

CUASA General Membership Meeting – October 3, 2018

Summary of Free Speech Policy Discussion

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Please note that this document does not reflect the official or final position of CUASA on the Free Speech Policy matter under discussion. This document was prepared to assist in immediate Senate deliberations only. CUASA reserves all its rights and privileges on this issue.

CUASA members reject the premise that Ontario universities are experiencing a “free speech crisis”. As such, Carleton’s forthcoming Free Speech Policy should uphold Carleton’s long-standing commitment to fostering a climate of informed, respectful academic debate, research, and inquiry.

Based on the lengthy and considered discussion of this issue by Members attending CUASA’s General Membership Meeting (not quorum), the following points are put forward for consideration by the Senate Subcommittee tasked with drafting a Free Speech Policy (hereafter referred to as the FSP) for Carleton:

1. The FSP must respect CUASA’s Collective Agreement on Academic Freedom concerning research and teaching. The requisite articles from the Collective Agreement are appended below.
2. The FSP must strive to maintain the delicate balance between free expression protections and a discrimination-free work and study place, as called for by the Ontario Human Rights Code.
3. The University of Chicago model, which is based on U.S. law, may pose significant conflicts and challenges in the Canadian legal context.
4. The FSP should be very clear in addressing the implementation process and compliance questions. For example: Who within the university will adjudicate the policy? Who will decide what violates free speech policy and what the penalty would be? What recourse will there be for appeal?
5. The FSP must protect the right to protest as an exercise of free speech. The FSP must clearly and explicitly distinguish between *disruption* and *protest*, since protest by some may be deemed disruptive by others.
6. In drafting the FSP, the subcommittee must consider whether and how the policy will impact classroom discussion, and in particular, how it will affect the right of faculty members to intervene, if necessary, where forms of speech could be deemed “harassment” of a minority group member.
7. The FSP should be as minimalist as possible in order not create traps that litigious individuals could leverage with unanticipated results.

Relevant sections of CUASA Collective Agreement

Article 4. Academic Freedom

4.1 The common good of society depends upon the search for truth and its free exposition. Universities with academic freedom are essential to these purposes both in teaching and scholarship/research. Employees are entitled, therefore, to:

- a. freedom in carrying out research and in publishing the results thereof;
- b. freedom in carrying out teaching and in discussing their subject; and
- c. freedom from institutional censorship.

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

Article 15.2.d. Rights and Responsibilities of Faculty Employees as Teachers

Faculty employees shall have the right and responsibility to organize and structure classroom and laboratory activities and to adopt reasonable means to maintain a learning environment which is both productive and orderly.