

## FREE SPEECH POLICY CONSULTATION FEEDBACK REPORT

### Introduction

The Task Force wishes to thank all members of the community who submitted feedback. The Task Force is comforted in knowing that so many people in our community not only care deeply about freedom of speech, but also share our unanimous view that it is 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 belong here. The Task Force believes that the free flow of discussion, strengthened by a multiplicity of diverse ideas and beliefs, is one of the hallmarks of excellence in academia and at Carleton.

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. Carleton has a history of hosting vigorous debates on a wide variety of issues while maintaining a calm, respectful atmosphere for the voicing of contending perspectives. To that end, the Free Speech policy is intended as a framework that summarises what is already in place and practiced through various policies at Carleton.

The Task Force would like to emphasize that the policy does not introduce new restrictions or changes. Rather, it briefly summarizes the framework for existing policies while confirming the longstanding commitment to freedom of speech at Carleton. Reviewing Carleton's existing policies, including the university's equity and human rights policies, one can see that the new document confirms and reflects these long-standing policies.

The Ontario Government's recent guidance on free speech "requires 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 a framework policy on free speech is a response to the guidance from the Ontario government, it provides us an opportunity to summarize in a cohesive manner where we stand as a community on this important issue.

### Background and Process

On Aug. 30, 2018, the Premier's Office advised all publicly assisted colleges and universities in Ontario to develop and post a free speech policy that meets specified minimum standards by Jan. 1, 2019.

Senate discussed the matter at its Sept. 28, 2018, meeting and mandated a Task Force of Carleton University Senators, composed of faculty, students and a contract instructor, to create a draft policy. Senate reviewed the draft policy at the Oct. 19, 2018, meeting and presented it to the community for feedback.

A website dedicated to the consultation process was created at [www.carleton.ca/senate/free-speech](http://www.carleton.ca/senate/free-speech). An organization-wide email was distributed on Oct. 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 Oct. 23 to Nov. 6, 2018.

The Task Force met on Nov. 9, 2018 and Nov. 16, 2018 to review all of the feedback received and to consider revisions to the draft free-speech policy. A revised policy was presented and approved by Senate at the Nov. 30, 2018 meeting.

### **Feedback Metrics**

#### **Website**

- 2,568 page views
- 06:19 average time on page.

#### **Email**

- 5,812 total recipients
- 2,513 unique opens (43.2%)—any unique open rate over 40% is high for this combined target audience
- 4,269 total opens
- 449 clicks on link – high in comparison to other Carleton emails.

### **Summary of Feedback Received**

The draft policy was provided on the website and the following questions were asked through the online form:

- First and last name (not required)
- Option to submit anonymously (not required)
- Constituency (required)
  - Undergraduate student
  - Graduate student
  - Faculty
  - Staff
- Feedback (open box form)
- Consent (required)
  - My comments may be published along with my name.
  - My comments may be published without my name.
  - My comments will not be published.

As of the final date for submissions on Nov. 6, 2018, there were 135 responses received through the website as well as an open letter. Responses identified as:

- 28 Faculty members
- 30 Graduate Students
- 71 undergraduate students
- 6 Staff

The general feedback consensus was positive, with many submissions praising Carleton for protecting free speech and consulting with the university community before finalizing the policy. The Task Force acknowledges that many people provided favourable comments on the policy that helped us to know that we are 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). There is a difficult balance to be struck between providing an overly detailed policy and one that is too simple to capture such a complex issue. We have tried to strike the right balance by providing a framework that informs Carleton's existing policies. We have stated how we regard the ability to engage in public debate as a cherished value at Carleton, as well as providing a framework of how we understand free speech to be respected under Canadian law and Carleton's existing policies.

The following are recurrent themes and questions received through the submissions along with what we hope are helpful responses from the Task Force. The answers draw on Carleton's policies, statements, and best practices. We hope these responses provide approachable, easy-to-understand answers to what are sometimes complex questions. Nevertheless, it is important to emphasize that these answers are not intended to replace or reinterpret Carleton's policies. For a rigorous, comprehensive treatment of these issues, it will be important to refer back to the original policies themselves.

### **1. Defining certain terms and in particular "hate speech."**

We received comments suggesting that the policy define terms. Suggestions included defining terms such as hate speech and discrimination. While the Task Force considered definitions, it was recognized that adding definitions for legal terms that are continually updated by virtue of changing law would not be helpful and would cause the policy to rapidly be out of date. In addition, complicated legal issues such as hate speech cannot be succinctly captured in a definition beyond referring to statutory provisions that are not necessarily helpful without reviewing case law. In consequence, the Task Force felt it was best to leave definitions to existing policies and/or the law as appropriate.

