



## ACADEMIC COUNCIL REPORT

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### SESSION:

Public  
Non-Public

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### ACTION REQUESTED:

Decision  
Consultation  
Information

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**TO:** Academic Council

**DATE:** October 23, 2018

**FROM:** Robert Bailey, Provost and Vice-President Academic

**SUBJECT:** Freedom of Expression Policy – Consultation on draft

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### ACADEMIC COUNCIL MANDATE:

- Under the Policy Framework, Policy Owners must consult with Academic Council before presenting draft policy instruments to the approval authority for approval.
- We are seeking Academic Council's feedback on the draft document before it is presented to the Board of Governors for approval.

### PURPOSE OF POLICY INSTRUMENT:

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

### CONSULTATION:

#### List of Consultation Dates:

- Policy Advisory Committee (September 17, October 25)
- Online Community Consultation (October 12-October 22)
- Academic Council (September 25, October 23)
- Audit and Finance Committee (November 19)
- Board of Governors (November 29)

**NEXT STEPS:**

- Comments from Academic Council will be considered and a revised draft brought forward for deliberation to the Audit and Finance Committee (November 19) and approval to the Board of Governors (November 29)

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**SUPPORTING REFERENCE MATERIALS:**

- Freedom of Expression Policy (draft)



Classification Number	LCG XXXX
Framework Category	Legal, Compliance & Governance
Approving Authority	Board of Governors
Policy Owner	Provost and Vice-President Academic
Approval Date	DRAFT FOR CONSULTATION
Review Date	TBA
Supersedes	

## FREEDOM OF EXPRESSION POLICY

### PURPOSE

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

### DEFINITIONS

2. 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 academic, research, and administrative activities of university function.

**“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.

**“UOIT Campus”** means the physical (north and south locations) and virtual (online) UOIT environment.

### SCOPE AND AUTHORITY

3. This Policy applies to all University Members and authorized visitors and guests to the UOIT Campus.
4. 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**

UOIT 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. 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.

### **5. Assertion of Freedom of Expression**

- 5.1. Consistent with the Ontario Human Rights Code, all University Members, and authorized visitors and guests are encouraged to express ideas and perspectives freely and respectfully on the UOIT Campus.

### **6. Limits on Freedom of Expression**

- 6.1. 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 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
- 6.2. The University may reasonably regulate the time, place and manner of expression in accordance with the Booking and Use of University Space Policy.

### **7. Limits on the Protest and Challenge of Freedom of Expression**

- 7.1. Subject to the limits in section 6, University Members and authorized visitors and guests are free to criticize and contest any view expressed on the UOIT Campus, and to criticize and contest speakers who are invited to express their views on campus, but they may **not** obstruct or otherwise interfere with the freedom of others to express views they reject or even find abhorrent.
- 7.2. Conduct by students in contravention of this Policy will be subject to investigation and sanctions under the Student Conduct Policy.

### **8. Responsibilities of Student Associations and recognized Student Organizations**

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

### **9. Complaints**

- 9.1. Complaints related to decisions made by the University under this Policy will be addressed pursuant to the Safe Disclosure Policy.
- 9.2. Complaints related to the activities of recognized student organizations will be addressed pursuant to the Policy on Recognition of Student Organizations.

#### **MONITORING AND REVIEW**

- 10. 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**

- 11. Ontario Human Rights Code

#### **RELATED POLICIES, PROCEDURES & DOCUMENTS**

- 12. 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