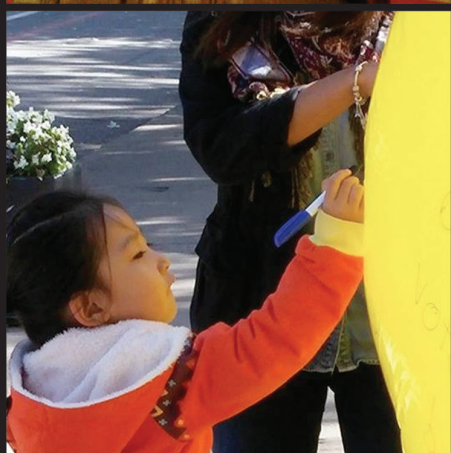


2015

Campus Freedom Index

Michael Kennedy & John Carpay



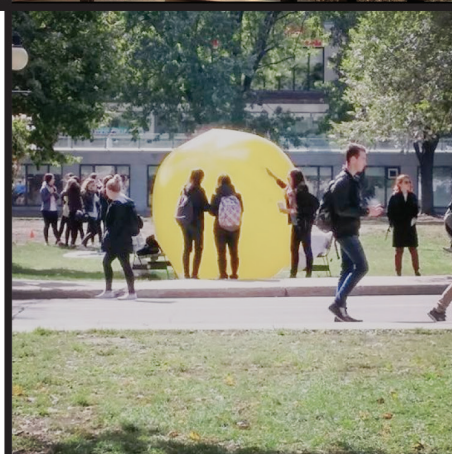
Justice Centre for Constitutional Freedoms

CELEBRATING 5 YEARS

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The 2015 Campus Freedom Index

Executive Summary

The 2015 Campus Freedom Index is the fifth annual report released by the Justice Centre for Constitutional Freedoms (JCCF) to measure the state of free speech at Canada's universities.

Starting with a survey of only 18 universities in 2011, this year's edition has grown to include 55 publicly funded Canadian universities—the largest and most expansive Index released so far, with information relevant to the more than 750,000 students who attend these institutions. The 2015 Campus Freedom Index includes an individual report about each university and student union.

The Campus Freedom Index is the first report of its kind in Canada to measure the state of free speech at Canadian universities. While other major Canadian university rankings provide statistics on student life, classroom size and faculty quality, the Campus Freedom Index is the first resource available for Canadian high school students and parents to help them to choose a school that will encourage—not stifle—their free expression rights on campus. This report also provides information to aid current students, as well as faculty and administrators, in improving the state of free at their schools, by clearly indicating which policies and practices support free speech and which of these needs to be improved.

With 220 grades awarded to 55 campuses, Canada's universities and student unions in 2015 have received only eight 'A' grades—less than 5%, and only three more 'A' grades than were awarded in 2014. Conversely 'F' grades were earned 41 times: 15 times by universities, and 26 times by student unions. In total, Canada's universities and students earned eight more 'F' grades than they did in 2014. There are 24 campuses that earned at least one 'F'—the same total as last year, but this year's Index included more universities.

2015 Campus Freedom Index	Taxpayer Funding		University Policies		University Practices		Student Union Policies		Student Union Practices	
	millions	% op. budget	2014	2015	2014	2015	2014	2015	2014	2015
Acadia University	31.5	33%	B	B	C	C	C	D	A	A
Bishop’s University	23.5	46%	C	C	C	C	D	D	C	C
Brandon University	39.4	66%	C	C	C	C	F	F	B	B
Brock University	90.7	29%	C	B	C	D	C	C	B	B
Cape Breton University	21.8	42%	D	D	F	F	D	D	C	C
Capilano University	35.9	41%	NA	C	NA	D	NA	F	NA	D
Carleton University	161.8	41%	D	D	C	C	B	B	B	A
Concordia University	296.0	57%	C	C	D	F	C	D	D	F
Dalhousie University	212.8	54%	C	C	F	F	F	F	D	D
Grant McEwan University	114.4	50%	NA	D	NA	C	NA	F	NA	D
Kwantlen Polytechnic University	66.8	43%	C	C	D	D	D	F	D	D
Lakehead University	62.5	54%	D	D	D	D	F	F	F	F
Laurentian University	76.8	45%	B	B	A	A	D	F	C	C
McGill University	657.3	56%	D	D	D	C	D	D	F	F
McMaster University	228.3	40%	B	B	C	C	C	C	D	D
Memorial University of Newfoundland	440.8	70%	C	C	C	A	D	D	F	F
Mount Allison University	22.1	49%	F	F	D	D	D	D	B	B
Mount Royal University	84.1	39%	C	C	F	C	D	D	D	D
Mount Saint Vincent University	19.9	39%	C	C	C	C	D	F	C	C
Nipissing University	35.1	51%	C	C	C	C	C	D	C	C
OCAD University	27.1	37%	C	C	D	D	D	D	C	D
Queen’s University	366.2	43%	C	C	F	D	D	C	C	C
Ryerson University	207.8	46%	C	C	A	A	D	D	F	F
Royal Roads University	17.8	29%	NA	D	NA	C	NA	D	NA	C
Saint Mary’s University	36.0	30%	D	C	F	F	D	F	D	D
Saint Paul University	6.3	34%	NA	F	NA	C	NA	C	NA	C
Simon Fraser University	224.3	48%	C	C	B	B	C	C	C	C
St. Francis Xavier University	32.2	44%	D	D	B	B	D	D	C	C
St. Thomas University	14.1	46%	B	B	B	B	D	D	D	D
Thompson Rivers University	73.8	41%	NA	D	NA	B	NA	C	NA	C
Trent University	51.2	51%	C	C	D	D	D	D	F	F
University of Alberta	897.0	49%	B	B	C	F	F	F	C	C
University of British Columbia	513.0	51%	C	C	C	F	D	D	D	D
University of Calgary	741.6	60%	D	D	C	D	D	F	F	C
University of Guelph	247.4	36%	C	C	C	C	D	D	F	F
University of King’s College	5.6	27%	C	D	A	B	C	C	C	C
University of Lethbridge	99.0	67%	B	B	B	F	D	D	C	A
University of Manitoba	368.6	43%	C	D	C	C	D	F	F	D
University of New Brunswick	112.0	61%	C	C	D	A	D	D	C	C
University of Northern British Columbia	48.3	59%	C	C	C	C	C	D	B	B
University of Ontario Institute of Tech-	62.1	62%	NA	D	NA	C	NA	D	NA	C
University of Ottawa	379.9	49%	D	F	F	F	D	F	D	D
University of Prince Edward Island	102.9	52%	C	C	F	F	D	F	D	D
University of Regina	113.1	56%	B	C	F	F	D	D	C	C
University of Saskatchewan	337.6	66%	C	C	C	C	B	B	C	C
University of the Fraser Valley	55.8	49%	C	D	F	F	D	D	D	C
University of Toronto	1,723.8	61%	A	A	F	B	D	D	F	F
University of Victoria	244.0	47%	C	C	F	F	F	F	C	F
University of Waterloo	209.6	34%	D	D	F	D	C	B	D	D
University of Windsor	97.2	38%	C	C	D	D	D	C	D	C
University of Winnipeg	56.1	59%	C	C	C	C	D	D	C	C
Vancouver Island University	57.5	43%	D	C	D	C	C	B	C	B
Western University	279.7	40%	B	B	D	D	D	C	F	D
Wilfrid Laurier University	100.5	39%	C	C	D	D	D	D	D	D
York University	371.7	37%	D	D	D	D	F	F	D	D



Free expression in 2015: the best and the worst universities

Best Universities		Policies		Practices	
		2014	2015	2014	2015
1	Laurentian University	B	B	A	A
2	Ryerson University	C	C	A	A
3	Memorial University of Newfoundland	C	C	C	A
4	University of New Brunswick	C	C	D	A

Worst Universities		Policies		Practices	
		2014	2015	2014	2015
1	University of Victoria	C	C	F	F
2	University of the Fraser Valley	C	D	F	F
3	Concordia University	C	C	D	F
4	Cape Breton University	D	D	F	F
5	University of Alberta	B	B	C	F
6	University of Prince Edward Island	C	C	F	F
7	University of Regina	B	C	F	F
8	Dalhousie University	C	C	F	F
9	Mount Allison University	F	F	D	D

Best Student Unions		Policies		Practices	
		2014	2015	2014	2015
1	Carleton University Students Association (CUSA)	B	B	B	A
2	Vancouver Island University Students' Union (VIUSU)	C	B	C	B
3	University of Lethbridge Student Union (ULSU)	D	D	C	A
4	University of Saskatchewan Students' Union (USSU)	B	B	C	C

Worst Student Unions		Policies		Practices	
		2014	2015	2014	2015
1	Ryerson Student Union (RSU)	D	D	F	F
2	University of Victoria Students Society (UVSS)	F	F	C	F
3	Lakehead University Students' Union (LUSU)	F	F	F	F
4	Concordia Students' Union (CSU)	C	D	D	F
5	Students Society of McGill University (SSMU)	D	D	F	F
6	Dalhousie Student Union (DSU)	F	F	D	D
7	Memorial University of Newfoundland Students' Union (MUNSU)	D	D	F	F
8	University of Toronto Students Union (UTSU)	D	D	F	F
9	York Federation of Students (YFS)	F	F	D	D

Significant changes in 2014-2015: The Good

Carleton University Students' Association – from B to A

The Carleton University Students' Association (CUSA) has been improving its position in the *Index* steadily since 2012, when it still had speech-restricting clauses in its *Discrimination on Campus Policy*, which had been used to deny ratification to student groups with pro-life views. CUSA's deliberate repudiation of this policy resulted in CUSA getting a 'B' for policies and a 'B' for practices in the 2014 *Campus Freedom Index*. This year, CUSA passed a new Support for Freedom of Expression Policy, based on JCCF's template *Resolution in Support of Free Expression*. This move to further support free speech strengthens CUSA's position as one of the best student unions in Canada, and combined with other past practices of defending free speech for its students, earns CUSA an 'A' in the practices category.

Memorial University – from C to A

Memorial University defended free expression on campus in September of 2014, against pressure from some students and faculty to condemn a lecture series on post-abortion mental health services that was sponsored by the University's Campus Chaplaincy and the Counselling Centre.

Mount Royal University – from F to C

Mount Royal University (MRU) moved from 'F' to 'C' in 2015 because of its decision to settle a lawsuit and apologize for the conduct of its security guards, who in 2013 detained, hand-cuffed and assaulted an individual who was distributing flyers on campus because a security guard found them offensive. JCCF represented Nicholas Macleod in his legal action, which was settled out-of-court with an apology from MRU's president.

University of New Brunswick – from D to A

In 2015, the University of New Brunswick defended the academic freedom of one of its faculty members, who faced complaints for comments made at eurocanadian.ca, a website he runs for his organization, the Council of European Canadians, which is independent of his academic work. This action earns UNB an 'A' grade in the practices section.

University of Toronto – from F to B

The University of Toronto earns a 'B' grade in the "practices" category for its defence of free expression in relation to a lecture titled "WWI 100th Anniversary: Human Suffering in Eastern Anatolia". The University also ensured there was an adequate security presence at the lecture, which took place in February 2015 amidst protest and demands to shut the event down from some students and faculty. The University did not qualify for an 'A' grade because it has yet to repudiate its past practice of denying common space to pro-life clubs due to the graphic nature of their displays.

Significant changes in 2014-2015: The Bad

Concordia University – from D to F

Concordia University drops to an 'F' for its failures to defend the free expression and academic freedom of students and lecturers in 2015. Specifically, the University failed to condemn and facilitated the removal of several texts from the Reflections Library operated by the Muslim Students Association, after a television station reported that some of the writings in the Library were by authors who had made controversial statements in the past. The University also failed to defend against the cancellation of a lecture near campus by Canadian MP Marc Garneau due to fear of violent protest, thereby encouraging more of these threats in future.



University of Alberta – from D to F

The University of Alberta condoned the bullying, censorship and intimidation of one of its own student groups throughout the 2014-15 school year. As explained in a [filed affidavit](#) sworn by Amberlee Nicol, a student at the University of Alberta, throughout the 2014-15 school year, the University condoned numerous violations of the *Code of Student Behaviour*, including the vandalism and destruction of U Alberta Pro-Life's posters; incitement to inappropriate and criminal behaviour; obstruction and disruption of a University-related activity, namely a peaceful, educational display on campus.

University of Lethbridge – from B to F

The University of Lethbridge imposed restrictions on the placement of a display by a pro-life student group due to complaints from students that they were offended by the graphic images on display in the 2014-2015 year. The University also failed to prevent protesters from obstructing the same pro-life club's display in the 2013-2014 year.

The State of Free Speech at Canada's Universities

University Policies

Only the University of Toronto received an 'A' for its written policies respecting free speech; eight universities received a 'B', 28 received a 'C' and 15 received a 'D'; three universities warranted an 'F' in this category. The University of Toronto earns an 'A' for the fifth year in a row, due to strong written policies which express unequivocally the University's support for free expression on campus, including an express prohibition on disrupting the expression of opinions that one may disagree with.

Three universities earned an 'F' for their policies:

- Mount Allison earns an 'F' in respect of its policies. Most universities pay at least partial lip service to free expression, but Mount Allison has no policies which expressly, or even by implication, commit the University to defend free speech on campus. Mount Allison's [Gender Neutral Language Policy](#) encourages students and members of the University community to replace in daily conversation phrases such as "man the desk" or "the common man" with "staff the desk" or "the average person" respectively. Other terms, like "act like a lady" should be replaced with "be polite". Mount Allison also prohibits "remarks or gestures with racist connotations," "racially offensive material" and "unwelcome questions and comments."
- The University of Ottawa earns an 'F' for its policies. It lacks a commitment to free speech. Its policies could be used to censor politically incorrect speech. It does not have an anti-disruption policy. Finally, its policy concerning security fees states that it "reserves the right to determine the number of security guards required, with costs to be covered by the user."
- Saint Paul University earns an 'F' for its policies. It fails to have a commitment to free speech. Its policies could be used to censor politically incorrect speech. It lacks an anti-disruption policies. Further, its policies do not prevent security fees from being used to censor controversial speech.

University Practices

Actions speak louder than words. Universities do not always uphold, adhere to, and implement their own policies. Based on the record of incidents at each institution, the 55 universities earned four ‘A’ grades, six ‘B’ grades, 19 ‘C’ grades, 14 ‘D’ grades, and twelve ‘F’ grades.

Four universities earned an ‘A’ for their records of supporting campus free speech:

- Memorial University defended free expression on campus in September of 2014, against pressure from some students and faculty to condemn a lecture series on post-abortion mental health services that was sponsored by the University’s Campus Chaplaincy and the Counselling Centre.
- In 2015, the University of New Brunswick defended the academic freedom of one of its faculty members who faced complaints for comments made at eurocanadian.ca, a website he runs for his organization, the Council of European Canadians, which is independent of his academic work. This action earns UNB an ‘A’ grade in the practices section.
- Ryerson University provided adequate security for a “men’s issues awareness” discussion on campus, in January of 2014, although it initially planned to charge the organizers with security fees. Ryerson also defended the open discussion of controversial ideas on campus, resisting pressure to have controversial lawyer and Black Panther Party leader Malik Zulu Shabazz banned from Ryerson campus.
- In 2007, Laurentian University’s Senate voted to condemn the suggested boycott of Israeli universities by Britain’s University and College Union. The University released a statement which read “Laurentian upholds the fundamental principle of freedom of speech and enquiry, and defends the open exchange of ideas among academics.”

At the opposite extreme, fifteen universities earned an ‘F’ grade for having actively censored controversial or unpopular speech on campus:

- The University of Alberta condoned the bullying, censorship and intimidation of one of its own student groups throughout the 2014-15 school year. As explained in a [filed affidavit](#) sworn by Amberlee Nicol, a student at the University of Alberta, throughout the 2014-15 school year, the University condoned numerous violations of the *Code of Student Behaviour*, including the vandalism and destruction of U Alberta Pro-Life’s posters; incitement to inappropriate and criminal behaviour; obstruction and disruption of a University-related activity, namely a peaceful, educational display on campus.
- The University of Victoria prevented the student group Youth Protecting Youth (YPY) from proceeding with a scheduled awareness event, based purely on the University’s desire to comply with and implement the student union’s censorship of this campus club. In addition to the last-minute cancellation of an event it had previously approved, U-Vic suspended YPY’s outdoor booking privileges for a year, and threatened to punish club members who participate in similar events in the future.
- Concordia University drops to an ‘F’ for its failures to defend the free expression and academic freedom of students and lecturers in 2015. Specifically, the University failed to condemn, and actually facilitated, the removal of several texts from the Reflections Library operated by the Muslim Students Association, after a television station reported that some of the writings in the Library were by authors who had made controversial statements in the past. The University also failed to defend against the cancellation of a lecture near campus by Canadian MP Marc Garneau due to fear of violent protest.
- The University of Lethbridge imposed restrictions on the placement of a display by a pro-life student group due to complaints from students that they were offended by the graphic images on display in the



2014-2015 year. The University also failed to prevent protesters from obstructing the same pro-life club's display in 2013-2014 year.

- Queen's University twice shut down a free speech wall which had been built by a student group to raise awareness about free expression rights, claiming unspecified concerns about "offensive content" while refusing to cite any specific examples.
- The University of the Fraser Valley cancelled an event organized by the campus club UFV Life Link due to "security concerns" arising from internet rumours about the possible presence of anonymous "protesters."
- Saint Mary's University forced the cancellation of a pro-life lecture by failing to provide adequate security to allow listeners to hear the presentation.
- Dalhousie University cancelled two lectures on grounds that the invited speakers, British MP George Galloway and American journalist Jared Taylor, were too controversial.
- Wilfrid Laurier University forced a Laurier Students' Public Interest Group (LSPiRG) to take down posters regarding "Israel Apartheid Week".
- Western University denied the campus club Western Lifeline equal access to prominent locations on campus. Western also condoned actions by its student union to censor and restrict Western Lifeline during displays and awareness events.
- The University of Ottawa failed to provide adequate security for a lecture by American author Ann Coulter, which forced the cancellation of the club-sponsored event just hours before it was to begin. The University also sent Coulter a letter prior to her arrival, warning her to "watch her words" while visiting the campus.
- The University of Prince Edward Island forced the confiscation of an issue of the campus paper, *The Cadre*, because it contained images of the Prophet Mohammed which the University felt were too controversial for the campus press. The University further pressured the student union to confiscate or remove from circulation the remaining issues of the paper.
- Cape Breton University fined one of its professors, Dr. David Mullan two weeks' pay for having stated in a letter, written and sent outside of his work, his opinion of homosexuality as an "unnatural lifestyle".

The State of Free Speech at Canada's Student Unions

Student Union Policies

Not a single student union in Canada earned an 'A' grade, because none satisfied all four of the following criteria:

- (1) a stated commitment to free speech on campus, set out in its mission, vision, or policy documents;
- (2) written policies which expressly protect diversity of opinion, and prevent the student union executive from discriminating against a club on the basis of its beliefs, opinions, or philosophy. The student union's policies prohibit discrimination in regards to club certification, club funding, and the allocation of resources such as room-booking and space-booking;
- (3) student elections rules and regulations which do not empower elections officers to censor speech during elections or referenda;

- (4) policies which restrict the student union’s advocacy on issues related to post-secondary education, without adopting or promoting formal positions in respect of provincial, federal or international issues.

In regards to their policies, the 55 student unions surveyed received four ‘B’ grades, nine ‘C’ grades, 26 ‘D’ grades, and 16 ‘F’ grades.

The following sample of student unions earning an ‘F’ in respect of their policies and principles include:

- The Saint Mary’s University Students Association (SMUSA) earns an ‘F’ for its policies after it abolished its Charter of Rights and Freedoms in 2014, which had previously defended free expression rights on campus.
- The Brandon University Students Union (BUSU) takes stances on many political issues not related to student life, and bans advertising and campaign materials if student politicians deem expression to run afoul of subjective criteria like “homophobic” “prejudicial” “derogatory” or “discriminatory”.
- The Dalhousie Student Union (DSU) in 2013 endorsed the “Divest Dal” campaign in 2013, which aims to see the University end any investments in fossil fuel companies. The DSU also “reserves the right to charge ancillary fees to societies holding events, for services including but not limited to DSU security staff ...” thereby empowering itself with unfettered discretion to impose security fees on groups it may disagree with.
- The University of Alberta Students Union bans posters which contain material that is “sexist, racist, homophobic, or otherwise defamatory,” as well as “any poster that contains offensive pictures or language” and “any poster that is not written in English or French.” It further mandates that “[a]ll publications must be in good taste,” leaving it up to union officials to define what is “in good taste”.
- The University of Victoria Students’ Society (UVSS) has, at various times over a period of many years, banned, defunded, restricted and censored the campus pro-life group Youth Protecting Youth (YPY). The UVSS prohibits posters which, in its opinion, “have the effect or purpose of unreasonably creating a hostile, intimidating, threatening, or humiliating environment.” UVSS takes political stances on issues unrelated to post-secondary education.
- In 2008, the Lakehead University Student Union (LUSU) declared itself to be officially pro-choice, and those who think differently must keep their speech and actions in accordance with the student union’s stance on the subject. A presidential decree banned “negative campaigning” and “controversial topics.”
- The York Federation of Students (YFS) maintains a *Club Ratification Policy* which prohibits ratification of groups not meeting content-based criteria including “any clubs who threaten, are rude or antagonizing to YFS Staff, Board or Executive Members.” YFS allows only one “advocating committee” to represent the yes and no options during referendum campaigns, and it takes positions on a range of issues that are unrelated to student life.



Student Union Practices

In regard to their practices, the 55 student unions earned only three ‘A’ grades, five ‘B’ grades, 21 ‘C’ grades, 17 ‘D’ grades, and 9 ‘F’ grades.

Three student unions earned an ‘A’ for their practices:

- Acadia Students Union (ASU) earned an ‘A’ for speaking and acting to support freedom of expression for unpopular opinions and beliefs on campus. In the spring of 2014, the ASU came to the defence of the campus newspaper, the *Athaenium*, when the paper’s printing contractor refused to print copies of its female sexuality issue, due to the depiction of a semi-nude woman on the cover. Regarding campus club certification, club funding, and allocation of resources to campus clubs, the ASU does not discriminate against any campus club on the basis of the club’s beliefs, opinions, or philosophy.
- The Carleton University Students Association (CUSA) passed a new Support for Freedom of Expression Policy, based on JCCF’s template Resolution in Support of Free Expression. This action in support for free speech strengthens CUSA’s position as one of the best student unions in Canada when it comes to upholding free expression, and combined with other past practices of defending free speech for its students, earns CUSA an ‘A’ in the practices category.
- The University of Lethbridge Students Union (ULSU) defended the free expression rights of one of its student groups when it faced censorship by the University in 2013 and 2014.

The following nine student unions earned an ‘F’ grade in respect of their practices:

- On February 23, 2015, the Ryerson Student Union’s Board of Directors [voted to deny](#) club recognition to Students for Life at Ryerson (SFLR), on the grounds that it violated the RSU’s women’s issues policy. The group had applied for club recognition in October of 2014, was denied, and then appealed to the Board of Directors where it was again denied. The club is now taking the Student Union to court to protect its free speech rights.
- The University of Toronto Students’ Union (UTSU) denied certification to the student group Men’s Issues Awareness Society in December of 2012, accusing the students of “perpetuating harassment towards women” in violation of UTSU’s *Discrimination on Campus Policy* and the *Ontario Human Rights Code*.
- The Trent Central Students’ Association (TCSA) denied space to the student group Trent Liberty when it tried to host a “free speech wall’ event on campus.
- The Lakehead University Students’ Union (LUSU) told the campus pro-life club (Lakehead University Life Support) that it could only exist by refraining from advocating its stance on abortion, and by not approaching any students to share the club’s viewpoint. When Lakehead University Life Support refused these conditions as unreasonable, LUSU then stripped the club of its status.
- The Students’ Society of McGill University (SSMU) told a student group (McGill Friends of Israel) that they had to change the name of their planned event “Israel-a-Party” because SSMU executives felt it made “a mockery and/or trivialization of various oppressions some people of the world are subject to on a day-to-day basis”.
- Memorial University of Newfoundland’s Students’ Union (MUNSU) denied official club status to MUN Students for Life, solely because the club’s beliefs and mission are contrary to the official pro-choice po-

sition of MUNSU.

