

FREE SPEECH POLICY ANNUAL REPORT

Introduction

Carleton University cares deeply about freedom of speech as an essential part of a dynamic university community. Our university is enriched by the voicing of many perspectives that reflect the diverse body of people who are welcomed here and who form our community. Freedom of speech is vital because debates, unconstrained by preordained conclusions or threats of exclusion, are fundamental to the pursuit of truth, knowledge, and understanding that are the hallmarks of excellence in academia. As such freedom of speech is a deeply held Carleton value.

Carleton has a history of hosting vigorous debates on a wide variety of issues while maintaining a respectful atmosphere for the voicing of contending perspectives. To that end, the Free Speech Policy (“the Policy”) is intended as a framework that regroups in one document what was already in place prior to the Policy’s adoption and practiced through various policies at Carleton. The Policy summarizes the framework for existing policies while confirming the University’s longstanding commitment to freedom of speech at Carleton with the boundaries set by law which dates back to the institution’s creation. Reviewing Carleton’s existing policies, including the university’s equity and human rights policies, one can see that the Policy affirms and reflects these long-standing policies.

The Ontario Government’s guidance on free speech required “every publicly assisted college and university to develop and publicly post its own free speech policy by January 1, 2019 that meets a minimum standard specified by the government.” Although adopting a framework policy on free speech was a response to the guidance from the Ontario government, it provided Carleton and its community an opportunity to organize in a more cohesive manner where we stand as a community on this important issue.

Background and Consultation Process for Adopting the Policy

On August 30, 2018, the Premier’s Office advised all publicly-assisted universities and colleges to develop and post a free speech policy that meets specified minimum standards by January 1, 2019. Given that freedom of speech is in part a deeply academic issue (as well as being an operational issue) and an essential part of the University community, the decision was made to take the matter to the University’s Senate.

The Senate of Carleton University discussed the matter at its September 28, 2018 meeting. The Senate decided to mandate a Task Force of Carleton University Senators, composed of faculty, students and a contract instructor, to create a draft policy. Over the following weeks, the Task Force reviewed the minimum standards and worked on a first draft policy for Senate to approve being posted for community feedback. Senate reviewed the draft policy at its October 19, 2018 meeting and authorized that it be presented to the community for feedback.

A website dedicated to the consultation process was created at www.carleton.ca/senate/free-speech. An organization-wide email was distributed on October 23, 2018, from the Clerk of Senate outlining this process and requesting feedback on the policy. This email was posted on the Senate's website, the student portal and distributed throughout the university's communication network. The university invited input on this draft from the Carleton community from October 23 to November 6, 2018. The website had 2,568 page views and as of the final date for submissions on November 6, 2018, there were 135 responses received through the website as well as an open letter from community members.

The general dialogue feedback consensus was positive, with many submissions praising Carleton for protecting free speech and consulting with the university community before finalizing the policy. Many people provided favourable comments on the policy that helped the Task Force to know that they were on the right track. Others thought the policy could go further, while others thought the policy could be even more succinct (still others expressed that there should be no policy at all).

The Task Force then met on November 9, 2018 and November 16, 2018 to review all of the feedback received and to consider revisions to the draft free-speech policy. The feedback and dialogue were helpful to the Task Force in establishing the balance to be struck between providing an overly detailed policy and one that was too simple to capture such a complex issue. An appropriate balance was struck by providing a framework that informs Carleton's existing policies, recognizing the ability to engage in public debate as a cherished value at Carleton while providing a framework of how the University's understand free speech to be respected under Canadian law and Carleton's existing policies.

A revised draft policy was presented to Senate for its consideration. The Policy received unanimous approval at the November 30, 2018 meeting and was formally in place to meet the January 1, 2019 requirement. Subsequently, the Policy was unanimously endorsed by the Board of Governors of the University.

Events on Campus and No Complaints

The Policy was in force as required by January 1, 2019. According to the official university calendar, an estimated 481 non-curriculum events have been held on campus as at August 1, 2019. Echoing the University and its community's commitment to free speech, there have been no incidents on campus where an event was prevented or disrupted from proceeding in relation to free speech.

Finally, the University has to date not received any complaints under the Policy.

Enclosed with this report at Schedule A are answers to the specific questions posed by HEQCO to universities and colleges in its memorandum of June 12, 2019.