## **2. Using examples for clarity.**

Some respondents requested concrete examples of actions to accompany definitions. By definition, policies are sets of guidelines and principles used to guide actions and decisions. In this case, the policy is meant to be a framework that informs and is reflected in Carleton's existing policies. The Task Force recognizes that there is an educational component to freedom of speech and is recommending to the administration that an FAQ document and/or education tools be created to help educate the community.

## **3. Clarifying the complaint-reporting process**

There were requests for outlining the procedures and process for complaints and/or reporting for those who violate the policy. In reading the policy, it is important to keep in mind that the policy is a framework that informs Carleton's existing policies that include many different complaint procedures. To that effect, 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 process will depend on the applicable circumstances and/or collective agreement (where applicable).

In light of the comments, the Task Force has added a sentence to the policy clarifying that questions regarding the appropriate complaint process or interpretation of the policy in a given circumstance are to be directed to the Provost and Vice President (Academic). We have also added a list of related policies for ease of reference.

## **4. Are there limits on free speech at Carleton?**

Yes. As noted in the policy, Canadian law, including the Criminal Code of Canada and the Ontario Human Rights Code, sets legal boundaries on speech. Various federal and provincial statutes, as well as the common law and contractual agreements, place limitations on some forms of speech. This is true whether the speaker is on a street corner or on a university campus. The Policy describes how the university might limit or guide the right to free speech, for example, when speech is used as a direct attack to prevent the lawful exercise of speech by other University members or invited guests, or to interfere with the conduct of authorized University business. The policy also notes that the purpose of the University depends upon an environment of tolerance and mutual respect. Every member should be able to work, live, teach and learn in a University free from discrimination and harassment. No member of the University should use language or indulge in behaviour intended to demean others on the basis of

their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, or disability.

#### **5. Will protest and criticism of controversial speakers be permitted on campus?**

We would also like to assure members of the community that the proposed free-speech policy does include the right to voice criticism and peacefully protest when controversial speakers are invited to campus. The policy recognizes that university community members may engage in demonstrations and make reasonable use of University facilities in accordance with its policies. Peaceful protests would be permitted, provided they do not disrupt an event or threaten the security or safety of participants. Under the draft policy, the University is guided by a commitment to the right of University members to communicate and to discuss and explore all ideas, as well as to engage in peaceful demonstrations. Indeed, the Task Force is of the view that peaceful protest has been a force for progressive change for generations.

#### **6. Concern about marginalized or minority groups**

The Task Force received comments from some individuals concerned about the impact on marginalized or minority groups. The Task Force recognizes that members of minority groups or disadvantaged communities may find it hard to exercise their right to free speech even though, in principle, all members of the university community enjoy identical rights to free speech. In this regard, the lived experience of individuals in our community is especially meaningful. Some groups have felt marginalized, oppressed, sidelined, intimidated, or targeted with malicious, cruel, or stigmatizing speech. The policy notes that freedom of speech requires being civil and respectful and the purpose of the university depends on an environment of tolerance and respect. In light of the comments received, the Task Force has further added to the policy: “In exercising free speech, staff, students and faculty are encouraged to consider the value of mutual respect. Informed, thoughtful and respectful argument, even when disagreement is profound, benefits the University community and fosters its essential purpose.”

It is also valuable to hold ongoing conversations about how to ensure that there is a level playing field for free speech. At the same time, the free-speech policy covers speech, in all its simplicity and all its complexity. The University’s policies are clear that we must support and encourage free speech, particularly in those quarters where such speech may be more difficult, by providing opportunities for all members of the community to express themselves, engage with each other, and respect differences.

The University has policies and procedures that address discrimination, workplace harassment, and health and safety concerns. Any member of our community who feels physically unsafe or threatened is encouraged to seek out these resources.

**7. What authority does the university have over groups or visitors not affiliated with Carleton?**

The University campus is private property. With respect to the assignment of space, the University's first priority must be for room bookings that contribute directly to the academic mission of teaching and scholarship. At the same time, Carleton plays a role in the community by opening our auditoria and rooms on occasion to external groups on appropriate terms in accordance with University policy and procedure. All users of University space are required to comply with all applicable University policies, federal and provincial statutes and municipal by-laws relating to private property, the rights of individuals and the University.

**Questions or Comments?**

For more information, please contact the Clerk of Senate at [clerkofsenate@carleton.ca](mailto:clerkofsenate@carleton.ca)