- The University of Guelph Central Students' Association (CSA) decertified a pro-life student group and issued a public apology to all students who were 'forced' to look upon the club's displays and events.
- In December 2012, the University of Victoria Student Society (UVSS) Board passed a motion finding that the Catholic Students' Association (CSA), a UVSS club, had violated the UVSS *Clubs Policy* by distributing three leaflets during Clubs Days, entitled "Pure Manhood," "Pure Womanhood" and "Pure Love." The ruling came after complaints about the pamphlet were submitted to Megan Quigley, the UVSS Director of Student Affairs. UVSS mandated that the CSA write a formal apology to the student population for distributing the leaflets, and has also requested that the CSA "engage in a conversation facilitated by an external party regarding oppressive language, systemic violence and consent," to which CSA club members did not comply.
- The York Federation of Students (YFS) cancelled a scheduled debate on abortion just hours before it was to begin, stating that "abortion is not an issue to debate".

In some cases the actions of the student union took place prior to the 2014-15 school year, but the student union still earns an 'F' for failing to indicate that future practices will differ from past practices.

Methodology and Grading Criteria

The *Campus Freedom Index* uses specific, measurable and replicable criteria to assess the free speech climate on Canadian university campuses, giving university administrators and student union executives clear standards they can adopt to better protect free speech rights for students.

Student unions act as independent and autonomous organizations, with policies and governance structures that are separate from those of the university. Therefore, the *Campus Freedom Index* assigns letter grades of A, B, C, D and F separately to universities and to student unions.

Each university receives one letter grade for each of four criteria: university policies, university practices, student union policies, and student union practices.

Section 1 – University policies

A: The university satisfies all four of the following criteria:

- (1) a clear and unequivocal commitment to free speech on campus, set out in the university's mission, vision, statement on academic freedom, or other policy documents;
- (2) the university's policies cannot be used to censor unpopular, controversial, or politically incorrect speech. There is no prohibition on speech which a listener might find "offensive," "discriminatory," "disrespectful," "inappropriate", or "creating a negative environment", etc.;
- (3) policies make clear that security fees will not be used as an indirect method to censor controversial or unpopular speech on campus;
- (4) an anti-disruption policy makes it clear that the university will not condone students (or other people) engaging in the blocking, obstruction, suppression or interruption of speech with which they disagree.

B: The university satisfies three of items (1), (2), (3), and (4)



C: The university satisfies two of items (1), (2), (3), and (4)

D: The university satisfies one of items (1), (2), (3), and (4)

F: The university has none of these four factors. The university's commitment to free speech on campus is absent from its mission, vision, and other policy documents. Speech codes ban speech that a listener might find "offensive," "discriminatory," "disrespectful," or "inappropriate," and this prohibition is not negated by other policies which specifically uphold free speech rights. There is no anti-disruption policy. Unpopular speech can be priced out of students' reach by imposing security fees on the expression of speech deemed "controversial" or "high risk".

Section 2 – University practices

A: The university has acted decisively to permit the expression of unpopular speech on campus, by rejecting demands to cancel events or otherwise suppress speech, and by providing adequate security to ensure that people cannot engage in the blocking, obstruction, suppression or interruption of speech with which they disagree. In cases where the student union has restricted unpopular speech or discriminated against clubs on the basis of the club's belief or opinion, the university has publicly spoken out against such censorship.

B: The university's commitment to free speech has not been tested by having to defend the expression of unpopular speech on campus. The student union has not restricted unpopular speech or discriminated against clubs on the basis of the club's belief or opinion, so it is unknown whether or not the university would publicly speak out against such censorship. Unpopular expression on campus has not been obstructed, interrupted or otherwise suppressed, so it is unknown whether the university would provide adequate security to protect speech on campus. The university's policies (see Section 1, above) have received a grade of 'A' or 'B' and therefore provide sufficiently clear guidance to officials and administrators to stand up for campus free speech rights.

C: As with grade 'B', the university's commitment to free speech has not been tested by having to defend the expression of unpopular speech on campus. The university's policies (see Section 1, above) have received a grade of 'C' or 'D' and therefore do not provide sufficiently clear guidance to officials and administrators to stand up for campus free speech rights.

D: While not *actively* censoring or restricting speech on campus, the university has failed to defend the expression of unpopular ideas on campus. The university has (1) failed to provide adequate security to protect unpopular minority opinion from being blocked, obstructed, interrupted or otherwise suppressed, or (2) the university has failed to speak out against student union censorship, or both (1) and (2).

F: The university has actively censored unpopular speech on campus by doing one or more of the following:

- (1) imposing security fees on groups because their expression is unpopular or controversial;
- (2) denying equal access to campus spaces, rooms, or facilities;
- (3) imposing special conditions or restrictions on the expression of some groups;
- (4) cancelling scheduled events because "protesters" might be present;
- (5) charging people with trespassing because of the content of their peaceful expression, in the absence of any misbehaviour and in the absence of breaking any rules;
- (6) charging students with non-academic misconduct for expressing unpopular opinions on campus.

Section 3 – Student union policies

A: The student union has all of the following:

- (1) a stated commitment to free speech on campus, set out in its mission, vision, or policy documents;
- (2) written policies which expressly prevent the student union executive from discriminating against a club on the basis of its beliefs, opinions, or philosophy. The student union's policies prohibit discrimination in regards to club certification, club funding, and the allocation of resources such as room-booking and space-booking;
- (3) student elections rules and regulations which do not empower elections officers to censor speech during elections or referenda;
- (4) student union advocacy is limited to issues related to post-secondary education, and does not extend to adopting or promoting formal positions in respect of provincial, federal or international issues; there is no requirement for clubs to adhere to the union's ideology, doctrine, or policy positions in order to be certified and registered as a campus club.

B: The student union has three of these four factors.

C: The student union has two of these four factors.

D: The student union has only one of these four factors.

F: The student union has none of these four factors. Its policies lack commitment to campus free speech, and empower student union executives to discriminate against campus clubs on the basis of the club's beliefs, opinions, or philosophy. Student elections rules and regulations empower elections officers to censor speech during elections or referenda. The student union adopts formal positions in respect of provincial, federal or international issues not related to post-secondary education.

Section 4 – Student union practices

A: The student union has spoken or acted to support freedom of expression for unpopular opinions and beliefs on campus, by (1) rejecting demands to cancel events, or by (2) speaking out against university actions that suppress free speech rights, or both (1) and (2). Regarding campus club certification, club funding, and allocation of resources to campus clubs, the student union does not discriminate against any campus club on the basis of the club's beliefs, opinions, or philosophy.

B: The student union's commitment to free speech has not been tested by having to defend the expression of unpopular speech, or by needing to oppose university actions that suppress free speech rights. The student union's policies (see Section 3, above) have received a grade of 'A' or 'B' and therefore provide sufficiently clear guidance to student union executives to stand up for campus free speech rights.

C: The student union's commitment to free speech has not been tested by having to defend the expression of unpopular speech, or by needing to oppose university actions that suppress free speech rights. The student union's policies (see Section 3, above) have received a grade of 'C' or 'D' and therefore do not provide clear guidance to student union executives to stand up for campus free speech rights.



D: The student union itself has not actively discriminated against a campus club on the basis of the club's beliefs, opinions, or philosophy. However, the student union has had the opportunity to defend campus free speech and has failed to do so.

F: The student union has actively discriminated against campus clubs purely on the basis of the club's beliefs, opinions or philosophy, by doing one or more of the following:

- (1) refusing to certify a proposed campus club;
- (2) refusing to provide a club with funding on par with other campus clubs;
- (3) refusing to provide a club with equal access to resources such as room-booking or space-bookings;
- (4) imposing other restrictions on clubs based on the content of the club's expression, or based on the club's beliefs, opinions or philosophy.

The legal obligation of universities to defend free expression

The Supreme Court of Canada in *Irwin Toy Ltd. v Quebec (Attorney General)*, [1989] 1 SCR 927, held that Section 2(b) of the *Canadian Charter of Rights and Freedoms* protects all non-violent expressive activity, without discrimination based on content, however unpopular, distasteful, or contrary to the mainstream. In *R v Zundel*, [1992] 2 SCR 731, the Court held that the purpose of freedom of expression serves to protect minority beliefs which the majority regard as wrong or false. The view of the majority has no need of constitutional protection, because it is tolerated in any event. These and other court rulings make it abundantly clear that authorities cannot censor expression based on its content, or the popularity of the content.

The *Campus Freedom Index* shows that most universities (but few student unions) maintain policies which state the university's commitment to upholding the values of academic freedom and free expression. Such statements form part of a student's contract with her university, and the university is therefore obligated to uphold these terms on campus. In *Young v Bella*, 2006 SCC 3, the Supreme Court of Canada held that a contractual relationship exists between a student and a university. Numerous other Canadian court decisions have also held that there exists a contract between a university and a student, the terms of which can be found in the university's calendar, mission, vision, principles, and academic policies.

The principles of administrative law and the principles of statutory interpretation require decision-makers at universities, as well as the student politicians in charge of student unions, to base their decisions on proper considerations. The content of a student's belief or opinion is not relevant, and cannot be used to discriminate against students or campus clubs. Further, such discrimination runs counter to the very purpose of the university, which is to serve as a forum for the free expression and debate of ideas.

"Speech Codes" at Canadian universities

No Canadian university or student union has a "speech code" that is expressly referred to as such. However, many universities have rules, regulations and policies which effectively restrict the free expression and debate of ideas on campus. These restrictions are typically found scattered throughout the university's operating policies and procedures, including its *Code of Student Conduct*, policies prohibiting discrimination and harassment, policies

governing posters and bulletins, policies which regulate the booking of space on campus, and policies governing the provision of security during events. The free expression and debate of ideas can be threatened by open-ended commitments to fostering things like “safe space” and a “respectful” atmosphere that upholds the “dignity” of each member of the University community.

In similar fashion, student unions often maintain *de facto* speech codes as well, contained in various student union policies.

Codes of Conduct

Many universities have adopted codes of conduct that prohibit expression which anyone might find “offensive” “disrespectful” or contrary to the university’s “values”. At the University of Calgary, for example, Section 4.9 b) of the *Non-Academic Misconduct Policy* prohibits communication that the University considers “offensive”. Such vague terminology empowers administrators to shut down displays or events with content they deem ‘offensive’ according to their own subjective interpretation, or that of any complainant who disagrees with the ideas being expressed. Lakehead University’s *Code of Student Behaviour and Disciplinary Procedures* states that the University “encourages the free exchange of ideas and opinions, but insists that the free expression of views must be made with respect for the *human dignity* and freedom of others.” These qualifiers on free expression may well be based on the noble goal of creating and maintaining civility, but how they are defined and enforced is left to the subjective discretion of university officials and student politicians.

Ryerson University’s *Student Code of Non-Academic Conduct* compels students to “not act in ways which would reasonably be perceived to endanger, threaten or harm the...*mental* well-being of community members.” This amounts to a *de facto* speech code, but abuse of this policy is mitigated by Ryerson also stating that “[n]othing in this Code shall be construed to prohibit peaceful assemblies and demonstrations, lawful picketing, or to inhibit freedom of expression.”

“Safe Space”

Some universities have designated areas of campus as “Safe Space,” where politically incorrect speech is effectively banned. For example, the Kwantlen Students Association in 2013 adopted an *Abortion and Woman’s Right to Choose Policy* requiring that “any material displayed in the Association spaces should adhere to the principle of ‘safe space’ ... to ensure an accessible environment in which every student feels comfortable, safe and able to get involved in all aspects of the organisation free from intimidation or judgement”.

Policies prohibiting discrimination and harassment

The authors acknowledge that anti-discrimination policies and anti-harassment policies of a university or student union, if worded appropriately, need not stifle the discussion or debate of social, moral, political, religious, and philosophical ideas. Preventing discrimination and harassment on campus is an important part of the university’s responsibilities.

Nevertheless, there is an important difference between restricting speech in the workplace, and restricting the debate of controversial ideas on campus. Problems arise when anti-discrimination and anti-harassment policies apply (or are interpreted as applying) to all speech on campus. Therefore, the *Campus Freedom Index* examines human rights policies and anti-discrimination policies of universities and student unions to see whether they include express language indicating that the policies cannot be used to censor speech or restrict academic freedom. These policies sometimes state expressly that they are not intended for, and cannot be used for, the stifling of controversial speech on campus. But in the absence of such clarity, these policies easily become a tool to censor the expression of ideas that some may find offensive.

For example, Cape Breton University’s *Discrimination and Harassment Policy* defines “harassing behaviours” to include “unwelcome remarks, jokes, innuendos or taunting” about a person’s or group’s “body, attire, age, marital



status, ethnic or national origin, religion, sexual orientation, gender,” “display of sexually explicit, racist or otherwise offensive” material, “practical jokes which cause awkwardness or embarrassment,” “intimidation,” and “offensive gestures”. The *Policy* goes on to define harassing behaviour as “behaviour which undermines another’s self-respect and/or which exhibits an air of superiority.” While these policies can be justified in the workplace, their reach is extremely broad when applied to the entire university, such that the policy becomes a speech code. Debate on moral, political, cultural and philosophical issues will, by its very nature, invariably offend some, if not many, listeners.

Booking policies for events and displays

Universities and student unions have denied access to rooms, facilities, and spaces on campus to student groups which advocate opinions that are unpopular, controversial, or both. The rationale of “safety and security” is often invoked to justify this form of censorship. Protecting the “image” of the university, or pursuing a “positive atmosphere,” “respectful learning environment,” or “safe space” are also used as justifications. Regardless of rationale, these practices restrict free expression and debate, and academic freedom. Usually, these forms of censorship are neither required nor prohibited by the written policies governing the use of rooms and other spaces on campus.

Sometimes, the university expressly empowers itself to censor on the basis of a group’s beliefs or opinions. For example, the University of Manitoba’s booking regulations state that the University “reserve[s] the right to disallow rentals by groups/individuals whose purpose or intent may be deemed: Incompatible or disruptive to the University; Harmful to the University’s reputation; Offensive to community standards; Having a history or reputation of being disingenuous; Implied as endorsed or legitimized by the University;...”

Security fee policies

Universities are legally required to uphold the rule of law, including both the safety and free expression rights of their students, faculty and invited guests on university property. This, in turn, requires protecting the right of all students to express their views and engage in the debate of ideas, not just students who adhere to popular beliefs, tout “safe” opinions, and support politically correct causes. Universities have both a moral and a legal duty to honour their mission to pursue truth and disseminate knowledge, especially because they receive hundreds of millions of dollars from Canadian taxpayers each year

Unfortunately, many universities use “security fees” to silence the expression and debate of controversial and unpopular ideas on campus. For example, the University of Ottawa’s *Policy 28: Use of University of Ottawa Facilities and Services* reserves to the University “the right to determine the number of security guards required [for an event], with costs to be covered by the user.”

Campus clubs simply cannot afford to spend hundreds or thousands of dollars each time they wish to engage in the peaceful expression of their views by way of an educational display or classroom event. When universities require a campus club to pay hundreds (or thousands) of dollars in security fees for the “privilege” of hosting a debate or inviting a guest to speak on campus, universities effectively prevent unpopular and controversial speech from being heard on campus.

Anti-disruption policies

As part of their legal duty to uphold the rule of law, universities also have a duty to prevent the disruption of academic and non-academic events, including student group displays, public lectures, debates, and other events. Section 430 of the *Criminal Code* makes it an offence to obstruct, interrupt or interfere with any person in the lawful use, enjoyment or operation of property. The *Campus Freedom Index* therefore takes into account whether

a university expressly prohibits the disruption of academic and non-academic activities.

The University of Toronto's *Code of Student Conduct* states that "noise that obstructs the conduct of a meeting or forcible blocking of access to an activity constitutes disruption" and that "[no] person shall cause by action, threat or otherwise, a disturbance that the member knows obstructs any activity organized by the University of Toronto or by any of its divisions, or the right of another member or members to carry on their legitimate activities, to speak or to associate with others."

Campus club certification – a requirement for existing on campus

Student unions typically have the power to grant or deny official club status to campus groups, and to regulate their conduct. Without club status, it is difficult if not impossible for students to express their opinions, host debates, invite speakers, or organize other events. When student unions require all campus clubs to adhere to particular beliefs, they effectively create a speech code. A blatant but very common example can be found in the bylaws of the Memorial University of Newfoundland's Student Union (MUNSU), which state that it "will not recognize or ratify any group that the Board of Directors considers to be of a homophobic, transphobic, racist, ageist, ableist, sexist, or otherwise discriminatory or exclusionary nature."

Mandatory "inclusiveness" imposed on campus clubs

Confusing 'inclusivity' with 'conformity,' and failing to understand freedom of association, many student unions have policies which require student groups to accept all students as members, even if their beliefs do not align with those of the club or its existing members. This likely does not pose a problem for the campus kayaking club, which presumably does not mind being told that it cannot discriminate against prospective members on the basis of their religion or gender. But this kind of policy poses a serious problem for political and religious groups on campus, which in order to function and carry out their mission must be able to insist on club members being in agreement with the club's stated beliefs. For example, a campus Liberal club, in order to preserve its own purpose and integrity, should be able to exclude Conservatives and NDP supporters from its membership ranks.

Student elections policies

Student unions conduct elections annually, to select student executives (e.g. President; various Vice-Presidents) as well as student representatives from the university's faculties and departments. Student union election policies often restrict expression rights during elections. Many student unions impose severe financial limitations on candidates, limit the quantity and cost of campaign materials, censor the content of campaign materials and otherwise restrict the ability of voters and candidates to engage in discourse during the referendum or election campaign period. For example, student unions will empower a "Chief Returning Officer" with the power to disqualify candidates or ban certain campaign materials based on a subjective interpretation of what is "offensive" or interferes with "dignity".

The University of Calgary Students' Union election policies ban "negative campaigning" and require "all campaigning must be positive in nature". Determining what is considered "negative" is very subjective, and therefore empowers student election officials with wide discretion to censor campaign materials. If student politicians have misappropriated the mandatory student union fees for their personal benefit, candidates seeking to replace the corrupt politicians could not even discuss this misappropriation of funds, as it may constitute "negative campaigning."



About the Justice Centre for Constitutional Freedoms

“Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has.”

The free and democratic society which the *Canadian Charter of Rights and Freedoms* holds out as our ideal can only be fulfilled by honouring and preserving Canada’s rich and strong traditions of freedom of speech, freedom of religion, freedom of association, private property rights, constitutionally limited government, the equality of all citizens before the law, and the rule of law. And yet these core principles of freedom and equality continue to be eroded by governments and by government-funded and government-created entities such as universities and human rights commissions.

The Justice Centre for Constitutional Freedoms (JCCF) was founded for the purpose of advancing and promoting the core principles of freedom and equality through education and litigation. The JCCF is a registered charity (charitable registration number 817174865-RR0001) and issues official tax receipts to donors for donations of \$50 or more. The JCCF is funded entirely by the voluntary donations of freedom-minded Canadians who agree with the Centre’s goals, mission, vision and activities. The Centre is independent and non-partisan, and receives no funding from any government or government organization. The JCCF provides pro bono legal representation to Canadians whose constitutional freedoms are threatened by government or its agents.

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John Carpay was born in the Netherlands, and grew up in British Columbia. He earned his B.A. in Political Science at Laval University in Quebec City, and his LL.B. from the University of Calgary. Fluent in English, French, and Dutch, John served the Canadian Taxpayers Federation as Alberta Director from 2001 to 2005, advocating for lower taxes, less waste, and accountable government. Called to the Bar in 1999, he has been an advocate for freedom and the rule of law in constitutional cases across Canada. As the founder and president of the Justice Centre for Constitutional Freedoms (JCCF), John has devoted his legal career to defending constitutional freedoms through litigation and education. He considers it a privilege to advocate for courageous and principled clients who take great risks – and make tremendous personal sacrifices – by resisting the unjust demands of intolerant government authorities. In 2010, John received the *Pyramid Award for Ideas and Public Policy* in recognition of his work in constitutional advocacy, and his success in building up and managing a non-profit organization to defend citizens' freedoms. He serves on the Board of Advisors of iJustice, an initiative of the Centre for Civil Society, India.



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The State of Campus Free Speech in 2015

Acadia University, Wolfville, NS

Acadia University earns a ‘B’ for its policies. It has a commitment to free speech and to not tolerating the silencing of unpopular expression. Further, it expressly states that its policy against harassment and discrimination is not to be applied to limit controversial discussion. However, Acadia University does not have a policy to prevent security fees from being used to censor unpopular speech.

Acadia University earns a ‘C’ for its practices, because although its policies earned a ‘B’, its past failure to defend expression has not been rectified by subsequent action supporting free speech.

The ASU earns a grade of ‘C’ for its policies. It does have a stated commitment to free speech and offers protection against discrimination in its *Student Bill of Rights and Responsibilities*. However, its policies do not restrict student union advocacy and its elections policies could be used to censor speech.

The ASU earns a grade of ‘A’ for its practices on account of its prior efforts to promote free speech and since no incidences of censorship have been reported.

University policies

Acadia University’s [mission](#) is stated as follows:

The mission of Acadia University is to provide a personalized and rigorous liberal education; promote a robust and respectful scholarly community; and inspire a diversity of students to become critical thinkers, lifelong learners, engaged citizens, and responsible global leaders.

The [Strategic Plan for Acadia University](#) includes the following statement:

As part of its commitment to the environment, Acadia also seeks to create an interpersonal, relational, and community environment characterized by civility and mutual respect. It is committed to a strong sense of connectedness and community on campus and to maintaining an atmosphere of open discourse and a tone of mutual respect that facilitates free speech and encourages the expression of a diversity of viewpoints and ideas.

The “[Statement of Principles](#)” in Acadia University’s *Non-Academic Judicial Handbook* states:

Acadia University strongly supports the principle of freedom of expression and inquiry, will protect the right of its members to express unpopular opinions and ideas and conduct research in unpopular areas, and will expect that members of the Acadia University community will recognize their responsibility to protect these rights for all other members of the community. The University does not tolerate intimidation (which includes, but is not limited to, harassment and “silencing” of unpopular opinions). We also believe that a fundamental code of behaviour is sensitivity to the effect of one’s personal behaviour on others and respect for their personal and property rights.

Acadia University’s [Policy Against Harassment and Discrimination](#) defines sexual harassment to include “visual displays of degrading sexual images,” and “offensive remarks of a sexual nature”. However, it further states that:

B.3: Neither this policy in general, nor its definitions in particular, are to be applied in such a way as to detract from the right to engage in the frank discussion of potentially controversial matters including, but not limited to, age, race, politics, religion, sex, and sexual orientation. These are legitimate topics and no University policy should have the effect of limiting discussion of them or of prohibiting instructional techniques, such as the use of irony, the use of conjecture and refutation, or the assignment of readings that advocate controversial positions, provided that such.

Acadia University does not have a policy expressly preventing the University from charging security fees to students hosting discussions or lectures on controversial subjects.

University practices

The authors are not aware of cases of the University censoring speech made by students or student groups. However, in 2014 the University failed to defend the expression of its student newspaper, the *Athenaeum*, when a printer refused to print its female sexuality themed issue of the paper because its cover depicted a semi-nude woman (see section 4).

Student union policies

Free expression and academic freedom are not referenced in the [Mission Statement](#) of the Acadia Students' Union's ("ASU").

The ASU [Constitution](#) does not include an express policy committing the ASU to upholding campus free speech rights, nor political stances on issues unrelated to student issues, but does include the following passage under *Policy and Procedures*, "Section 3: Club Policy":

2. The Union shall not recognize or fund any group that does not uphold the provisions and spirit of the Nova Scotia Human Rights Act as amended and the Canadian Charter of Rights and Freedoms, or do not allow open membership to all members of the Union.