Schedule A

Response to Specific Questions Posed by HEQCO

Reporting Guidelines

Q: Freedom of speech policies have governed speech on campus since posting/implementation on January 1, 2019. Within the confines of your protection of privacy obligations, please report on events or incidents that have emerged during this initial implementation period. If a particular question can only be answered as of a specific date, please indicate the currency of the answer, which should be no earlier than August 1, 2019.

A: As indicated in the annual report as at August 1, 2019 there have been no incidents or events that emerged at Carleton following the policy coming into force on January 1, 2019

Institutional Culture & Policies

Q: In the wake of the government's requirement for institutional free speech policies, has there been ongoing debate or dialogue on campus with regard to freedom of speech?

A: As indicated in the annual report, the community was engaged and consulted in the creation of the Policy. Dialogue occurred across campus and feedback was received and incorporated into the Policy where appropriate. Reflecting both Carleton's historical commitment and the community's support for free speech, post the adoption of the policy there has not been any persistent or ongoing debate or dialogue on campus regarding free speech.

Q: Have institutional practices changed as a result of the free speech policy? For example, has the new free speech policy led to a re-examination or amendment of other institutional policies? If yes, please describe.

A: No. As noted, the Policy is a framework that informs the interpretation of University policies as it is reflection of the strong University wide policies already in place on campus.

Q: Now that your free speech policy has been in effect for a period of time, have any issues emerged that would cause you to re-evaluate or amend your existing policy? If so, please describe

A: No issues have emerged to date. See above.

Events

Q: We would like to get a sense of the ratio of free speech complaints to the overall number of public events on campus. In this case, we are interested in non-curricular events - invited speakers, for example - as opposed to regular events held as part of an academic program.

To the best of your ability, please provide an estimate of the number of non-curriculum events that have been held at the institution since January 1, 2019.

A: The University has an official calendar maintained by the Department of Communications that allows events to be publicly posted for purposes of bringing events to the attention of community members. Between January 1, 2019 and August 1, 2019, there have been an estimated 481 non-curricular events listed that the University is aware of taking place on campus. Note: not all events are listed in the Calendar. Faculties, departments, staff, faculty, students, student associations and the public do not list all their events in the calendar. Therefore, it is likely that the number of events was in actuality much higher than the estimate.

Q: Is there a designated office at the institution where members of the institutional community (or guests) are directed when there is a free speech related question or complaint about an event on campus?

A: The Policy directs questions regarding the interpretation and application of the Policy, including the appropriate complaint process, to the Office of the Provost. The Policy contains a section on complaints that sets out the existing mechanism for students under the Students Rights and Responsibilities Policy. For staff and faculty, the appropriate complaint process will depend on the applicable circumstances and/or collective agreement (where applicable).

Q: How did your institution navigate free speech related cost and/or safety concerns related to events on campus? To your knowledge, were there any instances where a non-curriculum event did not proceed due to these concerns?

A: To date, the University has not had to navigate these concerns and is not aware of any non-curriculum not proceeding due to these concerns.

Complaints

Q: Have any organized campus events or incidents on campus - curricular or non-curricular-caused members of the institutional community (or guests) to make an official complaint about free speech on campus?

A: As of August 1, 2019 the University has not received any official complaints.

Q: If there has been a complaint (or more than one), please describe:

- What were the issues under consideration? Identify any points of contention (e.g., security costs, safety, student unions and/or groups, operational requirements, etc.).

A: N/A. See above.

- How did the institution manage the free speech incident? Was the complaint addressed using the procedures set out in the policy? Did the policy/institutional process "work"? How were issues in contention resolved?

A: N/A. See above.

- Were there instances where members of the institutional community (or guests) sought redress or interpretation regarding the policy and/or requests for assistance with compliance?

A: *None.*

- To your knowledge, were any free speech complaints forwarded to the Ontario Ombudsman?

A: *The University is not aware of any.*

Q: Please include the following data for any free speech-related official complaints received by the institution:

- Number of complaints received under the free speech policy relating to non-curricular events and to curricular events.

A: *As of August 1, 2019 the University has not received any complaints.*

- Number of complaints reviewed that were dismissed.

A: *N/A. See above*

- Number of complaints or incidents where the institution determined that the free speech policy was not followed appropriately.

A: *N/A. See above*

- Number of complaints or incidents under the free speech policy which resulted in the institution applying disciplinary measures.

A: *N/A. See above*