

# COU Academic Colleagues Committee Report to the Ontario Tech U AC

Alyson King (COU Academic Colleague Representative for Ontario Tech University)

## Synopsis

This report provides an overview of two meetings held on December 12 and 13, 2023. The Tuesday night meeting was a presentation by an invited speaker followed by a brief discussion while the main COU colleagues meeting occurred on the Wednesday morning. Both meetings were held in a hybrid format (in-person and online) and I attended these in-person.

## Background

The objective of the COU Academic Colleagues committee is to support the COU council, consisting of the executive heads of the institution members of the COU, with feedback from academic colleagues concerning COU initiatives.

## Meeting Summaries

Evening meeting, December 12, 2023

### **Conversation on Free Expression in Relation to Geopolitical Events**

*James L. Turk, Director, Centre for Free Expression at Toronto Metropolitan University*

Title: *Re-evaluating Universities Role in Society: Lessons from the Israel-Hamas War (ppt attached)*

Notes:

Dr. Turk presented his research on and advice about maintaining academic freedom and free speech within the university, how universities (as institutions) vs Faculty members can and should respond to global and local social events, such as the Israel-Hamas War.

In Dr. Turk's opinion, universities should not make statements in support of particular issues as it is better to focus on the primary purpose of universities (e.g., teaching and research) and to maintain Academic Freedom. This is because there is no way to get consensus on anything at the university; it is better for the university to facilitate professors to be able to teach about issues and to take positions about them as individuals (not as representatives of the university). He referred to the University of Chicago's Kelvin Report (1967) about the mission of the university (as institutions) which discussed the importance of universities "being independent of political 'fashions, passions and pressures.'" University cannot take positions without jeopardizing its existence and effectiveness. The neutrality of universities arises not from a lack of courage, but out of respect for free inquiry and diversity of viewpoints. Is the university a community of scholars (as described in the Kelvin Report) or an institution that has employees and customers (students). In Dr. Turk's opinion, universities are a community of scholars. The best way to move forward on social justice is for universities to empower scholars to research, discuss and teach about issues. In his opinion, scholars can speak out based on their knowledge and research, but they do not speak for the university they work for.

Dr. Turk noted that there are limits to expressive freedom. For example, you cannot express opinions through violence, threaten violence, or defame people or groups. It is also important to understand what is legally considered hate speech, because people are often unaware of what it is, even if it is

hateful, it may not be “hate speech,” such as portraying a group of people as less than human. While universities have to understand that people feel unsafe and provide support for them, this does not mean that they can police speech because political expression is highest level of right for free speech. It is up to the courts and the law to set the boundaries for expressive freedom. Phrases can be interpreted and censorship never works as a way to control speech. Dr. Turk also noted that there is a distinction between Canadian and American laws, but not as big a difference as many people think. In most other countries, there are more onerous hate speech laws than in either Canada or the US, but there is not any evidence that the strict hate speech laws actually work.

Often, donors and students expect universities to speak out about issues, but there is a practical problem in that universities are made up of people (faculty, staff, students, etc.) who are not all agree. Dr. Turk argued that even if you find what they say to be odious, people have the right to speak and they should not be muzzled. But what if they are advocating genocide? Under law, advocating genocide is not illegal unless it is imminent. Now, people have come to expect that universities will speak out and they are gaining a reputational problem because if they do not make a statement, then that becomes a statement in itself. Universities should not make their own statements and they should not be neutral; rather, they should facilitate academic staff to be able to speak out. It is important for universities to protect academic freedom because universities are where serious research will happen. Currently, there are threats coming from governments. In Ontario, it is coming from the same government that insisted on universities agreeing to the Chicago principles.