The campus radio station "Axe Radio," is not subject to ASU approval on content, as indicated in the following passage from the ASU *Constitution* under "Constitutions of Internal Organisations, Section 10: The Axe Radio":

- (a) The purpose of the *Axe Radio* is to provide information and entertainment that is generally an alternative to mainstream media; to promote access to the media for individuals or groups with ideas and views not readily available from other media sources; to create an awareness of global, national, and local issues for the purposes of stimulating the free flow of information and encouraging constructive debate between members of society; to provide technical and stylistic training for interested individuals; to offer consulting services for any group wishing to establish a new radio station under the government definition of "campus and community" radio; and to discuss any potentially controversial content in a manner conducive to free thought and open debate, while maintaining a focus on factual information and not condoning irrational contempt of any particular group.

During election periods, all materials used for campaigning, including online campaigning, are to be approved by the Chief Returning Officer (CRO) as indicated in the following passages from the ASU *Constitution* under "Union Elections: Section 8 Campaign Rules and Regulations":



7.(c) Any electronic campaigning sites or pages must be approved by the Chief Returning Officer before it may become publicly available.

8.(a) All campaign materials including posters, signs, sheets, and banners located both on and off campus must be officially stamped on the side shown to the public by the Chief Returning Officer.

There is, however, no indication of what qualifications must be met to gain approval.

The ASU *Constitution*, in “Section 9: Election Publicity through the Union Media,” places the following limit on candidates’ communications:

10. No candidate may slander another candidate in Union Media (*The Athenaeum* and *Axe* Radio) or in his or her write-up. Candidates may address another candidate’s platform, but attacks of a personal nature shall not be tolerated.

(a) Acceptability of *The Athenaeum* write-ups shall be determined by the Chief Returning Officer in cooperation with the Editor-in-Chief.

Exactly where the line is drawn between discussions of platform and personality is open to debate. For example, if a challenger criticizes an incumbent seeking re-election about financial mismanagement or unaccounted-for student union funds, is this an attack “of personal nature”? What if the incumbent seeking re-election has stolen or otherwise misappropriated student union funds? Many legitimate election issues, like the financial record of a candidate in a past executive capacity, are arguably necessary and important in any election but could be prevented from being brought forward if election officials decide the attack is too “personal”.

The ASU’s [*Student Bill of Rights and Responsibilities*](#) outlines Fundamental Rights and Freedoms including:

1. Every student enjoys, within the University, the rights and freedoms recognized by all federal, provincial, and municipal laws.
2. Every student has the right to have a University experience free of discrimination and harassment.
3. Every student has the right to, within the University, freedom of expression, opinion, belief and political association, as long as these freedoms do not interfere with the rights of others, or violate other University policies and procedures.

Student union practices

In February of 2014, Acadia’s student newspaper, the *Athenaeum*, planned to publish an issue focused on female sexuality. The issue’s cover featured an artist’s depiction of a woman clothed only in briefs which one of her hands is inserted under. An independent printer, TransContinental Media, [refused to print](#) the issue for the students because of the nudity. The ASU agreed to take full responsibility for the publication as long as a white cover was placed over the graphic cover, but despite this compromise, the printer continued to refuse to print the issue. The issue was printed by other means with the support of the ASU.

Bishop's University, Lennoxville, QC

Bishop's University earns a 'C' for its policies. It has a commitment to free speech and prohibits obstruction. However, it does not have a policy to prevent security fees from being used to censor unpopular speech and its policies could be used to censor controversial or politically incorrect speech.

Bishop's University thus earns a 'C' for its practices since its policies earned only a 'C.'

The SRC earns a 'D' for its policies. The SRC has an implied commitment to freedom of expression, but it fails to have policies preventing it from discriminating against student clubs based on their views, preventing it from censoring speech in elections, or preventing it from advocating on issues unrelated to post-secondary education.

The SRC earns a 'C' for its practices, since its commitment to free speech has not been tested and its policies only earned a 'D.'

University policies

Bishop's University's *Mission Statement* states: "Bishop's offers students from Quebec, Canada, and the International community the opportunity to exercise the rights and responsibilities of good citizenship and to engage in the tolerant and informed dialogue that sustains democracy." The *Mission Statement* also values "outstanding teaching, research and creative expression."

Principal Michael Goldbloom, in an [opening address](#) on October 17, 2008, stated that the strengths of Bishop's University are:

An intimate learning environment in which our faculty and staff give students the personal attention they require. It is a university where students have the chance to make a difference, where opportunities abound for discovering and developing talents and assuming leadership roles. It is my expectation that, regardless of their field of study, the common characteristics of a Bishop's graduate will include a capacity:

- to listen well
- to analyze critically
- to advocate effectively in speech and in writing; and
- to engage with others to effect change.

In sum, our students should leave here with a constant inclination to ask why, an unwavering determination to ask why not, and the skills to lead constructive and effective change.

Article 4 of Bishop's *Charter of Students Rights and Responsibilities* states:

Students enjoy freedom of opinion, expression and peaceful assembly within our University Community, provided these are exercised in a civil, respectful manner. This includes the right for any group to debate any matter and to engage in lawful demonstrations. Students have the right to organize, publicize, belong to, or participate in any lawful association, and shall not be subject to prejudice by the University because of their membership in such groups.

Every student has an equal right to be treated equitably and with dignity and respect. This right must not be impaired by discrimination based on race, colour, ethnic or national origin, civil status, religion, creed, political convictions, sex, gender, sexual orientation, social condition, age, or personal handicap. It is understood that a distinction, exclusion or preference based on relevant academic or physical aptitudes or qualifications does not constitute discrimination. Every student has the same responsibility to treat every other member of our University Community equally, without discrimination, in a civil



and respectful manner that neither demeans nor degrades the other person. This applies to all person-to-person contact as well as to references made in writing or via any electronic medium that is intended to become public, or ought reasonably to be expected to become public (such as social networking websites).

Article 3 of the *Charter* reads:

Every member of our University Community has the right to be free from vexatious conduct, from verbal, physical, or psychological abuse or intimidation, and from sexual or any other form of harassment.... Students have the responsibility to refrain from behaviour that obstructs teaching, learning, or any class or function, and the responsibility to refrain from malicious, vexatious or abusive conduct, and acts of intimidation, harassment, or assault.

Article 4 of Bishop's *Code of Student Conduct*, "Rules of Conduct and Offences," states: "Nothing in this Code is intended to prohibit student academic freedom, peaceful assemblies, demonstrations, lawful picketing, or to inhibit free speech."

University practices

The authors are not aware of Bishop's University censoring or restricting the speech of students or of campus clubs.

Student union policies

The *Constitution* of the Bishop's University Students' Representative Council outlines the Students' Representative Council's ("SRC") purpose:

1.01, iii. To safeguard the rights of the individual members of the SA, as given in the Bishop's University *Charter of Student Rights and Responsibilities* and as given in the Canadian and Quebec Charters of Human Rights and Freedoms.

1.02: The SRC shall not recognize any club or organization in violation of the Bishop's University Charter of Students Rights and Freedoms or the Canadian and Quebec Charters of Human Rights and Freedoms.

Under the Section "Club Bylaws and Regulations", posters and advertisements must be "tasteful and inoffensive":

3.01 Criteria: i. Any individual or group wishing to advertise or place posters in the Student Union Building and in all academic buildings must conform to the following policy. All posters/advertisements must be tasteful and inoffensive. Any poster/advertisement that violates this policy will be removed and discarded. Failure to comply with any of the criteria will result in immediate loss of poster privileges.

The SRC's *Student Content Policy* states that "Fifty One Percent (51%) of all material published on the SRC plasma screen must be student based content.

Student union practices

The authors are not aware of the Student Representatives Council (SRC) discriminating against a campus group or club based on its views or opinions.

Brandon University, Brandon, MB

Brandon University earns a ‘C’ for its policies. It has a clear commitment to free speech and its policies are expressly not to be used to limit freedom of expression. However, it fails to have an anti-disruption policy or a policy preventing security fees from being used to censor unpopular speech.

Brandon University earns a ‘C’ for its practices. Its commitment to free speech has not been recently tested, and its policies only earned a ‘C’.

BUSU earns a ‘F’ for its policies. It fails to have any stated commitment to free speech. It does not have policies to prevent it from discriminating against clubs on account of their views. Its policies do not prevent censorship during elections. Further, BUSU takes formal positions on issues unrelated to post-secondary education.

BUSU earns a ‘B’ grade for its practices. It did finally uphold freedom of expression by granting BUSL club status. However, this was only in response to pressure from the JCCF.

University policies

Brandon University’s [*Statement of Students Rights and Responsibility Policy*](#) denotes the value Brandon University places on freedom of expression:

Brandon University prizes and defends freedom of speech. It affirms the rights of its members to teach and learn in an environment free from coercive force, intimidation, and interference, and subject only to the constraints of reasoned discourse and peaceful conduct. Behaviour that violates this Principle shall be dealt with through the Student Discipline Process.

A document titled, [*The Principles By Which We Live: Brandon University*](#), includes commitments to “promote the pursuit, advancement, and dissemination of truth and knowledge” and “encourage a climate of freedom, responsibility, and mutual respect in the pursuit of these goals.”

Brandon University has a Conflict Resolution Committee (CRC), Conflict Resolution Advisor (CRA), and Investigators to deal with issues of Human Rights Harassment, Human Rights Discrimination, or Personal Harassment. The roles of the CRC, the CRA and the Investigators are defined within the *Respectful Environment Policy*.

The [*Respectful Environment Policy*](#) under section 1.2 reads:

h) In administering this Policy, Conflict Resolution Committee (CRC) members, the CRA and Investigators, like all other officers of the University, are obliged to uphold academic freedom and freedom of expression and association, while recognizing that some limits apply to the exercise of academic freedom and freedom of expression and association.

The *Respectful Environment Policy* does not define specifically or with any clarity what “limits” the CRC, CRA or the Investigators are allowed to place on academic freedom and freedom of expression and or association. However, section 4.f) of the *Policy* adds:

Brandon University recognizes that as an academic and free community, it must uphold its fundamental commitments to academic freedom and to freedom of expression and association. Therefore, it will maintain a respectful environment in which students and teaching and non-teaching staff can engage in free enquiry and open discussion of all issues.



University practices

The authors are not aware of any cases of Brandon University censoring students or campus clubs because of the content of their expression. However, the University failed to speak out against the censorship undertaken by its student union, the Brandon University Students Union (BUSU), when BUSU denied certification to a campus pro-life club (see further details below).

Student Union Policies

BUSU's [*Policy #2016 – Advertising Guidelines*](#) states that “[a]ll advertising that is circulated, sponsored or created by BUSU and [sic] must meet the following general standards of respect as to form and content,” and includes content-based criteria for approving advertising materials:

BUSU will not accept advertising that is sexist, racist, homophobic, discriminatory or derogatory to any particular group of people. If such determination is called into question, acceptability shall be deemed by the Executive Committee, with a right to appeal to BUSU Council.

Student groups and students that are found in violation of *Policy #2016* can have their club status, advertising privileges and ticketing privileges revoked.

[*Policy #2019 – Inclusive Language*](#) forbids BUSU documents from including language deemed to be “discriminatory,” “sexist” or “homophobic” in nature. None of these terms are defined in BUSU's *Policies and Bylaws* document. It appears that *Policy #2019* only extends to official BUSU content, rather than its clubs and members.

[*Policies 3001, 3002, 3003, 3004, 3005 and 3006*](#) express BUSU's official stances on issues including Canadian Blood Services, the environment, transportation, illegal drugs and ethical purchasing.

Booking for on-campus space is available through BUSU for on-campus groups such as faculty or student groups, as well as off-campus groups such as businesses and community groups. [*The Knowles Douglas Students' Union Center Mingling Area, Elephant Room, and CLC Board Room Temporary Occupancy Booking Contract*](#), states under the section “Cancellation of Bookings”: “The KDC reserves the right to cancel and/or reschedule all events or bookings at any time without notice”. Without a stated justification needed for cancellation, abuses of power can very easily occur, resulting in the cancellation of events purely because of the message, belief or expression of the group.

During elections for BUSU executive positions, candidates must have their campaign materials approved by the Returning Officer (RO). [*Bylaw 1030 – Campaign Materials in The Bylaws of the Brandon University Students' Union*](#) states:

5. The RO shall not approve campaign materials which:

contain libel or slander (based on consultation with legal counsel if necessary); are factually incorrect; or violate any federal or provincial statute, or any University rule, regulation, policy, or procedure; or are sexist, racist, homophobic or prejudicial.

Student union practices

In September of 2013, in response to pressure from the JCCF, BUSU formally granted club status to a group of pro-life students, Brandon University Students for Life (“BUSL”).

In so doing, BUSU reversed its earlier decision, made in January of 2013, denying BUSL club status based only on BUSL’s beliefs. In a [Brandon Sun article](#) published January 28, 2013, Carissa Taylor, then BUSU president, was quoted as follows:

...council felt a pro-life club would be “redundant” since the Women’s Collective deals with all gender issues. BUSU decided not to give them official club status because we have other groups on campus that deal with women’s reproductive rights and those kinds of issues.

Prior to this January 2013 decision, BUSU had already opposed the creation of a campus pro-life club. In August of 2012, BUSU’s then President Carissa Taylor and Vice-President External Suz Duff explained BUSU’s opposition to a pro-life club as follows:

Carissa Taylor: Maybe it’s playing it safe but you know going into this year I don’t want people to have negative impressions of all of us, right? Like we haven’t even started the school year, so....Like it’s not that we as an organization disagree with your beliefs or anything we’re just trying to think, I guess, of the political implications of doing that [granting BUSL club status]...I don’t think it’s a bad thing.

Suz Duff: No. I mean after the strike last year and you know, BUSU got enough of a reputation, right? So, as a new counsel we are just trying to tread lightly and you know maybe stay out of some of the more contentious issues that...I don’t know...It’s a tough, a tough job, and it’s tough deciding these things and like-like Carissa said, it’s not that we disagree with your views. There are people in this office that are, you know, pro-life, and are people in this office that are pro-choice. And so we were just try’na balance it a little bit and be like, you know, it’s kind of like you can have all or nothing. You can’t just say, um, yes to a pro-choice group and no to a pro-life group or vice versa, right? Um, and we figured maybe it’d be easier to, if a pro-choice group wants to form or a pro-life group wants to form they can form as a community group, and targeting students, right, that might have similar beliefs.

Suz: ...for you guys to start a group, um, like, anyone can form a group it’s just...for us to recognize it sends out a message that we’re not neutral. And then, you know, and then if we balance it out by someone who wants to start a pro-choice group then we’re just, you know we are kind of just handing ourselves a big problem, and then you guys would have even more problems on your hands because you have a pro-choice group after you all the time. And you’re going to going after the pro-choice group and...you know what I mean it would be like, like I just don’t want that to happen to anybody, like it’s just....people should be able to have their feelings and their opinions and not be attacked for them.

Carissa: But, yeah, like Suz said it just sends a message to students and we are just trying to be cautions of what kind of message we’re sending and we don’t want students, you know, to start rallying against you guys, us, or anyone else.

During the same meeting in August 2012, BUSU decided that BUSL was not allowed to have a presence in the most common and well travelled area at Brandon University. Instead, BUSU offered space in a secluded and out-of-the-way part of campus, so as not to be so visible to a large number of passers-by. VP-external Suz Duff explained BUSU’s reasoning:

Suz Duff: Standing in there because it’s kind of people can’t really avoid that area. Like you have to pass through there to go to classes. Where as if you guys did something in the Elephant Room [a large room, isolated from well-travelled areas of the university] or where ever then people have the choice of walking up the stairs and going to it. And then you can tell people you made the choice to come here.



Carissa Taylor: Yeah and if you guys were to make specific requests for things too that might be more, I don't know, more controversial, we'll have more discussions about it.

In August of 2012, prior to the students' formal application having been made, BUSU insisted that if the proposed club was officially registered, it would need to comply with additional restrictions not placed on other campus group such as not handing out materials, not displaying graphic images, not being present in the common areas of campus and not recruiting at club day.

By the end of the school term in April 2013, BUSU had still not granted the BUSL its official status. Further, BUSU indicated that it would continue with this discrimination and censorship in the upcoming 2013-14 school year.

On April 30, 2013, the JCCF sent a letter to BUSU, indicating that continued discrimination against BUSL would result in a court application against BUSU. The JCCF's letter explained how and why BUSL is legally entitled to form a campus club, on par with all other campus clubs.

BUSL had previously attempted to gain official club status in the 2009-2010 academic year. In September of 2009, BUSL applied for club status. BUSL's first application was rejected on the grounds that their constitution was not "inclusive".

In November 2009, BUSL representatives met with BUSU and amended their constitution to meet BUSU criteria and re-submitted their application for club status. BUSU Council held a vote to determine if the group should be granted club status, and again denied club status to BUSL.

In January of 2010, BUSL requested a formal meeting to review their case and to understand more clearly the reasons behind their denial. The reasons supplied for their rejection came from individual members of BUSU's executive since no official justification for the rejection was provided. Some of the reasons given by individual members of BUSU were that "they had the right to reject any group as they saw fit," "they were afraid the group would use graphic imaging," "they saw the group as anti-woman," and "a pro-life group would take away women's rights."

Brock University, St. Catharines, ON

Brock University earns a ‘B’ for its policies. It has a clear commitment to freedom of expression, it does not permit its *Student Code of Conduct* to inhibit lawful expression, and it requires students to respect others right to freedom of expression. However, Brock University does not have policies expressly preventing the University from charging security fees to students hosting discussions or lectures on controversial subjects.

Brock University earns a ‘D’ for standing by and not dealing with the protestors disrupting the lecture by Trent Horn in February 2015.

BUSU earns a ‘C’ for its policies. It protects student groups from discrimination based on their views, but lacks a clear commitment to free expression. It is committed to be a-political, but its policies could censor speech during elections.

BUSU earns a ‘D’ grade for its practices because it failed to speak out in defense of free speech on campus after a pro-life event was disrupted by protesters in February 2015.

University policies

Brock University’s [*Statement on Respectful Dialogue and Freedom of Expression*](#) states:

...A community where teaching, research and academic freedom will flourish includes an environment where freedom of expression, speech, association and belief is safeguarded and exercised in a culture of mutual respect; where an open exchange of diverse points of views is encouraged; and where every member of the community, including guests and visitors, is able to work, live, teach and learn free from harassment and discrimination.

In order to ensure that all members of our community have the right to examine, discuss, debate and communicate freely, including the right to criticize aspects of society in general and the University itself, the University acknowledges its responsibility to uphold the principles expressed in this statement and to develop implementation strategies that will ensure the lawful protection of these rights and principles.

Brock’s [*Student Code of Conduct \(Code\)*](#) governs student behaviour on and off-campus. The *Code* makes clear that it is not to be used to justify censorship:

Nothing in this Code shall be construed to prohibit peaceful assemblies and demonstrations, lawful picketing, or to inhibit freedom of association or expression as permitted by federal, provincial and municipal laws.

Under the section, “Statement on Student Rights and Responsibilities,” the *Code* states:

Freedom of Discussion: Traditional privileges of a university of freedom of inquiry and freedom of expression can be assured only if all members of the community share the responsibility of granting these freedoms to others and accept the obligation for a standard of behaviour which respects the rights of others.

The *Code* defines harassment as follows:

Harassment is defined as a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Single acts of sufficient severity may also constitute harassment. This definition includes Workplace Harassment under the Occupational Health and Safety Act. Harassment may include: verbal, written (including electronic, digital communications whether by e-mail, text messages, posting on internet sites or otherwise) and/or actual or threatened physical actions directed at



an individual or group by another individual or group who know(s) or reasonably ought to know that the behaviour is unwanted.

Brock University has a [*Respectful Work and Learning Environment Policy*](#) (*Respectful Environment Policy*) which is administered by the Office of Human Rights and Equity Services.

The *Respectful Environment Policy* defines bullying and harassment to include forms of expression such as online commentary, postering, and verbal communication. The *Respectful Environment Policy* also defines what is not considered harassment:

...the legitimate (ie. not discriminatory, arbitrary or abusive) exercise of academic freedom, freedom of thought and inquiry, and expression in teaching and research which may result in respectful disagreements regarding beliefs or principles.

What forms of expression are considered “discriminatory”, “arbitrary” or “abusive” in nature is not explained by the *Respectful Environment Policy*.

Section 18 of the *Respectful Environment Policy* suggests that the policy could be used by administrators to supersede the *Student Code of Conduct*, which guarantees free expression rights on campus:

This Policy supersedes: All previous Board Policies and resolutions on the subject matter herein; All previous Administrative Policies and directives on the subject matter contained herein; and Brock University Sexual Harassment Policy and Procedures (1991).

Brock’s [*Campus Promotions Policy*](#) bans any poster, flyer, or other promotional material if it is found in violation of the *Respectful Work and Learning Environment Policy*.

University practices

On February 27, 2015, the student group Brock Life-line invited pro-life author and lecturer Trent Horn to campus for an event titled “Does human life matter? Why the unborn life should count.” Protesters repeatedly heckled Horn during his presentation, leading him to request Campus Security. Campus Security arrived twenty minutes after being phoned, but stood by as chanting, noise-making and shouting continued, forcing Horn to skip the remainder of his presentation and go straight to Q & A. YouTube recordings of the incident may be found [here](#).

On October 4, 2013, the student group Brock Life-line invited Stephanie Gray from the Canadian Centre for Bioethical Reform to give a talk on campus called “Abortion: Human Right or Human Right Violation?”. The event was held at Isaac’s Pub & Grill, an on-campus pub. [Protesters interrupted](#) the presentation and were asked to leave. A video of the incident shows students heckling, laughing, and later yelling, chanting and using noise makers to disrupt Gray’s lecture. Isaac’s Pub security personnel, which were hired by Brock Life-line at their expense, escorted some of the protesters outside of the venue. During the incident, one of the hired security personnel reported being assaulted by a protester.

Brock University [announced](#) it would seek disciplinary measures against two students up to and including expulsion, alleging disruption, assault, harassment and failure to comply with directives. Brock invited the students to a hearing of the Disciplinary Panel on October 30, 2013. The panel meeting was later postponed.

On March 14, 2013, two students with the Brock Animal Rights Collective, an unregistered student group, held a film screening about animal rights in the Market Hall cafeteria. The previous day, the Collective had held a demonstration against the testing of animals at Brock.

During the film screening, campus security officers approached the students and asked them to present ID, which they refused.

The University sent a letter informing the students that they had violated the following sections of the *Student Code of Conduct*:

- 4. Disruptive Behaviour
- 10. Unauthorized Use of Facilities, Equipment, Material or Services
- 13. Identification
- 20. Failure to Comply

The letter further informed the students that they could face penalties ranging from a fine, to suspension or even expulsion.

On Monday, March 25, the University dropped the charges and opted to resolve the matter “informally” instead. Carina Magazzeni, one of the two students charged, explained that, “They felt the reaction wasn’t reasonable given the situation.”

Brock spokesman Kevin Cavanagh stated that the issue wasn’t one of preventing free speech, but centred on specific behaviour concerns. “They were not being punished because of the film and were not being targeted,” Cavanagh [reported to the *Niagara Advance*](#).

In 2004, a fourth-year Visual Arts class organized a project aimed at showcasing individual voices at Brock. The project, called “Brock Voices,” was a website where students, faculty, staff and other members of the Brock community could share their opinions and thoughts. In turn, the organizers would project all of the submissions on walls in high-traffic and public spaces throughout campus as an exercise of «individual voice and opinion.»

The Department of Humanities rejected a request by the students to advertise the project on its departmental website. Department of Humanities Dean Rosemary Hale told the students that “Any comments would have to be eliminated because it is a university web site.”

It appears that no penalties were imposed on the students, and Brock did not charge the students with misconduct. However, Brock University failed to condemn the actions of the Brock University Students’ Union (BUSU) when the student union denied access to student facilities for the project, and demanded that certain comments be censored (see section 4).

Student union policies

The Brock University Student Union’s (BUSU) does not have a policy expressly committing BUSU to upholding campus free speech rights. BUSU’s [Operating Policies and Procedures](#), however do protect student groups against arbitrary and content-based denial of ratified status, and from denial of BUSU services and facilities:

- 8. BUSU will not neglect or disregard any ratified Club over reasons of political, religious or value centered beliefs – BUSU’s philosophy remains a-political in club management...
- ...10. No Club can be arbitrarily de-ratified.



