

GMM DISCUSSION OF THE “FREE SPEECH” POLICY (FSP) DIRECTIVE

Purpose:

1. To have an informed discussion of the implications of FSP directive for all members of the university community;
2. To generate list of concerns for the Senate Committee tasked with drafting FSP for Carleton.

Background:

In August 2018, the Ford government issued a campus free speech directive to address what it refers to as a “crisis of free speech” on university campuses. The directive mandates each Ontario university to craft and begin enforcing a FSP by 1 January 2019, and that the policy be based on University of Chicago [“Principles on Freedom of Expression”](#).

The directive states: “Although faculty, students and staff are free to criticize, contest and condemn the views expressed on campus, they may not obstruct, disrupt, or otherwise interfere with the freedom of others to express views they reject or even loathe.”

The only limit conceded by the Ford government on free expression will be speech which legally qualifies as hate speech, for which the bar is very high.

Student groups deemed to obstruct an entity’s exercise of free speech are to be punished by the university taking steps to claw back their funding.

Annual reports will be required to the Higher Education Quality Council of Ontario (HEQCO) on each university’s compliance and enforcement.

A university that fails to comply with either drafting or enforcing free speech policy may be penalized with operating grant claw backs. This is similar to President Donald Trump’s proposal to defund American universities that do not protect the free speech of alt-right provocateurs (such as Milo Yiannopolous at Berkeley in February 2017).

Our colleagues in CUPE, OCUFA, and CAUT have all expressed deep reservations about this imposed directive for its interference in the autonomy of university governance.

Key Questions for Discussion:

- Could this directive be in conflict with CUASA’s collective agreement?
- How might this impact how professors facilitate discussion in classrooms?
- How might this impact Carleton’s commitment to ensure a work and learning environment free of harassment and discrimination?
- How can we ensure meaningful consultation occurs with all members of the Carleton community potentially affected by a Free Speech Policy?
- What legal standing will such a policy have? Will it conflict with human rights law?
- Who will oversee enforcement of university free speech policy? What recourse mechanisms will there be for appeals? Why does HEQCO get to adjudicate?
- How will “disruption” be defined? How will the right of dissent be protected?