Universities need to address these issues in ways that protect academic freedom and not all universities are doing so. For instance, McMaster University’s social media policy allows professors to speak out if it is related to your area of expertise and with the disclaimer that they do not represent the university. This is a problem because academic freedom extends beyond one’s area of expertise to include the freedom to use professional judgment in teaching and the right to engage as a citizen without penalty from your university. Today, there are problems because of longstanding town and gown tensions, and the rise of a populism that disregards expertise. Because we live in a democracy, all of these things are allowed. Nuance is important. For example:

- The Pride flag is intended to welcome diversity, so it is within the purview of the university to fly it to represent the university’s values regarding diversity.
- Students have freedom of speech in the public square, but within the classroom where a professor is working to create a climate of support for students it is ok to limit what is said.
- Students do not have the right to threaten anyone or to demand someone be fired. Outside the classroom, they have the right to speak unless they are threatening or harassing other students.
- At the unit level, academic freedom is protected in teaching (e.g., if a common text has been agreed upon, everyone has to use it; however, how they use it falls under academic freedom).
- Public Health is within the university’s domain, but a department or faculty cannot control public health protocols within the university.
- Universities are not democracies, but it is different for student unions because they if they take a political position that other students do not like, they can be voted out as part of a democratic process.

Morning meeting, December 13, 2023

### **1. Information Sharing**

The group shared some of the challenges that their universities have been discussing at their senate and/or academic councils. For example, most universities are focussing on budget issues, recruitment of students, creating programs that will attract students, recruitment and retention of upper administration, and fundraising.

### **2. COU President's Report (Steve Orsini)**

The [COU](#) met with members of the provincial government and the opposition regarding the Blue Ribbon Panel to press the case of the universities through discussions and a formal submission (see reports at <https://ontariosuniversities.ca/>). The main thrust is to ensure that no single stakeholder (e.g., provincial government) can dictate the role of the universities and that each retains institutional autonomy. The government is insisting that universities be as efficient as possible. COU is helping universities to do this already and has done for some 60 years (e.g., central application centre via [OUAC](#), [quality assurance](#), MyCreds, space initiatives, health plan for international students, joint purchasing, etc.). They still do not know what to expect from the government, even though IPSOS polling shows that about 90% of people want their kids to go to university and that the government should be more of the tuition fees. Right now, tuition is still frozen and the government is “cannibalizing” universities’ revenue streams (e.g., allowing degrees at colleges, approving private universities, etc.). There is an unlevel playing field with private universities because there is less quality control for private universities.

### **3. COU Internal Updates**

COU is transitioning their structure to meet the requirements of the Ontario Not-For-Profit Corporations Act.

### **4. Discussion on Future Topics**

The meeting ended with a discussion on the topic that will be the focus for the next meetings.

### **5. Committee Reports**

- a. Budget and Audit Committee
- b. Quality Council Audits at different universities

### **Links to documents referred to by Dr. Turk**

Report of the [University of Toronto Anti-Semitism Working Group](#)

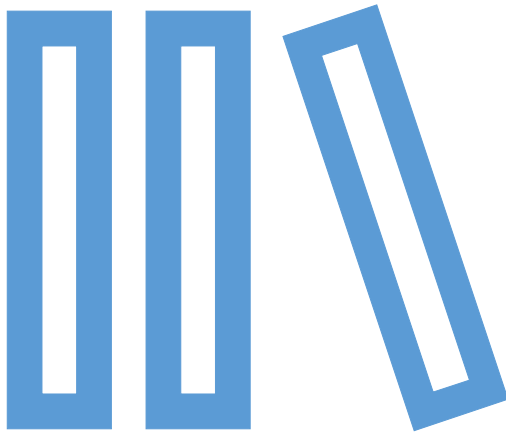
Article: [Camden Hutchison: Debates](#) over Israel-Palestine reveal growing threats to academic freedom

University of Chicago, [Report of the Committee on Freedom](#) of Expression

“[Open Letter to Canadian University and College Presidents](#)” by James Turk, Mark Gabbert, and Penni Stewart



# Re-evaluating Universities Role in Society: Lessons from the Israel-Hamas War



**James L Turk**

**Academic Colleagues Meeting  
Council of Ontario Universities**

**December 12, 2023**

# Stanford Report

OCTOBER 11, 2023

## **An update for the Stanford community**

Stanford University is a community of scholars. We believe it is important that the university, as an institution, generally refrain from taking institutional positions on complex political or global matters that extend beyond our immediate purview, which is the operations of the university itself.