BUSU's [*Club By-law*](#) places particular restrictions on clubs that are deemed “political,” which is defined as “any group or association affiliated and/or ratified though [sic] a political party as recognized by Elections Canada and/or Elections Ontario.” One such restriction is stated in Section 58: BUSU shall ratify only the one (1) political club that is formally recognized by a specific political party, or as the case may be, both a federal and provincial party.

Sections 55, 56 and 57 outline requirements for all student groups wishing to be ratified by BUSU:

55. A group may be ratified by BUSU only if it:

- (a) Opens its membership to all Brock students as stipulated in sections 14-18 of this bylaw.
- (b) Intends to carry out activities which in no way violate any federal or provincial laws, municipal bylaws, university policies and/or regulations, or BUSU bylaws and policies; and which do not infringe upon the rights and privileges of others.
- (c) Has a mandate which is not duplicated by any other club ratified by BUSU.

56. BUSU will not ratify any groups that practice any form of coercive (persistent mental, social, and emotional pressure to join the group) techniques on their membership or potential membership, nor any clubs who are found to be associated with an outside body that practices coercion.

57. No group shall be ratified which practices discrimination in the acceptance of its members or executive members, or knowingly violates any of the procedures contained herein, notwithstanding sections 21 and 22 of this bylaw.

These criteria are open to interpretation by BUSU officials.

BUSU's [*Elections Bylaw*](#) Section 47 imposes a \$300 cap on spending for students running for Executive positions, and \$150 for students running for Student Advisory Council (BUSAC) seats.

Section 61 of the *Elections Bylaw* empowers the Chief Returning Officer (CRO) to approve or reject campaign literature and other communication tools without specifying the criteria that the CRO follows when approving or disapproving such materials.

Under Section 53(c) of the *Elections Bylaw*, Candidates are responsible to obtain permission from unspecified leaders or administrators before performing campaign activities in public places, including giving campaign speeches. The candidate must keep a record of all permissions to give speeches, for submission to the CRO.

Student union practices

When protesters disrupted a pro-life event in February 2015 (discussed above), BUSU failed to stand up for freedom of expression. Rather than issue a statement condemning the disruption of the event, BUSU [stated via Twitter](#) that “No funding from BUSU went to any such event. They were not given any student money. We also didn't give space for speaker.”

BUSU defended the right of pro-life students to hold a lecture which was disrupted by protesters on October 4, 2013 (read more in section 2 of this report). Following the incident, BUSU released [a statement](#) supporting the actions of the University and security:

On Friday October 4th 2013, a Brock University Students' Union (BUSU) ratified club, Brock Life-Line hosted a speaking engagement in Isaac's Bar & Grill. Clubs ratified by BUSU are required to submit their founding documents and events to BUSU prior to securing space within the Student-Alumni Centre. Brock Life-Line is a student club that according to their constitution, strives to provide pro-life related educational resources to students on campus.

During Brock Life-Line's event, which was open to all students, an incident occurred. Isaac's student security staff attempted to maintain order in the room and unfortunately had to remove one of the audience members by force. The incident was captured on a number of mobile devices and then later broadcasted on YouTube and Facebook. After gathering information from staff, Campus Security and from multiple videos, BUSU believes the security staff's actions were carried out in accordance with the Security Act of Ontario and in an attempt to ensure the safety and order of the students in attendance and was unrelated to the topic being presented on.

With regards to the focus and topic of the event, BUSU understands that it is a divisive and at times a controversial topic. With that said, BUSU is an organization representing over 17,000 undergraduate students whom have varying opinions, ideologies, religious, political and social views. BUSU's mandate is not to voice an organizational opinion on such topics. It is BUSU's mandate to ensure that students are able to voice their views, thoughts and beliefs in a respectful, organized and safe manner.

During the [2004 controversy](#) surrounding a display by the Brock Voices collective art project (read more in section 2), the BUSU executive denied access to facilities and equipment to the organizers of the project, who wanted to display the website hosting the project on the wall of a BUSU-administered space, Isaacs pub. BUSU also denied advertising space to the organizers on its website, BUSU.net.

BUSU executives ordered the students to remove specific comments that the executive deemed slanderous and offensive. The comments included «Brock should give more chances for international students to work on campus,» «I think I just popped one in my shorts,» and «Down with BUSU ... they excessively exploit students.»

The organizers at first rejected the demands to censor, stating that “Our project is not to solicit certain opinions; it is to solicit all opinions. It's not our job to censor.” Eventually, however, the organizers agreed to only leave comments posted for 24 hours or less, so as to limit the number of people who might end up reading the comments.



Cape Breton University, Sydney, NS

Cape Breton University (CBU) lacks policies that protect freedom of expression; consequently, CBU earns a ‘F’ for its policies.

CBU has engaged in heavy-handed censorship in the past, and in light of its failing policies, it earns a ‘D’ for its practices.

Like the CBU, the Cape Breton University Students’ Union (CBUSU) does not have any policies that protect freedom of expression. The CBUSU likewise earns an ‘F’ for its policies.

While the authors are not aware of specific instances of censorship, on account of CBUSU’s failing policies, CBUSU’s practices earn a ‘D.’

University policies

The only section of the [Vision](#) of Cape Breton University (CBU) that pertains (indirectly) to free expression on campus states:

Our faculty have the academic freedom and responsibility to share and pursue knowledge with integrity and passion.

CBU’s [Strategic Research Plan](#) also references academic freedom:

It is important to state that the research concepts and foci identified in this document are only a subset of the full research activities within CBU and that to the best of its abilities CBU will encourage and support research in all areas pursued by its faculty. CBU also fully supports the academic freedom of its researchers.

CBU’s [collective agreement](#) with its faculty association also supports the ideal of academic freedom, as well as freedom of expression, in Article 12.1:

The common good of society depends upon the search for knowledge and its free expression. Academic freedom in universities is essential to both these purposes in the teaching function of the university as well as in its scholarship and research. Academic freedom does not require neutrality on the part of the individual; rather, academic freedom makes commitment possible.

CBU’s [Discrimination and Harassment Policy](#) defines “harassing behaviours” to include “verbal abuse,” “unwelcome remarks, jokes, innuendos or taunting” about a person’s “body, attire, age, marital status, ethnic or national origin, religion, sexual orientation, gender,” “display of sexually explicit, racist or otherwise offensive” material, “practical jokes which cause awkwardness or embarrassment,” “intimidation,” and “offensive gestures”. The *Policy* goes on to define harassing behaviour as “behaviour which undermines another’s self-respect and/or which exhibits an air of superiority.” The *Policy* exempts teaching purposes from its scope.

This policy empowers CBU’s Human Rights Officers with considerable discretion to censor speech, or to impose penalties on students for the content of their message. Further, the Officer both selects the investigators for any complaint, and then acts upon their recommendation.

University practices

On February 20, 2006, Owen Shane Wallis, Coordinator of the campus Sexual Diversity Office (SDO) initiated a complaint to CBU's Human Rights Office against a history professor named David Mullan. In [his complaint](#), Wallis stated that Dr. Mullan had discriminated against the GLBT community, made unwelcome remarks, and displayed publicly offensive and derogatory statements, used "intimidation tactics" demonstrated "heterosexist behaviour that displays a belief of superiority, and an attempt to undermine my self-respect."

The subject of Wallis' complaint consisted of letters signed by Dr. Mullan circa 2004, complaining about the Anglican Church of Canada's position on homosexuality. The letters were posted on Dr. Mullan's private website, where Wallis read them. Wallis filed a second complaint after Mullan sent him an email which stated "homosexuality is a repudiation of nature and the apotheosis of unbridled desire."

Dr. Mullan [reported](#) that he was eventually charged with harassment by the University because of his letters. Media reports of the controversy indicate that Dr. Mullan was suspended without pay for two weeks and fined \$2,100 by Cape Breton University, although the Human Rights Office gave no public statement on the result of the complaint.

After being fined, Dr. Mullan commented on the incident:

It is preposterous. [Cape Breton University is] trying to set a precedent, an enormously dangerous precedent. My particular views are irrelevant here—they are wielding a two-edged sword, and if this can happen to me it can happen to anyone.

Student union policies

The Cape Breton University Students' Union (CBUSU) [*Administrative Policies and Procedures Manual \(Manual\)*](#) states:

Any student or group within the Students' Union membership shall be allowed to create, participate in, or otherwise form a society.

CBUSU's *Office Operations Policy* in its *Manual*, prohibits the use of specific high-traffic spaces to promote "any materials which threaten, harass, or otherwise promote discrimination against any individual or groups within the CBU community and the community at large."

The *Office Operations Policy* uses vague or ambiguous terms which could easily result in CBUSU officials censoring students and student groups on campus. For example, the Students' Union does not define "discrimination" in any other policy or document, and also fails to adopt CBU's definition, so a CBUSU official could create his own definition of "discrimination."

It is unclear how expansive the reference to the "CBU community" and "community at large" may be. These terms could include CBU's administration, special interest groups, student clubs, faculty, and students themselves. If any one of these groups felt "discrimination", the policy could be used to restrict speech rights.

Section 19 of CBUSU's *Operations Policy* violates the free expression rights of students and student groups which are political or religious in nature:

Groups that represent a religious or political affiliation may not approach people walking through the Lobby and/or Commons. The person must make the decision to approach their tables to receive information.



Exactly what is considered political or religious is left undefined, meaning that any number of issue-centered groups could be subject to this policy. CBUSU therefore creates two “classes” of student groups: those whose message could be considered religious or political in nature, and those whose message is not considered religious or political in nature. The latter group has a clear advantage in spreading their message since they can use the high-traffic areas like the Lobby and the Commons, and can directly engage students in conversation about their issue or cause. But the former group is denied these important channels.

CBUSU officials have considerable discretion to restrict what they may consider “inappropriate” speech on campus. In the CBUSU *Poster Policy* it reads, “Posters seeking approval must not have any inappropriate imagery or text.”

Student union practices

The authors are not aware of the CBUSU infringing on the free speech rights of students. That said, as expressed in Section 3 of this report, the potential for such incidents is high given that many of CBUSU’s policies are vaguely defined and give considerable discretion to CBUSU officials.

Capilano University, North Vancouver, BC

Capilano University earns a ‘C’ for its policies. It lacks of a restriction on security fees preventing them from being used to censor controversial speech. Further, as seen by its practices, its policies can be used to censor speech.

Capilano University earns a ‘D’ for its past censorship of a sculpture and its continued failure to apologize for such censorship.

The policies of the Capilano Students’ Union (“CSU”) fail to meaningfully protect free expression and do not meet any of the assessment criteria. Consequently CSU’s policies receive an ‘F’.

Although the authors are not aware of recent censorship by the CSU, CSU’s practices receive a ‘D’ grade on account of past abuses and the failing nature of CSU’s policies.

University policies

Capilano University lists among its [Values](#): “diversity, and the individuality of learners; a culture of inquiry and evidence-based decision making; academic integrity; open engagement with ideas and respectful engagement with each other; personal accountability for the integrity and success of the University; commitment to our communities; transparency and an ethic of fairness.”

Capilano University maintains an [Academic Freedom policy](#) which states:

Academic freedom is the freedom to engage in teaching, learning, research, or other creative work in order to expand knowledge and to do so in an atmosphere of free inquiry and exposition. Academic freedom is the right to examine, question, teach and learn in an environment that supports the need to investigate, speculate, and comment without reference to prescribed doctrine.

Academic freedom is essential in institutions of higher education if they are to make their proper contribution to the common good; the common good depends upon the free search for truth and its free exposition. This belief, and not the interest of the individual faculty member or even the interest of a particular institution, is the justification for academic freedom.

Faculty members are entitled to academic freedom when teaching and discussing subject matter and when engaging in research, scholarship, publishing or producing creative work, subject to the responsible performance of these and other academic duties. The right of faculty to academic freedom carries with it the duty and responsibility to use that freedom in a manner consistent with the scholarly obligation to base research and teaching on an honest search for knowledge.

Controversy is a normal aspect of teaching and academic enquiry, and the knowledge and the beliefs of a faculty member may be incorporated into that which is taught. The freedom to teach and to learn, however, must be joined by a constant effort to distinguish between knowledge and belief. Freedom must be exercised in the context of a commitment to accuracy and integrity.

As part of their teaching activities, faculty members are entitled to conduct frank discussion of potentially controversial matters related to their subjects. This freedom of expression shall be based on mutual respect for the opinions of students and other members of the academic community.

As faculty members, librarians have a duty to promote and maintain intellectual freedom. Consequently they have the right to express their academic judgement in the development of the library collection even if materials may be considered controversial.

Faculty members also have the right to exercise their legal rights as citizens and should not suffer any penalties from the exercise of such rights. When faculty members communicate as citizens, they must be free from institutional censorship or discipline. As members of a learned profession, and as representatives of an educational institution, faculty members may choose, or may be called upon, to communicate publicly in an area of expertise or on behalf of an area of the University. In such instances, it is appropriate for them to identify themselves as members of the University community, but faculty members should not present their views on any matter, in any medium, (e.g. speech, writing or social media) as the official position of the University.

Capilano's policy, [*Use of College's Public Space by Student Clubs or Groups*](#), includes in its list of requirements for space usage that and "[a]ny behaviour that is deemed to be disruptive, aggressive, confrontational, or considered to be a form of harassment will not be tolerated by the College and any permission previously granted will be revoked immediately and the person(s) asked to cease the activities."

Within Capilano's [*Student Behaviour Policy*](#), "appropriate behaviour" is defined as follows:

The University recognizes that most students make considerable sacrifices to be able to attend classes. To enhance their opportunities for success, the University expects everyone to conduct themselves so as to help, not hinder, their fellow students, staff, and instructors in achieving their common goals.

One of the most important of those goals is to develop the skill of critical thinking through the free expression and exploration of a wide range of ideas. This may involve challenges to students' and faculty's strongly held beliefs and values. As long as such challenges are clearly directed at ideas, and are not merely personal attacks on those who hold them, the University accepts and encourages them as part of the learning process.



Nothing in this policy shall be construed as to prohibit peaceful assemblies and demonstrations or reasonable expressions of free speech.

“Improper behaviour” includes “disruptive behaviour” which is defined in the Policy as follows:

Some kinds of expression and behaviour do not further the learning process nor contribute to a safe learning and working environment; they may become disruptive to all concerned and may hinder the University’s basic purpose: to foster both learning and a constructive, positive attitude toward learning. Therefore, the University will not accept disruptive behaviour in any University-sponsored activities whether conducted on or off campus.

Disruptive behaviour may include but is not limited to:

- Speech or action that seriously distracts others from the task at hand, or the hindrance of others’ work by failure to complete one’s own work.
- Speech or action that is clearly not part of a learning process and that creates an atmosphere of hostility, intimidation, ridicule, or anxiety among other students, staff or instructors.
- Action that impedes the delivery of University services.
- Falsification of identification or provision of false information to any University employee or representative in the performance of his/her duties.
- Action that abuses University property and services by using them for unauthorized purposes.
- Excessive and unreasonable demand for attention or special treatment from faculty or staff, to the detriment of other students.
- Actions which are arguably violations of the BC Human Rights Code or municipal bylaws.
- Aiding, inciting, abetting or acting as an accomplice in the commission of any of the foregoing acts.

Capilano’s [Harassment Policy](#) defines Discrimination and Harassment as follows:

Discrimination-based harassment is a form of discrimination that adversely affects the recipient on one or more of the prohibited grounds under the B.C. Human Rights Code.

Discrimination-based harassment as defined above is behaviour or the effect of behaviour, whether direct or indirect, which meets one of the following conditions:

3.1.1 Is abusive or demeaning.

3.1.2 Would be viewed by a reasonable person experiencing the behaviour or effect of the behaviour, as an interference with her/his participation in a University-related activity.

3.1.3 Creates a poisoned environment.

As of this date, the grounds protected against discrimination by the B.C. Human Rights Code are: age, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation and, in the case of employment, unrelated criminal conviction.

Capilano University does not have a policy expressly preventing the University from charging security fees to students hosting discussions or lectures on controversial subjects.

University practices

In May of 2014, a sculpture depicting Capilano University president Kris Bulcroft, wrapped in a U.S. flag with a poodle, was [ordered removed](#) from the University's designated sculpture area by the University administration, because administration decided the sculpture constituted "workplace harassment of an individual employee, intended to belittle and humiliate the President."

The sculpture had been created by the University's sculpture instructor George Rammell and had been put on display since May of 2013. Professor Rammell reported the theft of his sculpture to the RCMP upon discovering it stolen. The University [offered to return](#) the sculpture to Rammell subject to his promise not to display it on campus.

A [report](#) issued by the Canadian Association of University Teachers found that Capilano University's administration had "violated academic freedom by applying an overly broad interpretation of respectful workplace and harassment policies to essentially gag George Rammell." The report also recommended that the University publicly apologize to Rammell, which it has not done to date.

Student union policies

In its [Bylaws](#), the Capilano Students' Union (CSU) includes in its "Purposes" a commitment "to represent and advance the rights and interests of its members."

In section XIV of the [CSU Procedures Manual](#), students are guaranteed "the right to use the facilities of the Society and other facilities as may be determined from time to time by the Society, the University, and the Board."

Section XV, Article 1 of the CSU Procedures Manual, governing elections and referenda, states that the Chief Returning Officer shall have the authority to "review and approve all campaign material prior to its use, posting, or distribution," and "have the power to interpret these Electoral Procedures." Section XV, Article 3 states that "the Chief Returning Officer may establish further rules for posterage." Governing electronic campaigning, Article 3 states "campaign-related e-mail messages may be sent, and campaign-related material may be posted on web pages, subject to any restrictions put in place by the Chief Returning Officer." There are no limits or guidelines provided to define the scope of the Chief Returning Policy's authority over campaign materials and electronic campaigning.

Student union practices

The authors are not aware of cases of the CSU limiting or restricting campus free speech rights, or discriminating against students or clubs on the basis of their opinion.

Between 2006 and 2008 the predecessor of the Capilano Students' Union, the Capilano College Students' Union (which operated until 2008 when the then-Capilano College was redesignated as Capilano University), [repeatedly denied](#) official club status to the pro-life student group Capilano College Heartbeat Club, a decision they justified by using a motion passed in 2006 that made the Students' Union "pro-choice." The first rejection of club status occurred in the summer of 2006, immediately after the Students' Union passed its pro-choice motion. After the club's second application was rejected, this time on grounds that the club would hinder "a woman's right to choose," Heartbeat filed a Human Rights complaint with the B.C. Human Rights Tribunal. The Students' Union failed to convince the Tribunal to throw out the case, and settled with Heartbeat in May of 2008. Heartbeat's application for club status was accepted by the Students' Union in September of 2008.



Carleton University, Ottawa, ON

Carleton University's policies earn a 'D' grade. While they express a commitment to free speech, they could be used to censor students' controversial or unpopular speech. Further, Carleton's policies do not specifically prohibit the disruption of others' speech and do not prevent security fees from being used to censor speech.'

Carleton University earns a 'C' grade for its practices. Its response to free speech has been mixed and its policies only receive a 'D' grade.

The Carleton University Students' Association (CUSA) earns a 'C' for its policies. CUSA has a strong commitment to free speech, but its election policies could result in censorship. Further, it lacks a policy restricting its focus to advocating on issues related to post-secondary education.

CUSA earns an 'A' in practices for its recent adoption of a policy strongly supporting Freedom of expression.

University policies

Carleton University's [*Human Rights Policies and Procedures*](#) states in its "Guiding Framework" that "[t]he University must uphold academic freedom and encourage intellectual and scholarly debate," and "[m]embers of the University community may not engage in abusive, violent, threatening or disruptive behaviour."

Section 2 of the Human Rights Policies and Procedures states that Carleton "respects the rights of speech and dissent and upholds the right to peaceful assembly and expression of dissent." It further states in s. 4.2:

The frank discussion of controversial ideas, the examination of various or competing perspectives, the pursuit and publication of controversial research, and the study and teaching of material with controversial and even offensive content in the context of conscientious, professional instruction in the University are protected within academic freedom.

Carleton's [*Anti-Racism and Ethnocultural relations Policy*](#) states:

6. The University prohibits discrimination and harassment, including conduct on the basis of race, creed, ancestry, place of origin, colour, ethnic origin and citizenship that:

6.1 Is abusive, demeaning or threatening, including behaviour such as name calling; derogatory remarks, gestures and physical attacks; or display of derogatory or belittling pictures and graffiti

The same prohibitions are applied to gender inequality in the [*Gender Equality Policy*](#), and protecting sexual orientation in the [*Sexual Orientation Policy*](#). These policies also state that racism, heterosexism, gender discrimination and homophobia can be "intentional or unintentional; it must be detected by its effect."

Carleton's [*Student Rights and Responsibilities Policy*](#) states the following in regard to free inquiry:

The traditional privileges of freedom of inquiry and freedom of expression which are enjoyed by members of a university community are reflected in the concept of academic freedom. These can be assured only if all members of the community share the responsibility of granting these freedoms to others and accept the obligation of a standard of behaviour which respects the rights of others. Students may think, speak, write, create, study, learn, pursue social, cultural and other interests and associate together for these purposes subject to the principles of mutual respect for the dignity, worth and rights of others as outlined by the Ontario Human Rights Code and the "Carleton University Statement on Conduct and Human Rights" . . .

The “Discrimination and Harassment Policies” contained in the *Human Rights Policies and Procedures* can be used to restrict speech deemed to constitute “discrimination” or “harassment” on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, gender and sexual orientation. Part IV, paragraph 6 of the *Human Rights Policies and Procedures* prohibits name-calling and derogatory remarks. There is also a section on “Systemic Discrimination” that may arise within the University that states:

Every member of the Carleton University community has the right to study, work and live in an environment free of systemic discrimination or harassment on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, political affiliation or belief, sex, sexual orientation, gender identity, age, marital status, family status or disability as defined in the Ontario Human Rights Code.

Part I, paragraph 10 of the *Human Rights Policies and Procedures* describes harassment as “engagement in conduct (including innuendo), based on a human rights ground protected in this Statement, that is abusive, demeaning, threatening, vexatious or intimidating or involves the misuse of authority or power that exceeds the bounds of freedom of expression or academic freedom.”

[Equity Services](#) exists to “advocate for human rights,” “provide accommodation advice related to religion, disability, family status and pregnancy,” “promote education and employment equity,” “intervene to prevent discrimination and harassment,” “foster equality without regard to ethnicity, culture, gender, race, sexual orientation or disability” and “promote a barrier-free campus.”

Carleton’s [Booking Space on Campus Policy](#) states that all applications for space must explain “[t]he purpose or nature of the table rental/event” and a “[c]omplete list of all activities, displays and promotion planned.” Failure to abide by this Policy would result in the cancellation of booking privileges.

University practices

Throughout 2013-14, Carleton University continued to [restrict student expression](#) by limiting Greek Letter Organizations (GLOs) recruitment at Carleton Residences, stating that “students from the Greek community who are living in residence are permitted to wear their letters but must refrain from actively recruiting first year students,” and “in the event an individual or a group transgresses these directives, all [GLOs] will lose the privilege of being permitted into Residence for the remainder of the year.”

In January of 2013, Carleton University [defended the free expression rights of its students](#) when the Carleton Students for Liberty’s (SFL) “free speech wall” was vandalized and stolen from its location on campus. The display, which featured a stand-alone wall, was constructed by the student society to educate their classmates about free expression rights. The wall event was co-sponsored by the Justice Centre for Constitutional Freedoms (JCCF). Arun Smith, a seventh-year human rights student at Carleton, tore down and disposed of the wall early in the morning of January 22. Mr. Smith claimed responsibility for the action and stated: “If everyone speaks freely we end up simply reinforcing the hierarchies that are created in our society.” Carleton’s Office of Student Affairs placed sanctions on Mr. Smith, but the exact scope of those sanctions remains unknown.

