedures/enonce-protection-valorisation-liberte-expression.pdf>

## **Appendix F: University of Waterloo Policy Review**

The TF conducted a policy review of those policies that refer to freedom of expression and academic freedom. Revision of some of these policies is recommended (we refer to section 5 Recommendations for details) to improve their articulation of the principles of freedom of expression and inclusive engagement.

### **Policy 8 – Freedom of Speech**

#### **Summary**

- 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.

#### **Definitions**

- “Free Speech” means speech, subject to the exclusions. Free speech includes speech that may be considered offensive or disagreeable by some individuals or groups, as well as speech that analyzes, critiques, debates, questions, challenges, criticizes, protests or otherwise disagrees with the speech of others, provided the foregoing does not fall into an Exclusion.
- “Speech” means communication of any idea, opinion, concept, data or other view.

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 on 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”.

### **Policy 2 – Bulletin Boards, Temporary Signs, and Notices**

While the policy supports the dissemination of information related to academic, non-academic, and student activities, it does not explicitly address free speech and academic freedom. Instead, it is centered on the management and regulations related to bulletin boards throughout the University. It outlines procedures for posting notices, assigning responsibility for maintaining bulletin boards, and obtaining permission for posting notices. The regulations stated in the policy illustrate that all types of notices and signs on university property must be approved by Plant Operations. The policy also indicates that the President or their delegates reserve the right to remove any notice or signs considered to be objectionable.

### **Policy 34 – Health, Safety and Environment**

This policy primarily focuses on promoting health and safety on University property and at University events. While it does not explicitly mention freedom of expression or academic freedom, some principles within the policy indirectly support these concepts.

- The policy states that the University expects its employees, students, and visitors to take responsibility for their own safety and actions, and the impact of those actions on others. The expectation for proactive reporting of situations that impact health and safety on University property or at University events indirectly supports freedom of

expression by fostering an environment where individuals feel empowered to speak up about concerns without fear.

- The principle that "The University will not tolerate violence on University Property or at University Events" promotes the establishment of a safe and secure environment for employees and students.

### **Policy 33 – Ethical Behaviour**

- This policy outlines the University's principles and guidelines for fostering and maintaining an environment free of discrimination, harassment, sexual harassment, and workplace harassment.
- 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).
- 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.

### **FAUW/University 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.

#### **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.
- The article explicitly states that discrimination based on any activity pursuant to the principles of academic freedom, as outlined in Article 6, is prohibited.

## APPENDIX G: References

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