Richard Saller, President  
Jenny Martinez, Provost

December 2021

## Report of the University of Toronto Anti-Semitism Working Group

“...the University should focus on problems and issues specific to the distinctive context of the University as a place in which difficult and controversial questions are addressed. In so doing, it should not adopt any of the definitions of anti-Semitism that have recently been proposed.”

**December 2021**

# **Report of the University of Toronto Anti-Semitism Working Group**

“Academic freedom is an individual right, the protected exercise of which depends upon every level of the University refraining from taking such positions or making public statements on such issues that will be taken to be made on behalf of their members.”



## Report on the University's Role in Political and Social Action

The Kalven Committee was appointed in February 1967 by President George W. Beadle. This faculty committee was charged with preparing "a statement on the University's role in political and social action." The resulting Kalven Report now stands as one of the most important policy documents at the University of Chicago. It affirms the University's commitment to the academic freedom of faculty and students in the face of suppression from internal and/or external entities while also insisting on institutional neutrality on political and social issues.





## **Kelvin Committee Report**

“The mission of the university is the discovery, improvement, and dissemination of knowledge. Its domain of inquiry and scrutiny includes all aspects and all values of society. A university faithful to its mission will provide enduring challenges to social values, policies, practices, and institutions. By design and by effect, it is the institution which creates discontent with the existing social arrangements and proposes new ones. In brief, a good university, like Socrates, will be upsetting.”



## **Kelvin Committee Report**

“The instrument of dissent and criticism is the individual faculty member or the individual student. The university is the home and sponsor of critics; it is not itself the critic. It is, to go back once again to the classic phrase, a community of scholars. To perform its mission in the society, a university must sustain an extraordinary environment of freedom of inquiry and maintain an independence from political fashions, passions, and pressures. A university, if it is to be true to its faith in intellectual inquiry, must embrace, be hospitable to, and encourage the widest diversity of views within its own community. It is a community but only for the limited, albeit great, purposes of teaching and research. It is not a club, it is not a trade association, it is not a lobby.”

## Kelvin Committee Report

“Since the university is a community only for these limited and distinctive purposes, 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 censuring 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.”

## Kelvin Committee Report

“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.

## **Kelvin Committee Report**

“From time to time instances will arise in which the society, or segments of it, threaten the very mission of the university and its values of free inquiry. In such a crisis, it becomes the obligation of the university as an institution to oppose such measures and actively to defend its interests and its values.”

If, subsequently, you have questions, would like references or more information, please feel free to contact me.

Thank you,

A handwritten signature in blue ink that reads "Jim". The signature is stylized with a large, looped initial "J" and a cursive "im".

[jim@jameslturk.com](mailto:jim@jameslturk.com)

[cfe.torontomu.ca](http://cfe.torontomu.ca)

Link to Open Letter to University Presidents about handling controversy over the Israel-Palestine War:

<https://cfe.torontomu.ca/blog/2023/12/open-letter-canadian-university-and-college-presidents>



## Ontarians Support for Ontario's Universities

### Background

Between April 25-28, 2023, Ipsos conducted a poll on behalf of the Council of Ontario Universities. For this survey, a sample of **1,335 adults aged 18+** living in Ontario was interviewed online via the Ipsos I-Say panel and non-panel sources.

### Key Facts from Ipsos Polling

- **90%** of Ontarians agree that they want (or would want) their child to attend university.
- **76%** of Ontarians are proud of our publicly assisted university system in Ontario.
- On average, Ontarians think **55%** of a university's budget should be publicly funded by government.
- **80%** of Ontarians agree that Ontario's universities produce the talent needed in the province to help build a prosperous Ontario.
- A strong majority (**73%**) of Ontarians support publicly assisted universities receiving additional funding from government, even if it means a modest short-term increase in the provincial deficit, a reduction of spending elsewhere or a slight tax increase.