In June of 2012, Carleton University [allowed a controversial conference](#), titled “The Contemporary Awakening and Imam Khomeini’s Thoughts,” to take place on campus despite backlash by faculty, students and community members. The event was organized by a student group, the Iranian Culture Association of Carleton University, in collaboration with the Culture Centre of the Islamic Republic of Iran to honour the 23rd anniversary of Khomeini’s death. Carleton University’s official statement in response to the controversy reads:

Student groups at Carleton University host many events each year on campus, sometimes on controversial subjects. The views expressed by the speakers at this event in no way reflect the views of the University as [a] whole. There are more than 160 student groups and societies registered at Carleton. Carleton... encourages a culture of debate and free expression.



Carleton University saw to it that pro-life students who were arrested and handcuffed on campus in October 2010 for having tried to set up a pro-life display at Tory Quad, a well-travelled, high-traffic area of campus. Carleton University asked the police to arrest the students for “trespassing” in order to prevent them from peacefully expressing their views on campus. The police arrested the students before they had even set up the display, and confiscated their materials. The Crown refused to prosecute the students for trespassing.

A video recording [on YouTube](#) shows the police confronting the students before they put up their display. An unnamed member of the University administration can be heard saying “*this* display at *this* place is a prohibited activity.” [The Statement of Claim of Ruth Lobo and John McLeod is posted here.](#)

Carleton also informed the students they could not display smaller, hand-held anti-abortion signs on campus, a demand not based on any University rule, policy, bylaw or regulation. No other group on campus has faced demands from the University for any restrictions or limitations to be imposed on the expression of its opinion or viewpoint.

Further, Carleton has no rules or policies against visually disturbing images, and tolerates graphic displays by People for the Ethical Treatment of Animals (PETA). Further, while Carleton claims to be neutral on the subject of abortion, the University invited Planned Parenthood to have a table at “clubs day” in the fall of 2011, even though Planned Parenthood is not an accredited student organization.

After the Lifeline pro-life students were arrested for “trespassing” on their own campus, Ryan Flannigan, head of Student Issues for the Administration, invited the students to a meeting but *insisted that the students could not bring their lawyer with them*. At the meeting, Mr. Flannigan threatened the students with charges of non-academic misconduct. He presented the students with an offer allowing them limited rights to express their views on campus, without any guarantee that their expression of opinion on campus would be protected from criminal activity like physical blocking and physical obstruction. The students rejected this offer to have their speech singled out for censorship.

Carleton [justified its position](#) on grounds that “other members of the University community” should be “afforded the opportunity to decide for themselves as whether they want to view these images and become engaged with” Lifeline’s campaign.

Student union policies

The Carleton University Students’ Association (CUSA) has a [Declaration of Students’ Institutional and Academic Rights Policy](#) stating that “[e]very student, full or part-time, has the right to openly question and freely comment on course material without penalty.”

On April 8, 2015, CUSA adopted [a Support Freedom of Expression Policy](#) which states:

- (1) CUSA recognizes that within the unique university context, the most crucial of all human rights are freedom of speech, academic freedom, and freedom research. CUSA affirms that these freedoms are meaningless unless they include the right to raise disturbing questions and provocative challenges to the values embraced by society at large, and even by the University itself. The right to engage in frank and open debate, to share controversial and unpopular ideas, and to challenge society’s core beliefs, is essential for the pursuit of truth, and for preserving a free and democratic society.
- (2) CUSA has a duty to actively support this human right to unfettered, critical teaching and research, because apart from the University, there is no other institution or office in our modern liberal democracy which is the custodian of this most precious and vulnerable right of the liberated human spirit.

(3) CUSA affirms that the principles of academic freedom, which protect the right of professors to pursue controversial areas of research and to express and disseminate unpopular ideas, apply equally to students. All students enjoy the freedom to explore, debate, and disseminate ideas, regardless of their popularity or public acceptance.

(4) CUSA accepts that the free and open exchange of ideas will generate controversy and disputes among members of the University, and in the wider community. In such cases, CUSA will support and protect the free speech rights of all persons, including and especially those who adhere to unpopular beliefs or controversial opinions.

(5) CUSA recognizes that freedom of expression is limited to peaceful means and non-coercive methods. CUSA expressly rejects the use of violence, physical force, and physical coercion as methods to express one's views, or as methods to prevent others from expressing their views. Controversial or unpopular ideas should be addressed through debate, reason, and argument, and not by silencing one's opponents through blocking, obstructing, disrupting or otherwise suppressing unpopular or controversial speech on campus.

(6) CUSA recognizes that the Criminal Code of Canada places certain restrictions on freedom of expression. Apart from these restrictions, the peaceful expression of ideas on campus should be supported and encouraged.

(7) The right to free expression is complemented by the right to freedom of association, whereby individuals are free to cooperate in groups. All students enjoy the right to form and join the campus club (or clubs) of their own choosing, to hold and advertise meetings, to invite speakers on campus, to sponsor debate, to engage in peaceful assemblies and demonstrations, and to have equal access to CUSA facilities, rooms, spaces, and resources. No student, and no campus club, shall be discriminated against on the basis of belief, opinion, or viewpoint.

(8) CUSA will interpret and apply its rules, regulations, policies, by-laws, and Constitution in accordance with these principles.

CUSA's [Discrimination on Campus Policy](#) states:

2. CUSA will ensure that its members have access to facilities and resources without fear of discrimination based on a person's or group's racial, religious, and political or sexual orientation or gender identity. Access to facilities and resources will be denied if a group advocates for and/or perpetuates violence and discrimination based upon the above beliefs or characteristics.

Student clubs can become de-ratified according to Section 5.2(b) of the CUSA Bylaw IX – Clubs and Societies “when actions taken by the Club or Society are contrary to the Constitution,

Bylaws, or Policy Manual of the Carleton University Students' Association, or to the constitution of that Club or Society.”

CUSA's [Electoral Code Policy](#) states:

All campaign material shall be submitted first for approval of the CEO.

Approval of the CEO shall be denoted by a stamp of the Office of the CEO, which shall appear on all material. The CEO shall refuse any item if, in the opinion of the CEO, the material contravenes the CUSA Constitution, is libelous, or if the material does not clearly identify its originator(s).

Candidates are to campaign in a fair and respectable fashion, as defined by the Carleton University Human Rights Code.

Campaigning candidates and their workers shall be entitled to conduct their campaigns so as to reach the maximum number of students as long as they do not commit an Electoral Offence.



Student union practices

On January 7, 2013, after being denied official club certification by CUSA since November 2010, Carleton Lifeline registered to be a club with the Carleton University Students' Association Clubs & Societies Office. CUSA had decertified Carleton Lifeline in 2010, stripping this campus club of its status in November 2010 based solely on the group's pro-life beliefs and opinions on abortion. During the 2011-2012 school year CUSA continued to deny Carleton Lifeline its official club status based on CUSA's *Discrimination on Campus Policy* (see Section 3, above).

Since being ratified, Lifeline has held a number of events on campus and has not experienced any discrimination by Carleton University or by CUSA.

CUSA defended the free expression rights of its members when the Carleton Students for Liberty's (SFL) "free speech wall" was vandalized and stolen from its location on campus, as explained in greater detail above, under "University Practices." The display, which featured a stand-alone wall, was constructed by the student society to educate their classmates about free expression rights, and was stolen by seventh-year human rights student Arun Smith, who was punished by Carleton University for having done so.

CUSA for its part also addressed this incident, calling an emergency meeting of CUSA Council, which approved a [motion](#) condemning the actions taken by Arun Smith:

Whereas Arun Smith, as per his public Facebook confession, unduly destroyed the property of a CUSA-accredited group, Carleton Students for Liberty

Whereas Arun Smith has not demonstrated public remorse rather has unabashedly

threatened Carleton Students for Liberty with further acts of vandalism...in contravention with CUSA's Discrimination on Campus Policy...And is in contravention with Section 1 (2) of the Carleton Human Rights Code...And further violates Sections VI (2) and VII (A) (3) of the Student Rights and Responsibility Policy...

Be it resolved that CUSA council request that Arun Smith resign from his position as human rights representative of CASG.

Be it resolved that the executive of CUSA release a public statement restoring the respectability of our institution, asserting our commitment to a free and respectful campus, and speak out against these types of actions among the members of our organization

Be it further resolved that this statement be published on the CUSA website and be distributed to media outlets including, but not limited to Maclean's, the National Post, Sun News, Pink News and Yahoo! News (Daily Brew).

Be it further resolved that CUSA note in its statement that they fully support any disciplinary action that the University Administration deems appropriate.

In March 2012, CUSA held a general referendum which included the following question:

3. Are you in favour of banning events and displays that use inaccurate information and violent images to discourage women from exploring all options in the event of pregnancy from Carleton University campus?

The majority (almost 62%) of the 824 students who cast votes voted "yes."

Concordia University, Montreal, QC

Concordia University earns a ‘C’ grade for its policies. It has a limited commitment to free speech and restricts its policies from being used to censor unpopular speech, and it prohibits disruption in its Code. However, it fails to have a policy preventing security fees from being used to censor unpopular speech.

Concordia University earns an ‘F’ grade for its practices. While it spoke up in support of freedom of expression concerning the Concordia Students’ Union vote against relations with Israel, Concordia failed to condemn the shutdown of a controversial lecture at a nearby location on account of the threat of violent protesters, and twice failed to defend free expression for two student groups in 2015.

The Concordia Students’ Union (CSU) earns a grade of ‘D’ for its policies which fail to prevent the Students’ Union from discrimination against club’s based on their views, fail to prohibit censorship during elections, and fail to limit the Students’ Union taking positions on issues other than those related to post-secondary education.

The CSU earns a ‘F’ for its practices. It adopted a vote of a small number of students urging the cessation of relations with Israel. Further, CSU failed to speak out when a nearby event was shut down for fear of violent protesters.

University policies

The Statement of Principles of the Concordia University (Concordia) *Code of Rights and Responsibilities* (Code) states:

The Code is not to be applied in such a way as to detract from the right of Members to engage in the frank discussion of potentially controversial matters, such as race, sex, sexual orientation, gender identity, politics or religion. Furthermore, the Code shall not be interpreted in such a way as to limit the use of legitimate instructional techniques, such as irony, argument, conjecture and refutation, or the assignment of readings, which may present a controversial point of view.

The sub-section “Rights Promoted and Protected by the Code” includes “the freedom of conscience and religion; freedom of thought, belief, opinion and expression; freedom of peaceful assembly and freedom of association”.

Section V, Article 28 of the *Code* defines harassment as “repeated, hostile and unwanted behaviour that infringes upon another university member’s right to safely pursue their work or studies at Concordia”.

The *Code* (Section V, Article 28E) has the following policy on “Communication of Discriminatory Matter”:

It is an offense for a Member to engage in the distribution, communication, publication or public exhibition by any means of any matter deemed to be discriminatory or to expose a person or persons to hatred or contempt by reason of the fact that that person or those persons are identifiable on the basis of a prohibited ground of discrimination, as contemplated under the Québec Charter of Human Rights or under the Canadian Human Rights Act, and for which there is no bona fide and reasonable justification.

Section V, Article 29G of the *Code* addresses the conflict between the right to peaceful assembly with the right of members of the University to go about their studies appropriately undisturbed. It recognizes the importance of free expression in the form of peaceful protest, by prohibiting the following:

Obstruction or disruption of teaching, research, administration, study, student disciplinary procedures or other University activity. Notwithstanding the preceding, Members are free to engage in peaceful and orderly protest, demonstration, and picketing that do not disrupt the functions of the University. For example, peaceful picketing or other activity in any public space that does not impede access nor interfere



with the activities in a class or meeting is an acceptable expression of dissent and shall not be considered an infraction of this article.

The *Policy on the Recognition of Student Organizations and the Use of University Space* explicitly states that the University will not try to censor or restrict the materials displayed or used on campus space, provided the manner in which the materials are presented complies with the *Code*. It states “[f]reedom of expression is a fundamental principle and one which is a prerequisite to the essential mission of a university, namely the pursuit of knowledge. This principle requires the ability to question and debate any subject even the most controversial.” It further states that “[w]hile the University is committed to promoting freedom of expression, it has a concurrent responsibility to ensure that all of its members can reasonably expect to pursue their work and studies in a safe and civil environment.”

However, the *Policy on the Recognition of Student Organizations and the Use of University Space* also states that University officials reserve the right to restrict campus-space booking on the basis of high demand for a particular space, as well as on the basis of discretion. Section 15 of the *Policy* states:

University space and facilities may be made available to recognized student associations and organizations for extra-curricular activities. The University, however, shall be under no obligation to permit such use and is free to exercise its discretion in permitting it.

Concordia’s *Policy on the Display of Posters* states that:

Only posters announcing activities to be held at the University or which are of special interest to the University community and are sponsored by a legitimate University group, shall be approved for display. Posters by any other group, whether internal or external, shall not be approved and, if displayed, shall be removed without further notice.

Security risks are assessed and the fees that the Concordia Students’ Union charges the event organizers are based on the results of the assessment. The assessment empowers security and University officials to discriminate against speech and events they consider controversial, and therefore a security risk, imposing burdens on students promoting controversial views that aren’t imposed on other students with less “risky” messages. There does not appear to be any further details upon which the assessment is based.

University practices

On February 27, 2015, media organization TVA [reported](#) that the Reflections Library operated by Concordia’s Muslim Student Association (MSA), a registered student association, contained texts by authors considered to hold ‘radical’ and ‘extremist’ views. Among the authors noted in the report were Yusuf al-Qaradawi, an Islamic scholar who launched a popular website called IslamOnline and who has advocated for husbands using physical force against their wives and female genital mutilation, and Abdur Raheem Green, chairman of the Islamic Education and Research Academy. Green was invited by the MSA to speak at the University in 2011 but the invitation was rescinded (by the MSA) after a video surfaced in which Green advocates husbands using physical force to correct the behaviour of their wives as long as they do not hit them in the face or leave a mark.

In the TV report, Concordia University was quoted saying it was “taking the issue seriously” and would conduct “an in-camera investigation.” Concordia University’s Dean of Student Affairs and other members of Concordia’s administration met with representatives of the MSA on March 5, 2015. After the meeting, University spokesperson Chris Mota [stated to the media](#) that “[s]tudent associations have the right to have book collections

on university premises...but with that right comes the responsibility to ensure that the contents respect the law and reflect the values of the institution and our society.”

Notably, on March 5, after meeting with the University, the MSA removed all texts by the authors mentioned in the report, not just the specific texts that contained the offensive references. The MSA has not commented about to what extent the University influenced their decision-making in that regard.

A lecture by Canadian Liberal MP Marc Garneau scheduled for January 12, 2015, was cancelled on that day due to concerns expressed by Montreal Police of a planned “hostile and violent” protest disrupting the event. The talk, organized by the two groups external to Concordia, the Committee for Accuracy in Middle East Reporting (CAMERA) and the Canadian Institute for Jewish Research (CIJR), addressed Canada-Israel relations and was to take place at CIJR’s downtown Montreal offices, which are located next to Concordia University’s downtown campus. It was cancelled by the organizers.

One of the organizers of the event, Bradley Martin, a Concordia student, explained the details leading up to the cancellation of the event:

This morning, the Montreal Police informed CIJR that their cyber division detected a planned protest of the event. This protest was estimated to consist of about sixty demonstrators and considered to be hostile and violent. Under the circumstances, it was determined that the venue could not be secured properly and the safety of attendants would be at risk. It was therefore decided that the event would not take place as planned and be postponed indefinitely.

The event was rescheduled and took place in March, at a more secure location further away from campus. The University did not issue a statement regarding the cancellation of the event.

In response to a referendum vote compelling the Concordia Students’ Union (CSU) to endorse the Boycott, Divestment and Sanctions (BDS) movement, on December 5, 2014, Concordia University president Alan Shepard issued a statement upholding free speech and academic freedom:

Last week, the Concordia Student Union (CSU) included a referendum question on its by-election ballot asking its membership whether they approved of the CSU endorsing the Boycott, Divestment and Sanctions (BDS) movement against Israel.

I have heard from a number of members of our community who worry that this issue is divisive and could create an unwelcoming environment on campus.

The result of the vote is independent of the university.

In my view, a boycott barring us from contact with other universities and scholars would be contrary to the value of academic freedom that is a pillar of Concordia and of universities all over the world.

That freedom — to think the thoughts we want to think, to test ideas however controversial — is the bedrock of university life. Boycotts by definition foreclose all opportunities for such a free exchange of ideas and perspectives.

In cases that are as complex as the one at hand, questions of how the discussion, debate and aftermath are conducted are as important as the outcome.



All members of our community have an obligation to uphold the principles of academic freedom, free speech and mutual respect.

I wish to affirm strongly my commitment to these values. These are not hollow placeholders but essential values.

I call on everyone in the Concordia community to work together to sustain an environment in which all of us are emotionally and physically safe and secure.

Only in such an environment can we truly pursue the freedoms of education.

On April 29, 2013, [a satirical article was posted](#) to the news blog “Coop média de Montreal” (CMM) titled “Interview with Sociologist Nixed by Vic Toews’ Office”. Written by David Bernans, the article told a fictional story of a request made by Concordia University to the office of federal Public Safety Minister Vic Toews, to hold an on-campus interview with Mr. Toews and Dr. Emile Durkehim (1857-1917), the latter whom is credited with founding the academic discipline of sociology. The article “reports” that the Minister’s office cancelled the interview because Dr. Durkheim was alleged to have “committed sociology”.

Mr. Bernans explained the rationale behind publishing this piece of satire:

It made fun of the Harper government’s claim that “[committing sociology](#)” is some kind of terror-friendly crime. Public Safety Minister Vic Toews was the butt of the joke, but, strangely enough, it was Concordia University’s PR department that took offence.

Concordia’s Director of Media Relations Chris Mota informed CMM that the article defamed Concordia University, and ordered CMM to remove the article from its website within hours or face legal action. CMM did not remove the original article, but published a redacted version of the article on May 3, 2013, removing any direct mention of Concordia and Emile Durkheim.

In April 2012, tuition hike protesters hijacked an event where the University community was supposed to meet the potential new president, Alan Shepard. After students began chanting and using a megaphone to send the message that they would continue to disrupt the school year in this manner, the event was cancelled and Shepard never had the chance to speak. Despite the University’s anti-disruption policy, the University allowed the protesters to silence the speaker and prevented other students and staff from meeting Mr. Shepard.

During a student boycott in the winter 2012 session at Concordia, the University asked the professors to continue holding classes for students that chose not to participate in the boycott, while giving the professors some discretion in how they dealt with students who chose not to attend classes or pass in assignments. The official stance of the university on the strikes can be found [here](#) and [here](#).

In 2004 a Jewish students’ group, Concordia Hillel, invited former Prime Minister of Israel Ehud Barak to speak at Concordia. For fear of a security problem, Concordia refused to let Barak speak on campus, and proposed that Concordia Hillel co-sponsor an event at an alternative venue where Barak could speak. A risk assessment team informed the University that it did not believe Concordia was equipped to secure an on-campus presentation from the former Israeli Prime Minister. The University’s decision to move the event off-campus and not provide adequate security was criticized as a failure to protect free speech on campus; providing adequate secu-

ity is as necessary a role as the upholding of free speech rights.

In its defence, Concordia stated:

Concordia University's decision not to host on our campuses the proposed speech by former Israeli Prime Minister Ehud Barak, but to instead co-sponsor the event at a more securable location, has been distorted as a failure to protect free speech and a caving in to mob rule. This is simply not true.

The university has a responsibility to protect the security of students, staff, professors and neighbours while promoting free speech - at a location that security experts consider appropriate. This is precisely what we have done. That the organizers of Mr. Barak's proposed visit have rejected our offer to facilitate, co-sponsor and help pay for the event at one of several recommended Montreal sites calls into question whether they truly wish to hear Mr. Barak's views or, rather, wish to advance their own political agenda without regard for the potential consequences for Concordia University.

...However, it would have been negligent for the university to respond to such pressure by attempting to host the event on campus against responsible advice. Nor is it necessary. The facts are that Jewish students, professors and staff as well as members of many other ethnic and religious groups interact daily in complete freedom. Only yesterday, a distinguished Jewish scholar from Princeton University spoke to an overflow audience on the history of Jewish-Muslim relations. The lecture and an extended question period took place in an atmosphere of respect and civility.

In summary, we would have been pleased to have Mr. Barak speak to our students, and were prepared to plan for this until our risk assessment team, armed with advice from security authorities, concluded that we do not at present have a locale on campus that can reasonably be made sufficiently secure for such an event. That is why we made the offer to co-sponsor this speech off campus. Unfortunately, this offer was rejected.

Concordia provided no details or specific explanation for its assertion that no campus spaces were available.

In response to a motion passed by Concordia Students Union (CSU) council revoking club status for Concordia Hillel in 2002 (see section 4 of this report), Concordia stated:

The CSU has asserted on many occasions that, as a result of its accreditation, it is illegal for the university to intervene in CSU business. Therefore, it is particularly offensive to request the university overturn CSU Council decisions on an invitation-only basis when it is to the advantage of the CSU...We cannot absolve them of their responsibility and legal duty to conduct their affairs in a fair, equitable and non-partisan manner.

On September 9, 2002, then-current Israeli Prime Minister Benjamin Netanyahu was to present a lecture at Concordia University. His speaking event was cancelled when protestors and Montreal police began to clash outside the Henry F. Hall building, where the lecture was scheduled to take place. Just before the event was scheduled to begin, protestors shattered a window in the lecture hall and police responded by throwing pepper spray into the crowd, which forced the evacuation of the building and the cancellation of the lecture.

In March 1992, artist Lyne Robichaud was invited to display her paintings at Concordia University's Women's Centre. Organizers of the exhibition decided to ban some of her paintings that featured women of colour carrying fruit on their heads. Organizers at the Women's Centre justified the ban, expressing that as a white woman Robichaud should not be painting black women at all, let alone in "stereotypical" "Chiquita Banana" poses.



Robichaud, believing the ban to be absurd, noted that by the same logic “only men should paint men and only women should paint women.”

Student union policies

Concordia Student Union’s (CSU) [mission](#) includes the defence of “students’ rights.”

CSU’s *Standing Regulations*, book II, section 1.77 defines requirements for student organizations to be officially recognized as clubs by the CSU. The criteria for registration require, among other things, that “[t]he objectives and activities of the group should be seen as attempting to contribute to the educational, recreational, social, or cultural values of the Student Union and the University,” and that “[t]he group must be unique with its ideas, events and activities.” If the Clubs Committee determined that a student group’s ideas were A) not conducive to the educational, recreational, social or cultural values of the CSU or the University, or B) too similar to that of another group, the students could not start a campus club.

Chapter 2 of “Book XII – General Provisions”, contained in the *Standing Regulations*, gives CSU Council broad powers to disregard any Regulations maintained in the document:

Any ordinary motion, resolution or regulation who derogates from the code can only be adopted with a clause stating that the motion operates regardless of the Code of Standing Regulations. The clause must state which article (s) are not to be applied towards the motion. Such motion requires a 2/3 majority vote and will cease to have effect 4 months following its approval.

CSU’s *Banner Policy* is designed to ensure “freedom of expression while simultaneously securing that all members of the Concordia C. community can reasonably expect to pursue their studies in a safe and civil environment, as outlined in the Code of Rights and Responsibilities.”

However, the *Banner Policy* prohibits banners that are deemed “discriminatory” by Quebec’s Charter of Rights and Freedoms and Concordia’s *Code of Rights and Responsibilities*.

The CSU reserves the right to remove anyone from a booked space that is “objectionable” or “unruly”. Neither of these terms are defined or explained in more detail. Information regarding booking campus space through the CSU is found [here](#).

In December of 2014, members of the CSU voted on a referendum question to endorse the Boycott, Divestment and Sanctions (BDS) movement, which aims to place economic pressure on Israel for perceived human rights violations. The question read: “Do you approve of the CSU endorsing the Boycott, Divestment and Sanctions (BDS) movement against Israel?” The “yes” side garnered a slim majority of 1,276 votes. The overall turnout was 2,580. There are 35,000 registered undergraduates at Concordia who were eligible to vote.

On July 23, 2014, at a Special Meeting of CSU council, a [motion was approved](#) that positions the CSU “against the disproportionate use of force, the use of chemical weapons, the illegal settlements in Palestine and the blockade on Gaza all caused by the state of Israel.”

The CSU also supports issue campaigns which promote stances on “Climate Justice,” “Divestment,” “Anti-Consumerism,” and “Indigenous Sovereignty.”

Student union practices

During the 2011-12 school year, the Concordia Student Union (CSU) was faced with determining its response to the student “strike,” or boycott of classes, as a method of protesting the tuition hikes. At a general assembly, CSU members had the opportunity to debate what form the strike would take, and then vote on whether or not to strike. Students who spoke against the strike received angry responses from the crowd, and often dismissive responses from CSU leaders.

In October of 2004, in response to the cancelling of the Ehud Barack lecture by Concordia University officials (see Section 2), CSU posted the following statement to its website supporting free expression on campus:

The Concordia Student Union supports free speech. As such we would support a speech by Ehud Barak held on campus as long as it is not disruptive to the academic pursuits of students. It could be held in the hockey arena or FC Smith Auditorium (at a time when there are no classes). In addition, 75% of the seats would need to be saved for students, entry could not be restricted for any constituency group and there would need to be an open question period.

On December 2, 2002, the student group Concordia Hillel (Hillel) had its club status revoked by CSU council in response to a flier that Hillel allegedly distributed at an information table providing information on a volunteer program with the Israel Defense Forces. Hillel has denied any responsibility for the flyers in question, claiming they were placed on one of their tables without their knowledge or consent. The motion required Hillel to issue a public apology for the flyers before it could be re-instated. Despite the council chair ruling the motion Out of Order, the nine council members present at the meeting overturned his decision and passed the motion by 8 to 1. A week later, council back-tracked by stating Hillel could be re-instated if it would apologize and promise not to distribute offensive materials in the future, but Hillel refused.

On December 11, 2002, Hillel announced that it would sue the CSU and the University as co-parties, demanding full re-instatement of club status as well as damages for the violation of their constitutional freedoms. On October 10, 2003, the Quebec Court of Appeal found against Hillel’s appeal on lifting the suspension of their lawsuit, which had been ordered by the Quebec Superior Court in May of 2003.



Dalhousie University, Halifax, NS

Dalhousie University earns a ‘C’ for its policies. Some of its policies could be used to censor unpopular, controversial, or politically incorrect speech, and does not prevent security fees from being used as an indirect method to censor controversial or unpopular speech.

Dalhousie University earns a ‘F’ for its practices, because its handling of the dentistry students’ Facebook controversy continues is prior pattern of censorship.

The Dalhousie Student Union (DSU) earns a ‘F’ for its policies, as they fail to include a commitment to free speech, to prevent DSU from discriminating against groups on the basis of their beliefs, to not empower elections officers to censor speech during elections, and to restrict the DSU from advocating on issue unrelated to post-secondary education.

DSU earns a ‘D’ for its practices as it had the opportunity to defend speech when responding to the dentistry students’ Facebook controversy but it not do so.

University policies

Dalhousie University’s [Code of Student Conduct](#) (*Code*) states at section II.A.5: “Nothing in this Code shall be construed to prohibit peaceful assemblies and demonstrations, or lawful picketing, or to inhibit freedom of speech.”

Section II.C.1. of the *Code* states in part:

e) No student shall engage in a course of vexatious conduct, harassment or discrimination that is directed at one or more specific persons and that is based on the age, race, colour, religion, creed, sex, sexual orientation, physical disability, mental disability, an irrational fear of contracting an illness or disease, ethnic or national or aboriginal origin, family status, marital status, source of income, political belief or affiliation or activity of that person or of those with whom he or she associates.

Further, in section II.C.2, the *Code* states:

No student shall, by action, threat or otherwise, disrupt, obstruct or adversely affect any activity organized by Dalhousie University or by any of its faculties, schools or departments, or the right of other persons to carry on their legitimate activities, to speak or to associate with others.

Section C.1.C states that “[n]o student shall create a condition that unnecessarily endangers the health or safety of other persons.”

Dalhousie’s [Sexual Harassment Policy](#) states in its Preamble:

The University occupies a special place in society as an intellectual community with a responsibility for the discovery and sharing of knowledge. This aspiration demands a commitment to an atmosphere of reciprocal respect among all members of the university community. Sexual harassment potentially undermines the full and free participation of all members of the community by negatively impacting on an individual’s employment conditions or academic status or performance or by creating an intimidating, hostile or offensive working or academic environment.

Part Three of the Sexual Harassment Policy protects academic freedom and free expression:

This policy is to be interpreted and administered in a way that is consistent with the principles of academic freedom. Neither this policy in general, nor its definitions in particular, are to be applied in such a way as to detract from the right of faculty, staff, and students to engage in the frank discussion of potentially controversial matters, such as age, race, politics, religion, sex, sexual orientation and gender identity. These are legitimate topics and no University policy should have the effect of limiting discussion of them or of prohibiting instructional techniques, such as the use of irony, the use of conjecture and refutation, or the assignment of readings that advocate controversial positions, provided that such discussion and instructional techniques are conducted in a mutually respectful and non-coercive manner.

The Sexual Harassment Policy defines sexual harassment as follows:

10) Sexual harassment is defined as any sexually-oriented behaviour of a deliberate or negligent nature which adversely affects the working or learning environment. It may involve conduct or comments that are unintentional as well as intentional. It includes, but is not limited to:

...(d) sexually-oriented remarks or behaviour by a person who knows or ought reasonably to know that such remarks or behaviour may create a negative psychological or emotional environment for work, study or participation in a University-related activity or program. Such remarks or behaviour may include, but are not limited to, suggestive and/or derogatory comments, sounds or gestures emphasizing sex or sexual orientation; suggestive staring; inappropriate displays or distribution of sexually suggestive pictures, objects, writing or graffiti, including electronic and hard copy forms; persistent unwanted contact after the end of a consensual relationship; unnecessary or unwanted physical contact of a sexual nature such as patting, touching, pinching or brushing against; and sexual assault.

Given that the Sexual Harassment Policy was used to prosecute the complaints against dentistry students in the 2014-2015 year (see section 2 of this report), it is apparent that administrators interpret this policy to prohibit non-criminal sexual jokes and images posted on private social media pages.

Unlike the Sexual Harassment Policy, Dalhousie's [Personal Harassment Policy](#) does not include a clause protecting academic freedom and free expression:

“Personal Harassment” is abusive, unfair, or demeaning treatment of a person or group of persons that is known or ought reasonably to be known to be unwelcome and unwanted when:

- a) such treatment abuses the power one person holds over another by virtue of their employment relationship or misuses authority associated with their position of employment, or
- b) such treatment has the effect of seriously threatening or intimidating a person, and such treatment has the effect of unreasonably interfering with a person's or a group of persons' employment or performance, or
- c) such treatment has the effect of creating an intimidating, hostile or offensive work environment.

Conduct considered above means either repeated or persistent patterns of behaviour, direct or indirect, that when taken together constitute personal harassment; or a single act of sufficient severity to constitute personal harassment in its own right. Such conduct may occur within or outside of the workplace.

Examples of personal harassment include, but are not limited to, name calling, insults, inappropriate jokes, threats, shouting, derogatory remarks (including messages that are threatening, derisive, or defamatory), spreading malicious rumours, persistent criticism and exclusion.



Personal harassment does not include appropriate managerial direction, delegation, performance management or attendance management.

The [Dalhousie Office of Human Rights, Equity and Harassment Prevention](#) (Human Rights Office) describes its purpose as preventing discrimination on campus. If a student files a human rights complaint against another student, the Office will insist the parties involved meet with “trained neutral mediators” in an attempt to resolve the conflict.

Dalhousie employs the Human Rights and Equity Advisor, as well as an Equity Assistant, to “foster and support an inclusive learning environment” and administer “the University’s human rights, equity, harassment, and other policies.”

The Human Rights Office outlines “Strategies for the inclusive classroom”:

Ask students to identify possibly discriminatory content in textbooks, readings, etc.

Do your best to be sensitive to language/ terminology issues

Provide guidelines for group discussions to assist everyone in participating.

Never ask a student to act as a spokesperson for his/her group/country/religion/ disability/sexuality

Be prepared to address inappropriate or offensive comments

In addition, the Human Rights Office sets down rules for individuals on their “Practices of Inclusion and Respect” webpage. Individuals are told the following:

- Do not laugh at sexist, racist, heterosexist or otherwise demeaning humor.
- Know that offensive comments often come from lack of knowledge or learned biases. Identify your own biases and stereotypes. Resist acting on them and take steps to inform yourself and unlearn them.
- Accept that this is fluid and evolving and you will make mistakes. At the same time listen to the words used by diverse groups and make efforts to keep up with changing terminology.
- Correct mistakes and move on. Apologize if appropriate.
- What is experienced as offensive varies from individual to individual. If someone challenges you, listen to what they have to say and try to understand their perspective. Thank people for guidance.

Under “Organizational Practices” in this same section, students are told to “strive to make inclusive language the norm” but also to “create an environment where differing perspectives are welcomed and people speak up and out.”

There is much room for interpretation as to what is “discriminatory.” A failure to apologize for politically incorrect language would clearly violate these policies. Students are told what language to “strive” for, and in which shape they should sit during their meetings. They are told to promote the “fact” that “diversity” benefits everyone even in the absence of “diversity” having any clear or discernable meaning that is commonly understood by all.

The statements and policies of the Human Rights Office could open the door to complaints about “discriminatory” speech, and even lead to the censorship of speech that does not lead to “a learning environment and community free from prohibited discrimination.”

The job duties of residence assistants include “making sure residents respect one another”.

University practices

The DDS Gentlemen’s Club was a private Facebook group where up to sixteen students from Dalhousie’s dentistry program would share jokes and discuss campus life. Upon receiving 54 screenshots of the page from a female student on December 8, 2014, which the student believed constituted harassment and bullying, the University’s Vice-Provost of Student Affairs determined that the postings in the screenshots were not a violation of the University’s Code of Student Conduct. The student who brought forward the screenshots wanted the students prosecuted under the Code. Instead, the Vice-Provost determined that the complaint fell under the University’s Sexual Harassment Policy, and through the Office of Human Rights, Equity and Harassment Prevention, initiated a restorative justice process to address the complaint.

Thirteen fourth-year dentistry students who had made posts to the Facebook page were suspended from dental clinics for two months on January 5, 2015—halting a component of their program needed to graduate. On January 9, the University mandated that these students attend the classes they needed to graduate remotely and separately from their classmates.

Twelve of the thirteen students underwent the restorative justice program, which involved attending meetings, apologizing to students and the community, and other measures. One of the thirteen students, Ryan Millet, opted not to participate in the restorative justice process. Millet underwent a disciplinary committee hearing which ruled that he had engaged in unprofessional conduct and must undergo a remediation process. Millet has [stated](#) to media and through his lawyers that his involvement in the Facebook group amounted to clicking the “Like” button on postings made by other members of the Facebook group, which he describes as “guilt by association”.

After initially refusing to provide the screenshots of the Facebook postings to Halifax police, on January 13, 2015, the University reversed its decision and provided the screenshots to police, who determined that the postings were not criminal.

Dalhousie University commissioned a Task Force to make recommendations to address the “culture of misogyny” on campus and its response to the incident. Some of the [Task Force report](#)’s recommendations include:

6. The Faculty of Dentistry should monitor social and other extra-curricular events at the dental school to prevent excessive alcohol consumption and facilitation of sexist, heterosexist, misogynistic, or racist behaviour. Events that do not contribute to such behaviour should be reinstated.
19. The University should make clear how codes of conduct and similar policies apply to social media activity, whether by revising policies or otherwise.
25. The University should develop early detection mechanisms to identify issues of discrimination or harassment that may be systemic in nature, and issue guidelines that will assist those with the power to initiate complaints on behalf of the University to identify when and how to do so.

The University’s President issued a [statement](#) in response to the Task Force report wherein he accepted the report’s recommendations “fully”.



In March of 2011, the student group Pro-Life at Dal (PLAD) organized a debate on abortion. The Vice-President of Student required PLAD to pay a \$350 security fee, and also imposed other conditions. On the night of the debate, the club was suddenly told that security officers would *not* intervene if any disruptions occurred. The room was vandalized prior to the event, and stink bombs went off intermittently throughout the debate. Dalhousie Security did not intervene at any point, and made no effort to find out who vandalized the room and disrupted the event.

PLAD's president wrote to the Vice-President of Student Services and expressed concern about Dalhousie's failure to provide adequate security, and how this failure emboldens those who would disrupt future events. The University has not apologized for its inaction, and has not taken corrective measures to ensure future events did not face the same poor treatment and lack of protection.

In November of 2010, controversial British MP George Galloway was scheduled to speak at Dalhousie, but the University then deemed him to be a security risk ("because he speaks about controversial topics") and demanded extra money for increased security services. This forced the event to be held off-campus.

In 2007, Jared Taylor was invited to the University to debate a professor on racial diversity. Several weeks before the scheduled debate was to be held, the University issued a statement saying it "learned more about the background and standpoint of the others involved in the proposed debate and has concluded a debate with people who held such views would not be a useful way to explore the topic [of racial diversity]" and cancelled the debate.

Student union policies

The Mission of the Dalhousie Student Union (DSU) is to "actively represent the diverse interests of Dalhousie students," and "provide services which complement and enhance their university experience in a financially, socially and environmentally responsible manner."

By-Law I of the Dalhousie Student Union (DSU) Constitution states:

3. (a) The Union and any organization under the jurisdiction of the Union shall not discriminate on the grounds of age; race; colour; religion; creed; sex; gender; sexual orientation; physical or mental disability; an irrational fear of contracting an illness or disease; ethnic, national, or Aboriginal origin; family status; marital status; source of income; political belief, affiliation, or activity; or an individual's association with another individual(s) having characteristics referred to in previous groups.

Sub-section 3(b) states "[s]ub-section 3(a) does not preclude any By-law, Regulation, programme, activity or group that has as its object the amelioration of conditions of traditionally underrepresented individuals or groups including the participation of aboriginal people, racially visible people, persons with disabilities and women.

The DSU passed a Social Media Policy in February of 2015 which applies to all DSU-operated online spaces as well as online spaces operated by ratified DSU student groups. The Policy reads:

The Dalhousie Student Union (DSU) will not tolerate discriminatory remarks or harassment in any form.

- This includes, but is not limited to: o remarks or images that are based on racist, sexist, ableist, homophobic, or transphobic sentiments; o comments that attempt to demean, humiliate or threaten any individual or group based on any of the grounds listed above;; and o defamatory or libelous statements

against any individual or group.

- Comments or posts that do not comply with these rules will be removed.
- Users who disregard the Code of Conduct will be removed and/or blocked from online spaces owned or operated by the DSU.
- Users who are removed from an online space owned or operated by the DSU or a DSU-affiliated group, may also be removed or blocked from other online spaces owned or operated by the DSU or DSU-affiliated societies and student groups.
- Instances of harassment, threats or other criminal behaviour may be reported to the police, the University, the Nova Scotia Human Rights Commission, or any other regulatory body deemed appropriate in the circumstances.

Section 3 of the Dalhousie Student Union (DSU) *Society Policy* states:

11. The Society must not have a purpose that conflicts with the DSU's mission and vision statements.
12. The Society must not have the same purpose as any society that has already been ratified by the Union.

These provisions could effectively ban campus clubs that do not share common mission and vision statements with the Dalhousie Student Union, or whose mission is considered too similar to that of other clubs to warrant recognition by DSU officials. .

Section 8 of the Dalhousie Student Union *Society Policy* states that “[t]he Union reserves the right to withhold the above privileges from a society as it deems necessary,” and that “[t]he Union reserves the right to grant additional privileges to a society when deemed appropriate.”

Section 9 of the *Society Policy* allows Council to de-ratify any registered club it considers to have behaved in a manner “unbecoming of a Member of the Union.”

Page 14 of DSU *Society Policy* reads:

The DSU reserves the right to charge ancillary fees to societies holding events, for services including but not limited to DSU security staff, DSU technical staff, technical and audio-visual equipment, cleaning fees, coat check, custodial staff, set-up fees, extra furniture, extended building hours, SOCAN, conference materials and bar services.

Section 11A(a) of the Dalhousie Student Union *Elections Policy* states: “There shall be no more than one (1) registered campaign for each possible answer to a referendum or plebiscite question, excluding the ‘spoils’ option”.

Section 13(b) of the *Elections Policy* states:

Campaign displays and the distribution of literature on campus are subject to the approval of the Elections Committee. All candidates and campaigns shall inform and have the approval of the Chief Returning Officer for any such activity that they plan to undertake.

In addition, Section 13 requires that the total cost of a student's campaign not exceed \$200.



The DSU voted to endorse and support the Divest Dalhousie campaign, on November 20, 2013, an initiative to see Dalhousie University refrain from investing in fossil fuels. The aims of Divest Dalhousie are described as being ethical and environmental, rather than being directly related to the purpose of the DSU. The motion is unclear to what extent the DSU will be expected to “support” Divest Dalhousie, whether in principle or finance.

Student union practices

Following media reports of the Facebook ‘dentistry scandal’ (see section 2) the DSU issued a statement which did not mention or uphold free expression rights for the students affected.

On March 31, 2012 the DSU Elections Committee disqualified two students, Jamie Arron and Aaron Beale, for content they wrote on Facebook while campaigning for DSU President and VP Student Life (respectively).

Jamie Arron, candidate for DSU president, posted the following message on his friends’ “walls” on Facebook after the campaigning period:

hey dude, did you vote in DSU elections yet? only takes 2min. Vote online @
dsuelections.ca. My dream team: Becky, Gavin, Aaron.

Arron charged with posting the following message on his Facebook wall after the campaign period had officially ended:

The DSU is at a crossroads. Will you vote for the same ol’ insiders or for the new wave of engagement? Times are a’changing. Lets make it happen.

These comments were posted on Facebook after the “allowable campaign period” which ended the evening prior to voting.

Arron was also penalized for launching his campaign website ahead of the official campaign period which did not begin until 8:00AM on February 6. His website was found active at 7:00AM on February 6. The Committee therefore found Mr. Arron in violation of the rules.

The candidates appealed the Elections Committee decision to disqualify them from the executive positions they had won. The Committee stayed the charges, and Jamie Arron and Aaron Beale proceeded to become President and VP Student life to the DSU for the 2011-2012 year.

Grant MacEwan University, Edmonton, AB

Grant MacEwan University earns a ‘D’ for its policies. While the University does recognize students’ right to freedom of expression, its policies could be used to censor controversial speech. It does not have an anti-disruption policy or a policy restricting security fees from being used to censor unpopular expression.

The University earns a ‘C’ for its practices, as its commitment to free speech has not been tested and because its policies are weak in defending free speech.

The Students’ Association of MacEwan University (“SAMU”) fails to have any policies protecting freedom of expression and consequently earn a ‘F’ in this regard.

Although SAMU’s commitment to free speech has not been tested, it earns a ‘D’ for practices on account of its failing policies.

University policies

Grant MacEwan University [states](#) eight Pillars that “define our core commitments as a university.” None of these eight Pillars reference free expression or academic freedom.

Section 1.0 of the University’s policy, [Student Rights and Responsibilities](#), states that “students are responsible for conducting themselves in a manner suited to the best interests of the University.” Section 2.0 of this policy states:

The rights and responsibilities of students are described to ensure that the university environment is conducive to learning and supports an atmosphere of civility and safety for students and the university community when students are involved in on-campus activities, learning activities associated with courses or in off-campus university-related learning activities and environments, events or other activities.

Section 3.1 and 3.2 of *Student Rights and Responsibilities* state the right of students to assemble and the freedom of the press. Section 3.9 of *Student Rights and Responsibilities* states:

Students have a right to freedom of opinion and expression within the bounds of the learning environment and, where course content allows, in assignments and exams, but not at the expense of the rights of others.

“Other rights” listed in section 3.1 of this policy include the right to be free of “indignity,” though “indignity” is not defined in the *Policy Manual* of the University.

Section 4.1 (b) of this policy defines improper student conduct to include:

Engaging in behaviour that is defined as harassment, sexual harassment, bullying, or discrimination (see Policy D1125 Harassment), whether through words, conduct or material, is reasonably considered to be offensive to someone or that demeans, belittles, intimidates or humiliates another person. This behaviour includes threatening to subject or subjecting any person, student or staff to physical, sexual or mental harassment, indignity, injury, violence or discrimination.

Section 4.12 of this policy states:

Students are required to respect standards of responsible journalism and communication by avoiding the creation or distribution material of a slanderous, defamatory or indecent nature, unfounded allegations, slights to personal dignity and malevolent insinuations.



Section 3.2.9 of the University's [Harassment policy](#) states:

Harassment is defined as the abusive, unfair or demeaning behaviour towards a person or group that has the purpose or effect of interfering with a person's or group's status or performance, or creating a hostile or intimidating work or learning environment. Incidents of harassment may involve the abuse of power one individual has over another. Legitimate and reasonable efforts conducted to address performance or behavioral issues do not constitute harassment. Harassment can take place in person, on the telephone, in writing or other tangible media, or through electronic means such as electronic mail, chat rooms, blogging, and other forms of electronic communication.

The University does not have a policy expressly preventing the University from charging security fees to students hosting discussions or lectures on controversial subjects.

University practices

The authors are not aware of cases of the University limiting or restricting campus free speech rights, or discriminating against students or clubs on the basis of their opinion.

Student union policies

The Students' Association of MacEwan University ("SAMU") does not maintain a policy or statement upholding the free expression rights of its Members.

Section 1 of the [Clubs Policy](#) states that "[t]he existence and activities of clubs must not impose a legal liability on, or damage the interests of SAMU."

The [Elections and Referenda Policy](#) of SAMU empowers the Chief Returning Officer to approve campaign materials, but does not provide the scope or criteria by which campaign materials are approved.

SAMU's Form, [Posting Guidelines and Procedures](#), states that "[c]lubs cannot post anything that might be views [sic] as offensive or demeaning."

SAMU's [Online Presence Guidelines](#) (also named the Social Media Guidelines and Procedures) state that "[a] club will be de-ratified if it is found using discriminatory behaviour on its website."

The [Club Application Form](#) requires club membership is "**open** and non-discriminative".

Student union practices

The authors are not aware of cases of the Students' Association of MacEwan University limiting or restricting campus free speech rights, or discriminating against students or clubs on the basis of their opinion.

Kwantlen Polytechnic University, Surrey, BC

Kwantlen Polytechnic University earns only a ‘C’ for its policies, since it lacks an anti-disruption policy as well as a policy that prevents security fees being used to censor controversial or unpopular speech.

Kwantlen earns a ‘D’ for its practices on account of its poor track record defending free speech.

The Kwantlen Students Association (KSA) earns an ‘F’ for its policies, which fail to respect free speech.

The KSA receives a ‘D’ for its practices, because of its past failure to protect free speech and its failing policies.

University policies

In the [Mission & Mandate](#) of Kwantlen Polytechnic University, the University describes its commitment to academic freedom, stating the University “[respects] the academic freedom of learners, faculty, and staff as foundational to the pursuit of knowledge.”

The [Principles of Academic Freedom and Responsibility](#) states:

1. Kwantlen Polytechnic University is committed to the belief that the exchange of knowledge and ideas in an environment of intellectual freedom is an indispensable foundation of quality education and scholarship.
2. Academic freedom is one means to ensure that an environment of intellectual freedom is sustained, and extends to the entire University community: students, staff, faculty (including visiting faculty), and University officers and administrators;
3. Academic freedom includes the right of all members of the University community to inquire, discuss and express themselves, study, conduct research, teach, publish, create and exhibit their work, associate and peaceably assemble without deference to prescribed doctrine on ideas, principles, concepts, or issues related to pedagogy and research; and without hindrance by the University, any of its representatives, or coercion by external agents.
5. The censorship of information is inimical to the free pursuit of knowledge. Therefore, no censorship based on moral, religious or political values shall be permitted against any communication or informational material, including collections in the University libraries.

The [Academic Calendar](#), under “Student Rights,” states:

Students have the right to free inquiry, expression, belief, political association and assembly, provided they do not interfere with the rights of others, with the effective operation of the University or violate other University policies and procedures.

Kwantlen’s [Human Rights Policy](#) contains a statement excluding the Policy from interfering with academic freedom:

This Policy will not be interpreted, administered, or applied to infringe on the academic freedom of students or employees. The frank discussion of controversial ideas, the pursuit and publication of controversial research, and the study and teaching of material with controversial content do not



constitute harassment or discrimination, provided that such activities are conducted in a respectful and non-coercive manner.

University practices

In 2012, Kwantlen Polytechnic University failed to condemn the Kwantlen Student Association (KSA) when that body chose to deny club status to a pro-life campus group (see section 4 below).

On July 28, 2010, Kwantlen student Emery Warner was escorted off campus by four security personnel. Warner was distributing pamphlets to protest Kwantlen's then-new catering company, Sodexo.

Kwantlen's VP for Student Affairs, Jody Gordon, stated that she was worried the pamphlets would have a negative impact on one of the campus cafés which was mentioned in the flyer.

The *Runner*, Kwantlen's campus press, [reported](#) on this July 28 incident:

Security first approached Warner with Bill Keith and Bassanio Tsang from Sodexo who briefly questioned him about the flyer and asked if they could sit down and talk about the merits of Sodexo. Warner says he stated that he wasn't interested in negotiating with them and took off to class to write an exam.

After his exam Warner says that security was waiting for him and soon after he was met outside by Gordon. According to Warner, Gordon demanded to see his student ID, which he refused to do.

According to section C.21 under Kwantlen's student code of conduct, if a student refuses to comply with the reasonable directions of staff and faculty they can be kicked off campus. Refusing to show ID falls under refusing to comply and gave grounds for security to escort Warner off campus.

But before he was kicked off campus, Warner said that Gordon threatened to punish him. "She said that we're going to look at disciplinary action within the institution," says Warner. "She also hinted to taking legal action against me saying that the flyer had been passed on to Sodexo's legal team."

The next day, Warner continued to distribute pamphlets while campus security followed behind him, taking the pamphlets from students after Warner had distributed them.

VP Student Affairs Gordon told the *Runner* that after reviewing the security report, no punitive measures would be taken against Warner.

Student union policies

The Kwantlen Students Association (KSA) does not reference free expression or academic freedom in its [mission statement](#). The KSA takes [official stances](#) on abortion, coal exports, Childcare and the Minimum Wage, Cosmetic Pesticide Use, the environment, LGBT issues, medical marijuana and safer sex.

Section XI of the [Regulations of the Kwantlen Students Association \(Regulations\)](#) governing elections mandates the Chief Returning Officer (CRO) to "review and approve all campaign material prior to its use, posting, or distribution" without giving any criteria on which to approve or deny materials. Article 9(1)(ix) of Section XI states that "during an election or referendum, the Chief Returning Officer or her designate may make rulings and interpretations."

Section XIII, Article 4(1) of the Regulations states that “[e]xcept as otherwise required by this Regulation, the governance of each Recognized Student Group shall be determined by its members.” Article 4(7) states, “[e]very Member in good standing of the Society is eligible for and entitled to membership and participation in the activities of every Recognized Student Group.”

Section XIV, Article 2(d) states that, “[t]he Clubs and Events Coordinator shall reject any [event] planning tool: [sic] which, in the opinion of the Clubs and Events Coordinator, proposes an event which is frivolous, unreasonable, dangerous, or otherwise prudent for the KSA to reject.”

The KSA’s Abortion and Woman’s Right to Choose Policy states “that while any society is free to hold particular beliefs, the Student’s Association, as an organization, should actively support a woman’s right to choose...any material displayed in the Association spaces should adhere to the principle of ‘safe space’ ... to ensure an accessible environment in which every student feels comfortable, safe and able to get involved in all aspects of the organisation free from intimidation or judgement”.

Student union practices

On October 12, 2012, first-year student Oliver Capko applied to have his student group, *Protectores Vitae* (Protectors of Life), officially ratified by the KSA. After approximately one month had passed, the Executive Committee of the KSA responded by denying club recognition to *Protectores Vitae* because the club’s position on a social and political issue (abortion) differed from the KSA’s position on that issue.

The JCCF got involved and wrote a letter to the KSA demanding that it cease its illegal discrimination against *Protectores Vitae*. The text of that letter is available at www.jccf.ca. In the face of an impending lawsuit by JCCF, the KSA Council on December 6, 2012, reversed its decision and accepted *Protectores Vitae* as a fully-ratified club.



Lakehead University, Thunder Bay, ON

Lakehead University earns a ‘D’ for its policies. It lacks an unequivocal commitment to free speech. Its policies could be used to censor unpopular or politically incorrect speech. Further, its policies do not prevent security fees from being imposed to censor controversial speech.

Lakehead University earns a ‘D’ for its practices, on account of its past failure to take opportunity to stand up for free speech and on account of its current failing policies.

Lakehead University Student Union (LUSU) earns a ‘F’ for its policies. It lacks a commitment to free speech. Its policies do not prevent LUSU from discriminating against student groups on the basis of their views. Campaign speech can be censored under LUSU’s policies. Further, LUSU’s policies do not restrict the LUSU from advocating on issues unrelated to post-secondary education.

LUSU earns an ‘F’ for its practices on account of its past censorship of student groups and candidates.

University policies

Lakehead University’s *Code of Student Behaviour and Disciplinary Procedures* states:

The University encourages the free exchange of ideas and opinions, but insists that the free expression of views must be made with respect for the human dignity and freedom of others.

...

Students and their organizations shall conduct their activities in a manner compatible with the commitment of the University to maintain an intellectual and cultural environment conducive to personal development and critical awareness, and in compliance with the laws of Canada and Ontario, and University policies and regulations. Action taken under this Code does not preclude the University from notifying the appropriate authorities and initiating other actions in accordance with the laws of Ontario and/or Canada. This Code shall not be construed to prohibit peaceful assemblies, demonstrations, or free speech.

The *Code* also provides an anti-disruption policy, prohibiting as Misconduct “interference, obstruction or disruption of teaching, field and/or community placements, practicums, research, administration, disciplinary proceedings, or other University activities, including public service functions, and other authorized activities.”

Lakehead University’s *Harassment and Discrimination Policy and Procedures* (HDPP) lists types of behaviour which may constitute harassment, including “offensive materials”. The inclusion of ‘offensive materials’ as harassment empowers the University to censor students and student groups trying to spread their message on campus. A student group which creates a display on a controversial topic may find their presentation banned by University officials because someone finds the material “offensive”.

The *HDPP* establishes a Discrimination and Harassment Coordinator “who will coordinate educational initiatives and the complaint services related to this policy for the University community.”

University practices

The authors are not aware of cases of the University limiting or restricting campus free speech rights, or discriminating against students or clubs on the basis of their opinion. However, the University has failed to condemn the actions of its student union when it censored speech and enforced speech codes in the past (see sections 3 and 4 of this report).

Student union policies

In 2008, the Lakehead University Student Union (LUSU) declared itself to be officially pro-choice, and further declared that those who think differently must keep their speech and actions in accordance with the Student Union's stance on the subject, as per the following resolution:

Be it resolved that the Lakehead University Student Union declare itself to be a pro-choice organization, where pro-choice is the recognition that every woman has the right to security of their own person and self-determination in all realms of life, especially when addressing reproductive rights held by women.

The preceding statement shall not be construed to imply that LUSU is opposed to those who hold pro-life positions so long as these groups do not advocate, encourage, support, condone the denial of choice to any other women and also long as these groups do not in any way promote feelings of guilt, criminality, worthlessness, or shame.

Be it further resolved that the Lakehead University Student Union withhold any and all funds, space, resources and services within its control from any groups, either on or off campus, and regardless of membership composition (student or non- student) if that groups holds any aim, principle, belief, goal, etc. That is [anti-choice] in nature, explicit or implicit.

We were willing to grant the club status if the club agrees to acknowledge that pro-life is not the only choice, but a choice that a women can make, that abortion is a legitimate legal alternative to adoption or keeping a child. All literature from the group must be in a positive nature vs. Anti-choice, and have a logo so that we can clearly identify their material.

In 2008 then-LUSU President Richard Longtin issued a “presidential decree” which required clubs to ensure that their messages were ‘positive’ before being given club status. Mr. Longtin, also a member of the Campus Conservative club, was accused of trying to silence criticisms that the Conservative federal government was receiving on campus for choosing to prorogue Parliament in the winter of 2008. Any LUSU election campaigns were also regulated in the decree:

Campaigns must be positive in nature and cannot slander the opposing stance of the campaign. All club publications shall not have content that may be deemed as offensive or in bad taste to any identifiable group. Members of the club are not allowed to impose belief(s) or practice(s) of the club to anyone who does not give them consent to outside of the club's meetings.

For some time thereafter, members of clubs with a “controversial topic” were told orally that no club member could approach any student with material, or to entice them to join. It appears no efforts have been made to ensure that the decree is actually enforced.



LUSU clubs must abide by the [Clubs Handbook](#), which is different for the Thunder Bay and Orillia campuses. In Thunder Bay, clubs are required to abide by the University's *Discrimination and Harassment Policy*, which is discussed in Section 1 of this report. Orillia's Clubs Handbook reminds students that all activity within LUSU is governed by the *Code of Student Behaviour and Disciplinary Procedures*, and the *HDPP*, also referenced in Section 1.

LUSU excludes all religious and political clubs from receiving funding, categorizing them as having "Official Club Status without Funding." Non-partisan clubs with a political or public policy agenda do receive funding from student fees upon application. The denial of funding to some groups based on their views or purpose amounts to a form of discrimination, when other clubs are provided with funding because their views are not categorized to be political or religious.

Student union practices

In 2008, LUSU told the campus pro-life club (Lakehead University Life Support) that it could only exist by refraining from advocating its stance on abortion, and by not approaching any students to share the club's viewpoint. This meant that no displays of any sort, even non-controversial and non-offensive posters, could be used to promote the club or its viewpoint. When Life Support refused these conditions as unreasonable, LUSU then stripped the club of its status. LUSU sent a [letter](#) to members of the Life Support Executive, stating reasons for the type of restrictions that they would have to abide by in order to be ratified, given the "offensive nature" of their message.

In January of 2011, Life Support was granted official club status, but was forced to register under "Official Club Status Without Funding" in spite of the fact that this club is not affiliated with, and does not endorse, any religion or political party. LUSU also ordered the club to forego placing posters around campus that have any images, but LUSU did not interfere with Life Support's booking of meeting space, event space, etc. The club did not seek ratification in the 2011-2012 year due to a lack of members.

Laurentian University, Sudbury, ON

Laurentian University earns a 'B' for its policies, as it lacks a policy preventing security fees from being used to censor speech.

Laurentian University earns a 'A' for its practices on account of prior actions standing up for free expression on campus and its supportive policies.

Laurentian University Students' General Association (SGA) earns a 'F' for its policies, as they fail to include a commitment to free speech, to prevent SGA from discriminating against groups on the basis of their beliefs, to not empower elections officers to censor speech during elections, and to restrict the SGA from advocating on issue unrelated to post-secondary education.

SGA earns a 'C' for its practices, because although its commitment to free speech has not been tested, its failing policies do not support it in defending free speech.

University policies

The Senate of Laurentian University passed a *Statement of Students Rights and Responsibilities* in 1998 which states:

1. Upon becoming a member of the University, every student retains her or his rights and freedoms, and continues to benefit from the protections afforded by Federal, Provincial and Municipal laws as well as the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code. Moreover, the policies and regulations of the University are designed to maintain an environment conducive to teaching, learning and scholarly activity. In combination, these rights and freedoms include the right to think, speak, write, learn, study, associate with others and pursue cultural, social and other interests. Students have the individual and collective responsibility to abide by the laws of the land and the University's policies and regulations so that their rights and freedoms can be expressed in an orderly way which also allows for the rights and freedoms of others.
2. Every student has the right to fair and equitable treatment by the University with respect to teaching, evaluation and access to general services. This treatment is also to be free from harassment or discrimination as defined in the Ontario Human Rights Code and University policies including the Harassment Policy and Complaint Procedures. In turn, students have the responsibility to treat others equitably and fairly and not to harass and discriminate against other individuals and groups.
3. In their status as members of the University community, students have the right to use facilities designated for their use or for the use of the University community generally. They have the responsibility to abide by any regulations governing the use of such facilities.
5. Students have the right to inquire into, and be informed about all University policies and regulations. They have the responsibility to abide by reasonable instructions given orally or in writing by any official authorized by the University to secure compliance with policies and regulations, practices and procedures, when the official is acting in an official capacity.
6. Students have a right to participate fully in University governance where their participation is established in legislation and/or mandated by University policies. Students have a responsibility to ensure that their positions in University governance have been obtained democratically and/or legally. They should also represent the views and uphold the interests of their student constituency within the particular governing body.



7. They have a right to make representations, such as complaints and petitions concerning behaviour of any member of the University community, to the appropriate student association or University authority without fear of reprisal. They have the responsibility to make their representations in an orderly and appropriate manner and to notify University officials of any violation of their rights as students.

8. Students have a right to express their views and to press for improvements to the policies and regulations which affect them by means of peaceful assemblies, demonstrations and lawful picketing. Students have a responsibility to ensure that their right to be heard, individually or collectively, does not substantially disrupt the legitimate activities of the University or nullify the rights of other members of the University community.

9. Students and other members of the University community have a right to a physical environment which is safe and secure. Students have a responsibility to observe occupational health and safety guidelines, directions and policies, to abide by rules and regulations regarding entry to facilities and access to equipment, and to refrain from any conduct or activity which is a danger or a nuisance to others.

Laurentian University's *Code of Student Conduct (non-academic)* (*Code*) states, in its Preamble:

Laurentian is a vibrant university which enjoys a great sense of community. It is dedicated to establishing and maintaining an environment conducive to effective teaching and learning. Laurentian also encourages social activities and recognizes the freedom of expression and the rights of individuals.

The aims of the *Code* are listed:

- a) Teaching and learning take place in a proper environment;
- b) University employees are able to perform their duties without undue disruption or hindrance;
- c) Academic and general University facilities are available to those who wish to use them for their stated purposes;
- d) Members of the community enjoy freedom of expression and movement, and freedom from harassment; and that
- e) Property and information belonging to the University or to individuals, whether tangible or intangible, are protected.

Under the *Code*, it is an offense for a student to “[d]isrupt the legitimate academic, non-academic or administrative activities and functions of the University,” or “[i]mpair the rights of members of the University community or its visitors where such conduct is not covered under the provisions of the University’s Harassment Policy and Complaint Procedures and other University policies”. The *Code* also provides the following as an example of misconduct: “Engaging in disruptive behaviour which a person knows or reasonably ought to know unduly interferes with or obstructs any legitimate University activity, including studying, learning and teaching, and/or the rights of others to conduct, to benefit from or to participate in such activities.”

University Practices

In September of 2007, Laurentian University’s Senate voted to condemn the suggested boycott of Israeli universities by Britain’s University and College Union. The University [released a statement](#) which read “Laurentian

upholds the fundamental principle of freedom of speech and enquiry, and defends the open exchange of ideas among academics.” It further stated:

President Dr. Judith Woodsworth joins her voice to other university presidents and chancellors world-wide in expressing disapproval of the boycott: “I believe that the freedom to debate ideas, to listen and to learn from the views of others, is fundamental to the very existence of universities, and is more likely, in a pluralistic world, to resolve conflicts and lead to mutual understanding, than simply closing down dialogue,” she stated. “Laurentian is committed, on its campus, to maintaining the freedom of individuals to study, teach and do research in a climate free of harassment, intimidation or discrimination, and regardless of anyone’s political opinions about the policies and practices of particular national governments.”

Student Union Policies

By-Law C-3 of the Laurentian University Students’ General Association (SGA) defines the eligibility requirements for student groups to be ratified, stating they must be “academic or socially orientated in nature,” “financially sound and active,” “compliant with the policies and procedures as are in place under policy of the board,” and “be organized and active.” Furthermore:

- 2) A club may not be funded if it is:
 - a) religious in nature;
 - b) affiliated with national or provincial political parties;
 - c) a sports club or varsity clubs or teams.

By-Law C-4 of the SGA states:

- 3) The Board shall have the power and [sic] authority to recognize [sic] clubs and academic association, in accordance with policy and with the advice and consent of the Vice President Student Life.
- 4) Clubs may be disciplined for:
 - a) breach of policy of the SGA/AGE regarding operations and practices;
 - b) willful and habitual neglect of reporting duties as defined in policy; or
 - c) practices which are neglectful or dangerous in nature.

SGA’s Bylaw D-3, governing Campaigning during Elections, requires “All materials suggesting a preference for, or against a candidate must be approved by the CRO.”

SGA’s By-Law D-10, governing Referenda, states that “All materials suggesting a preference for or against a referendum position must be approved by the CRO. All material must be original and specific to the referendum in question.”

By-Law D-14 states that “[t]he Board may choose not to ratify a nominee if he/she has exhibited conduct contravening the basic values and principles of the SGA/AGE, including, but not limited to, violent and/or discriminatory behavior, unethical conduct as an SGA/AGE Board, Council, or Executive member, or otherwise.”

Student Union Practices

The authors are not aware of the SGA discriminating against students or student groups because of their views.



McGill University, Montreal, QC

McGill University earns a ‘D’ for its policies. Its policies could be used to censor unpopular, controversial or politically incorrect speech. Further, McGill fails to have a policy preventing security fees from being used to censor speech.

McGill University earns a ‘C’ for past practices of taking one of its student newspapers to court over content, and for condoning the disruption of a controversial display. It has also failed to condemn the actions of its students union when it has censored students in the past.

The Student Society of McGill University (SSMU) earns a ‘D’ for its policies.

SSMU earns a ‘D’ for its practices, which interfere with and do not promote free speech.

University policies

Academic freedom is named as one of the [Principles](#) of McGill University.

McGill’s [Statement of Principles Concerning Freedom of Expression and Freedom of Peaceful Assembly](#) states:

Members of the University community have the right of freedom of expression, freedom of association and freedom of peaceful assembly, which are defined as follows:

Freedom of expression means the right to communicate one’s thoughts, beliefs and opinions, and to comment on any issue, including the right to criticize society at large, and the University itself.

Freedom of association and Freedom of peaceful assembly mean the right to form groups and participate in their activities, and to engage in meetings and demonstrations free from violence and intimidation.

At the same time, these rights are subject to limits established by law and by the rights of others. In particular, there is a need to safeguard other core institutional objectives, including the right of members of the University community to carry out their activities without undue interference, and in a safe environment.

McGill University is committed to upholding these values and these rights.

Articles 25-26 of Chapter 1 of the [Handbook on Student Rights and Responsibilities](#) state:

25. Every student enjoys within the University the freedoms of opinion, of expression and of peaceful assembly.

26. Every group of students has a right to organize and to promote the interests of its members, provided that the purposes of such group are lawful. Every such group shall also have the right to publicize and hold meetings, to debate any matter and to engage in lawful demonstration.

In Section B, Article 5 of the [Code of Student Conduct and Disciplinary Procedures](#) there is a provision on “Obstruction,” which states:

(a) No student shall, by action, threat, or otherwise, knowingly obstruct University activities. University activities include but are not limited to, teaching, research, studying, administration, public service.

The Social Equity and Diversity Education (SEDE) Office has a [Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law](#). The *Policy* defines discrimination as “action, behaviour or decision...which results in the exclusion or preference of an individual or group within the University community” (2.6).

The SEDE Office gave birth to one of McGill’s most ubiquitous social equity programs, “[Safe Space](#).” The Safe Space Program was created by the Queer Equity subcommittee in 2004, and provides workshops for faculty, staff and students addressing racial and sexual discrimination. “Safe Space Allies at McGill” are offices, departments and residences that participate in Safe Space workshops and have Safe Space posters or plaques advertising their respective areas as “Safe Spaces.”

The workshops “educate” participants on hurtful words, and challenge homophobic or racist comments and jokes. As a result, people in areas with Safe Space plaques will reprimand anyone making inappropriate comments, despite claims that Safe Space is purely voluntary and educational only.

McGill [reserves the right to charge fees for security](#) when hosting an event on campus.

University practices

In March of 2012, one of McGill’s main newspapers, the *McGill Daily* [ran a story](#) on McGillLeaks, which was an external (non-university) website that had published some confidential documents detailing McGill’s increased fundraising efforts towards corporate donors. The administration [threatened the *Daily* with legal action](#), claiming that the student newspaper was threatening “McGill’s rights” by stealing private information. *The Daily* responded: “We find the actions and intimidation tactics of McGill University and its legal representatives to be suppressive of our and any organization’s rights to freedom of speech.”

The paper argued that the information is no longer confidential, having been put in the public domain by McGillLeaks, but decided not to force the matter to court, due to resource constraints, but maintains that it did not steal the documents since they were already public.

When the controversial “Echoes of the Holocaust” event was held on campus in October of 2009, McGill’s administration [failed to uphold free speech rights](#) when this event was forcibly disrupted and shut down by protesters. Campus security took no action to silence or remove the protesters. McGill’s choice to condone the shut-down of this event rendered meaningless its laudable rejection, prior to the event taking place, of calls to cancel the event.

[McGill University has failed to condemn censorship by its student union](#), the Students Society of McGill University (SSMU). The University administration has never actively intervened to rectify an infringement on free speech produced by SSMU policy. With regard to the most recent restrictions on the pro-life club (described below), the administration has even refused to comment, saying it is a “student matter.”

Student union policies

Freedom of expression and academic freedom are not referenced in the [Mission](#) of the Student Society of McGill University (SSMU).



The SSMU Equity Committee has the power to remove a club's funding if this Committee deems the club's action or discussion to be in violation of the Equity Policy.

SSMU's [Equity Policy](#) professes its firm commitment to “the creation of safe(r) spaces for its membership.”

Section 3.2 of the Equity Policy states:

Neither this Policy in general, nor its definitions in particular, are to be applied in such a way as to detract from the right of members to engage in open discussion of potentially controversial matters. No individual student or student group should have the effect of limiting dialogue on legitimate topics provided that such discussion is conducted in a respectful, non-coercive, collegial manner that conforms to the Policy on discrimination and harassment set out in section 4 of this Policy.

Section 19.1 of the [Internal Regulations of the Clubs and Services Portfolio](#), on club status and ratification, requires that, “[t]he proposed mandate and activities do not overlap with existing SSMU Accredited Groups to the point that they would be in competition with each other,” and “[t]he application demonstrates a unique and feasible mandate, which is not in contravention of the SSMU Constitution, Internal Regulations and procedures.” It further states that “[t]he application does not in any way contravene the SSMU Constitution, Internal Regulations or Policies.” Club status may be revoked for “[o]ther stated causes as determined by the Vice-President (Clubs and Services)”. The same restrictions are placed on “Independent Student Groups”.

At the 2015 Annual General Meeting of the Legislative Council of the SSMU, motions were passed endorsing positions on “illegal unpaid internships,” military funding, climate change, austerity, and other issues not directly related to its mandate.

In February of 2015, the SSMU and the Post Graduate Students Society passed a joint motion which resolved:

Be it resolved that: SSMU and PGSS jointly reaffirm the following:

- Complete and definitive opposition to the austerity measures in their actual form;
- Commitment to support other Quebec student associations in their efforts against such measures.

...

While recognizing the difficult decisions to be taken by the McGill administration, SSMU and PGSS firmly believe academics, student life and services must be safeguarded from cuts in the budget planning process.

CUSA's election policies in the 2014-2015 year did not unfairly restrict free expression for candidates or campaigners.

Student union practices

In March of 2015, the SSMU's Joint Anti-Austerity Mobilization Working Group endorsed and co-organized a student “anti-austerity” strike throughout Montreal.

In October of 2013, SSMU Vice President Internal Brian Farnan sent out an electronic message, “Honestly midterms get out of here,” that included a link to a viral political satire video that had been doctored to portray U.S. President Barack Obama kicking open a door on the way out of a news conference. The email [triggered a complaint](#) to the SSMU Equity Committee. On December 5, 2013, SSMU Council approved a motion ordering that Farnan apologize to McGill students and undergo racial sensitivity training. Joey Shea, Vice President University Affairs for SSMU, defended the decision saying “[the] fact that a complaint did come forward does prove that someone was harmed and did feel harm, and I think that there should be more apologies in society generally.”

After much backlash and national media attention, in March of 2014, SSMU council [rescinded its motion](#) against Farnan, although Farnan had already followed through with his apology and sensitivity training by then.

On March 28, 2013, a five-person discussion panel was convened at McGill University by the Minor program in Canadian Ethnic and Racial Studies to discuss “Blackface, Ethnic Comedy, and the Tension Between Free Expression and Racism,” in conjunction with the UN Day for the Elimination of Racial Discrimination. The panel included Julius Grey, a prominent civil liberties lawyer and professor. After several complaints were filed the SSMU Equity Commissioner and two other student officers sent to the panel chair, Dr. Morton Weinfeld, McGill sociology professor and Chair in Canadian Ethnic and Racial Studies, the following [letter](#):

...we were outraged by the presentation made by Julius Grey, who ...opened his presentation by asserting, “I taught here for 27 years and I started every single one of my classes with the words ‘I reserve the right to be totally politically incorrect. Anybody who can’t take it should take another course.’ I kept my word, I was totally politically incorrect; I will be politically incorrect here.”

...Grey’s presentation centered on an argument in favour of the right to “free speech” and emphatically against collective rights for minority groups. He went on to argue that racialized/ ethnocultural groups should assimilate rather than organize and assert themselves collectively.

“Yes, I am opposed to collective rights,” he asserted, “...I think groups have no right to survive. I think it’s a bad thing that they survive. My solution for black rights is assimilation. My solution for Jews is assimilation. I hope to see an America or a Canada...in which there’s no such thing as a black man, no such thing as a white man, no such thing as an Asian man.” Certainly the eugenicist tone of these statements is deeply troubling. And he acknowledged, “It is obvious that neither black community activists, nor the Jewish community, nor the Greek community is going to be happy to hear what I’m saying. It means taking away their privileges or influence and everything else.”

Grey disputed the notion that our society is “nice” and the value in attempts at “legislating niceness.”... Grey’s entire presentation was underscored by the fact that in delivering it, he asserted his own individual right to “free speech” over the collective rights of those present to be protected from his psychological violence. The power that he wielded in this situation as a renowned, older white male attorney and former professor at McGill – such that fellow panelists and audience members did not interrupt his twenty-minute presentation despite experiencing it as oppressive and hurtful – exemplifies how freedom of speech certainly does not extend to all equally; it is governed by existing power relations and can indeed be used to maintain them.

Grey concluded by stating, “So if we’re going to have a society which can change, which can evolve, which can have true equality...we should say not only that minorities should be protected but also, as I say, that minorities should disappear; safe to say without any form of racism whatsoever.” Dr. Weinfeld,



attaching an “ought” statement to the sentiment of minorities disappearing is racism! This needs to be acknowledged.

...As tensions rose, Dr. Weinfeld, you attempted...calling for academic rules of decorum. Given the racism and identities-based marginalization that many people experience at McGill on a daily basis, the event attracted a number of students in search of an inclusive space in which these issues might be addressed and discussed. Instead, many of those present found themselves in yet another situation at this university where racism was present and permitted to flourish; where white privilege and patriarchal power were asserted and used to try to silence the voices of those who expressed their objections to what was happening.

It is our position, Dr. Weinfeld, that you had a responsibility to use your power as the moderator of the event and as the Chair of Canadian Ethnic and Racial Studies to interrupt Grey’s presentation which clearly was inappropriate (if ironic) at an event organized in recognition of the UN International Day for the Elimination of Racial Discrimination. Rather than an issue of Grey’s “right to free speech,” we understand this situation as being about the choice to give him a platform for that speech at our university.

In a March 30 debriefing about the event among several people who had attended, comments were shared about the ways in which Grey’s speech and behaviour had caused attendees physical and psychological symptoms of stress in the 24 hours following the event, such as feelings of anxiety, insomnia, and tension-related bodily pain...

We hereby call on you, Dr. Weinfeld, to address these concerns and to issue a public apology to the attendees of the event for your failure to moderate the panel in a manner in keeping with a commitment to working toward the elimination of racial discrimination and indeed all forms of discrimination. For despite Grey’s assertion that the damage done by “mere speech” “doesn’t matter,” we expect that you recognize that speech, particularly in the context of unequal power relations, can be assaultive; that words can and are (and always have been) used as part of the matrix of domination to “ambush, terrorize, wound, humiliate, and degrade” particular groups of people.

Dr. Weinfeld did not issue a public apology, nor did the SSMU Equity Commissioner further attempt to enforce compliance with the request.

In March of 2012, a student group called McGill Friends of Israel (MFI) planned an event called “Israel A-Party,” designed to counter-message Israeli Apartheid Week (IAW) which is an annual, nation-wide event that labels Israel as an apartheid state. Before the event was scheduled to take place, SSMU executives told the group that they would have to change the name of the event because they considered it “a mockery and/or trivialization of various oppressions some people of the world are subject to on a day-to-day basis.” The group complied and changed the name to “A Party for Israel” so that they could still hold the event.

The SSMU decision was made after a complaint was received from a student who felt threatened and offended by the event’s name. The SSMU used the complaint to justify its decision:

We feel that the title ‘Israel A-Party’ makes too much light of the convictions and experiences of students such as the claimant of this complaint...It is our job to ensure a safer place on campus.

On October 6th, 2009, the pro-life club Choose Life hosted a controversial talk, entitled “Echoes of the Holocaust,” a speech drawing comparison between abortion and the atrocities of the Holocaust, presented by Jose Ruba of the Canadian Centre for Bioethical Reform. Prior to the event, SSMU passed a motion with a vote of 25-2-2 to “demand” that the administration intervene and cancel the event. SSMU additionally warned Choose Life that they were in violation of SSMU’s Equity Policy, and that if they chose to continue with the event, that their funding would be permanently revoked.

McGill University refused to cancel the event, and asserted Choose Life’s right to debate the issue, but then condoned the shut-down of the event by protesters.

Following the disrupted event, SSMU decided to follow through with the revocation of Choose Life’s official club status on November 12, 2009, in response to four complaints made to the Equity Commission. The SSMU justified its decision with the SSMU *Equity Policy*, citations of “hate speech,” the use of “questionable statistics from questionable sources” (SSMU disagreed with the assertion that there is a link between abortion and breast cancer), and the use of graphic imagery. The revocation of Choose Life’s charter meant the group no longer received funding, and could not use any SSMU services or facilities, including the booking of rooms for meetings or events.

In April of 2010, the SSMU Council voted to reinstate Choose Life but subject to restrictions not imposed on any other campus club:

- to attach an appendix to its constitution to “comply” with the SSMU Equity Policy;
- to cease using graphic images;
- to cease affiliation with the National Campus Life Network (NCLN);



McMaster University, Hamilton, ON

McMaster University earns a 'B' grade for its policies. Preventing it from earning an 'A' for its policies is its lack of a policy preventing security fees from being used to censor controversial or unpopular speech.

McMaster University earns a 'C' for its practices, on account of its previous censorship or expression.

McMaster's student union earns a 'C' for its policies because it fails to include a free expression policy and has policies which could be used to censor speech.

McMaster's student union earns a 'D' for policies for its inaction when faced with censorship in the past.

University policies

McMaster University states that its mission is "the discovery, communication, and preservation of knowledge." McMaster's [Academic Freedom Statement](#) states:

McMaster University is dedicated to the pursuit and dissemination of knowledge. Its members enjoy certain rights and privileges essential to these twin objectives. Central among these rights and privileges is the freedom, within the law, to pursue what seem to them fruitful avenues of inquiry; to teach and to learn unhindered by external or non-academic constraints; and to engage in full and unrestricted consideration of any opinion.

This freedom extends not only to members of the university but to all who are invited to participate in its forum. All members of the University must recognize this fundamental principle and must share responsibility for supporting, safeguarding and preserving this central freedom. Behaviour which obstructs free and full discussion, not only of ideas which are safe and accepted but of those which may be unpopular or even abhorrent, vitally threatens the integrity of the University, and cannot be tolerated.

Suppression of academic freedom would prevent the University from carrying out its primary functions. In particular, as an autonomous institution McMaster University is protected from any efforts by the state or its agents to limit or suppress academic freedom. Likewise, neither officers of the University nor private individuals may limit or suppress academic freedom.

The common good of society depends upon the search for knowledge and its free exposition. Academic freedom does not require neutrality on the part of the individual; on the contrary, academic freedom makes commitment to a position or course of action possible. Academic freedom carries with it the duty to use that freedom in a manner consistent with the scholarly obligation to base research and teaching on an honest search for knowledge.

The [Student Group Recognition Document](#) states that any group can register to be a club, and any club can book rooms. Section 22 states:

The University will not attempt to monitor or review the activities of a student group recognized under this policy in the normal course of events. It will however investigate complaints or charges that as such a group has acted in a manner that is inconsistent with its constitution or with the requirements of this policy or with any other University policy.

McMaster's [Anti-Discrimination Policy](#) states that "discrimination and harassment ... are prohibited at McMaster University and constitute punishable offenses under this policy". Harassment is defined as, "engagement in a course of vexatious comments or conduct that is known or ought reasonably to be known, to be unwelcome." Although such a policy could threaten a person's free speech rights, this document takes special care to outline that the Anti-Discrimination Policy "should be read in conjunction with McMaster University's Statement on Academic Freedom" and that:

McMaster University recognizes that as an academic and free community it must uphold its fundamental commitments to academic freedom and to freedom of expression and association. It will maintain an environment in which students and teaching and non-teaching staff can engage in free enquiry and open discussion of all issues.

McMaster University has an [Office of Human Rights and Equity Services](#), which "ensures that the [Sexual Harassment Policy](#), [Anti-Discrimination Policy](#) and [Accessibility Policy](#) are administered effectively and fairly.

Both the Anti-Discrimination and Sexual Harassment policies take special care to outline that McMaster's Academic Freedom Statement should always be upheld. The Sexual Harassment policies and procedures state that:

McMaster University recognises that as an academic and free community it must uphold its fundamental commitments to academic freedom and to freedom of expression and association. It will maintain an environment in which students and teaching and non-teaching staff can engage in free enquiry and open discussion of all issues. The Sexual Harassment Officer, like all other officers of the University, is obliged to uphold academic freedom, and freedom of expression and association.

McMaster's [Student Code of Conduct](#) mentions some offences that could lead to administrative prohibition of speech. For example, Appendix D(j) states that "engaging in verbal or non-verbal behaviour or communication toward an individual or group which is considered to be intimidating, harassing and/or discriminatory" is a major offence. However, the Student Code of Conduct does state in Section 14 that "sanctions in the other relevant policy or policies shall be incorporated in their entirety into the terms of this Code". Therefore, in a case like this, the "fundamental commitment" clause of the Anti-Discrimination Policy means that the Academic Freedom Statement must still be considered, which would protect free expression on campus.

University practices

On January 23, 2014, McMaster University suspended students involved in the "redsuits" - a sub-unit of the McMaster Engineering Society (MES), over what it alleges was sexist, violent and degrading material. All non-academic MES events that involved alcohol were suspended pending an investigation in the matter. MES was also prohibited from conducting orientation activities in the fall of 2014, and is subject to oversight and scrutiny by the University before any future events will be approved. McMaster's Provost and Vice-president Academic David Wilkinson described the material as "repugnant" and [further stated](#):

The University has clear expectations that everyone on campus show respect for each other. The engineering songbook that we have learned about is highly disturbing and is the exact opposite to everything for which the University stands. McMaster is committed to creating an inclusive and safe environment for students, faculty and staff. We and many engineering schools across the country have worked hard for a number of years to build an inclusive student culture. It is clear in this instance, at least here at McMaster, that there is far more work to do. We are committed to ensuring that everyone understand that McMaster will not tolerate such views or behavior.



In 2010, McMaster associate librarian Dale Askey [wrote a blog post](#) on his personal website, calling Edwin Mellen Press a “dubious publisher” and criticizing the quality of its works. Of his own volition, Askey removed the post in March of 2012.

In June of 2012, Edwin Mellen Press sued Askey and also McMaster University as a co-defendant, since the University failed to mandate that Askey remove the writing from his website before being hired.

In response to this court action, McMaster University published a statement on February 19, 2013, supporting Askey and re-iterating its defence of academic freedom.

McMaster and one of its librarians have been named in a lawsuit launched by the Edwin Mellen Press. The suit stems from a blog post published in 2010.

In its Statement on Academic Freedom, McMaster University affirms the right of the academic community to engage in full and unrestricted consideration of any opinion. Beyond this commitment to teach and learn unhindered by non-academic constraints, the University strongly supports the exercise of free speech as a critical social good.

For this reason, McMaster University has for more than eighteen months rejected all demands and considerable pressure from the Edwin Mellen Press to repudiate the professional opinions of university librarian Dale Askey, notwithstanding the fact that those opinions were published on his personal blog **several months before he joined McMaster.**

Because of our respect for individual freedom of speech, the University finds itself today a co-defendant with Mr. Askey in a legal action brought by the Edwin Mellen Press.

The University will continue to rigorously defend its commitment to academic freedom and freedom of speech as the case proceeds before the courts.

On March 1, 2013, Edwin Mellen Press announced that it would drop the lawsuit against McMaster University, although the lawsuit against Askey continued.

In 2008, during “Israeli Apartheid Week” which took place Feb. 4 – 8, the “Solidarity for Palestinian Human Rights” group and the “McMaster Muslims for Peace and Justice” group tried to print a poster. On it was the title of the guest speaker and information that he would be speaking on behalf of the “Coalition Against Israeli Apartheid”. The McMaster Student Union was not sure whether they were allowed to use the phrase “Israeli Apartheid”, [so they turned the decision](#) over to the McMaster Human Rights & Equity Services office, which decided the words could be inflammatory if posted.

McMaster’s Provost and VP – Academic, Ilene Busch-Vishniac, issued a statement attempting to minimize the decision’s effect on the school’s reputation as a haven for free speech, stating:

The University has not initiated a policy as you describe, as it would be counter to the fundamental tenants [sic] of freedom of speech and academic freedom. I believe this misinterpretation of events stems from a university decision to disallow a banner for Israeli Apartheid that a student group wished to display. It was determined that the placement of the banner would be inflammatory. Other activities organized by the student group were permitted. I hope this clarifies McMaster’s position.

Student union policies

Section 6.1 of the MSU [Operation Policy](#) 1.3.2 – “Promotions and Advertising” states that advertising must be in good taste: “Good taste advertising shall be defined as that which does not promote violence, substance abuse, or contravene the McMaster University Anti-Discrimination Policy.”

If a poster is deemed controversial, then the Underground Media & Design staff must go through a checklist to determine whether or not the content is “acceptable”. The checklist is included in Section 9 of the MSU Operation Policy 1.3.2 – “Promotions and Advertising”. The checklist outlines that the poster will not be approved if messages/images are “purposely trying to annoy”, or if there are messages/ images involving “violence, racism, sexism, hate, harassment, or discriminatory opinion” or if the messages/images are “offensive/controversial”.

A club can appeal the Underground Media & Design staff’s decision, in which case the group will meet with the Human Rights & Equity Services lawyer, “who shall advise the committee on whether or not the poster is likely to contravene the University’s Anti-Discrimination Policy”.

Students running for election must abide by the MSU Operation Policy 1.3.2 as well.

McMaster’s Anti-Discrimination Policy (above) states that the Academic Freedom Statement should always be considered. Therefore, if a group’s advertisement is denied, and they appeal the decision, it seems as though Human Rights & Equity Services would consider the Academic Freedom Statement and make sure that the group’s freedom of speech was not suppressed. However, the checklist given to the Underground Media & Design staff appears to be very subjective. Therefore, it seems as though the MSU does not place a high value on freedom of speech, and the group would have to jump through many bureaucratic hoops to try to ultimately get their sign approved.

Student union practices

In a past case, the McMaster Student Union was faced with a controversial decision on the subject of free speech and deferred to the McMaster Human Rights & Equity Services (see the “Israeli Apartheid” controversy, Section 2). The MSU failed to take advantage of an opportunity to make an unequivocal and clear stance in favor of free speech rights of students on campus.



Memorial University, St. John's, NL

Memorial University earns a 'D' for its policies. Its commitments to free speech is not unequivocal allowing its policies open to be used to censor unpopular or controversial speech. Further, there is not policy restricting security fees from being used to censor speech.

Memorial University earns a 'A' for its practices for supporting academic freedom and expression of diverse view in regard to the September 2014 event on abortion and mental health.

Memorial University of Newfoundland Students' Union (MUNSU) earns a 'D' for its policies, which fail to make a commitment to free speech, to prevent MUNSU from discriminating against groups on the basis of their views, and to restrict MUNSU from advocating on issues unrelated to post secondary education.

MUNSU earns a 'F' for its practices on account of its past practices censoring student groups and its current policies which fail to promote or protect free speech.

University policies

The [Values](#) of Memorial University include:

Freedom and Discovery: Supporting the freedom to pursue knowledge that is based on individual and collective intelligence, curiosity, ingenuity and creativity.

Memorial University's [Student Code of Conduct \(Code\)](#), passed in May of 2014, states in Article 6(a)(7):

While a university environment is one where freedom of speech is highly valued, students must adhere to provisions of the Human Rights Act, 2010 and discrimination is prohibited on the following grounds: race, colour, nationality, ethnic origin, social origin, creed, religion, age, disability, disfigurement, sex, sexual orientation, gender identity, marital status, family status, source of income and political opinion. Comments or action based on an individual's association or relationship whether actual or presumed, with an individual or class of individuals identified above is also prohibited.

Further, Article 6(e) of the Code includes as an offence the disruption of University and student-organized events:

e) Offences involving disruption include:

...4) Acting, threatening or otherwise causing a disturbance that obstructs any activity organized by the University or by any of its faculties, schools, departments or divisions, clubs, societies or resource centres, or the rights of a member of the University community to carry on her or his legitimate activities, to speak to or associate with others.

Students and members of the University community enjoy the freedom to pursue their intellectual and personal interests without interference. The objectives of the University are the pursuit of learning through scholarship, teaching and research within a spirit of free enquiry and expression. The University recognizes academic freedom and the right to free speech, creative expression and peaceful protest, acknowledging that the common good of society depends upon the search for knowledge and its free expression.

The following are not considered Disruption in accordance with this section:

- Peaceful assemblies, demonstrations, picketing or other activity outside a class or meeting that does not substantially interfere with the communication inside, or impede access to the meeting or class.
- Silent or symbolic protest.

However, noise that obstructs the conduct of a meeting or class, or forcibly blocking access to an activity constitutes Disruption under this Code.

Memorial University does not have a policy expressly preventing the University from charging security fees to students hosting discussions or lectures on controversial subjects.

University practices

On Thursday, September 25, 2014, MUN Campus Chaplaincy and the Counselling Center in partnership with the Christian Medical and Dental Association presented two lectures from Dr. Martha Shuping on post-abortion mental health issues. The lecture [prompted protest](#) from a St. John's pro-choice group, Voices for Choice, and several faculty and staff.

A representative for Voice for Choice stated in the media that, “[b]y having a demonstration and a talk in our school that is a pro-life message, that’s a form of advocacy,” and, “[pro-life] views have the power to inform policy and policy changes laws and access to abortion services.”

Amidst pressure from faculty and the public, the director of the Counselling Centre, Dr. Peter Cornish, wrote a [public letter](#) wherein he stated “[a]s an academic unit, we are committed to academic freedom and the support of diverse views, values and evidence-based practice.” Further,

Two weeks ago I was approached with an offer from Dr. Shuping to share, at no expense to us, her clinical psychiatric expertise and knowledge on supporting the mental health needs of women who have exercised their choice to obtain an abortion. Initially, she offered only to speak to our clinical team. Because part of our mandate is to encourage open discussion on difficult topics and choices facing students, we decided to open the event to the public. We wanted to be sure that critical voices could be heard and that we, as a centre and university, could benefit from the wisdom of all voices on this emotionally charged topic. In hindsight, I am very glad that we did open this presentation to the public, because the one-sided presentation she provided warrants a critical analysis and further discussion on campus.

Student union policies

Section 11(B) of the Memorial University of Newfoundland Students' Union (MUNSU) [Bylaws](#) requires clubs to include all MUNSU members, regardless of whether their beliefs are in line with the mission and values of the group. Section 11(E)(4) further states “[t]he MUN Students' Union will not recognize or ratify any group that the Board of Directors considers to be of a homophobic, transphobic, racist, ageist, ableist, sexist, or otherwise discriminatory or exclusionary nature.” There is no policy expressly committing MUNSU to uphold campus free speech rights, and there are no speech codes in the MUNSU election policies and procedures.

Section 11(E)(4) was not used in order to ban the pro-life club MUN Students for Life (see section 4 below); that particular ban was based on MUN's association with the Canadian Federation of Students, which holds a



pro-choice stance in its *Declaration of Student Rights* and does not allow member Student Unions to endorse opposite stances.

MUNSU takes [stances](#) on issues not directly related to its mandate, including fair trade coffee, pay equity, the environment, unionization and sweatshops.

Student union practices

In October of 2013, MUNSU's Student Activities and Organizations Committee [voted to deny](#) ratification to a student group because of its support for Greek-Letter Organizations (GLOs), or fraternities and sororities. MUNSU's position on GLOs has been to oppose their existence at MUN.

The Greek-Lettered Council (GLC) is a group created in November 2012 that aims to promote, offer resources to, and serve as a platform to Greek-Lettered organizations such as fraternities and sororities at MUN, while also serving and being open to the community as a whole.

One MUNSU councillor, Ryan Murphy, summarized his opposition to the GLC as follows:

There is empirical evidence that indicates a link between Greek Lettered Organizations, sexual assault, sexual violence, sexual harassment, bystander passivity...By working to recognize a Greek letter organization on campus you are systemically increasing the risk of a student dealing with one of those issues...I cannot vote to recognize this, because I believe that 10 years from now, 20 years from now, 30 years from now, something's going to happen, and I'm going to see a headline, and I'm going to hate myself forever.

In 2013, a MUNSU executive [made comments](#) indicating that MUNSU maintains its practice of censoring campus clubs, like it did in 2007 when it denied ratification to a campus pro-life club (see below). In the campus newspaper, *The Muse*, MUNSU Director of External Affairs Candace Simms said:

MUNSU affirms the necessity of free speech in a democratic society; however, it is also the responsibility of the elected Board of Directors to ensure members feel safe and welcome on our campus. As a result, MUNSU reviews clubs and societies on an annual basis, and groups that infringe on the rights of members or contravene the policies and bylaws voted on by the Board cannot be ratified.

On October 3, 2012, MUNSU [was to host](#) its annual Global Citizens' Forum, a lecture on social justice issues, featuring guest speaking Maude Barlow of the Council of Canadians. Barlow cancelled her lecture on October 2, and MUNSU cancelled her flight, to show solidarity with striking airport workers at St. John's International Airport.

Candice Simms, MUNSU's Director of Advocacy, said to *The Muse*: "We supported her decision based on the historical ties between the students movement and the labour movement[....]Whether it's campaigns for accessible education or lobbying for grants not loans, the labour movement has been there for us."

Members of MUNSU voiced their opposition to the decision of MUNSU's Board of Directors to endorse the striking workers, with some stating that as a non-profit organization and students' union, MUNSU should only take stances directly related to student life.

In 2007, the Memorial University of Newfoundland Students' Union [denied the ratification](#) of a campus pro-life group, MUN for Life, because MUN for Life espouses a view different from the official pro-choice position of MUNSU. Neither MUN for Life nor any of its members were ever accused of violating any rules, regulations or policies of the University or of MUNSU.

Mount Allison University, Sackville, NB

Mount Allison University earns an ‘F’ for its policies. It fails to make a commitment to free speech and has policies that could be used to censor unpopular or controversial speech. Further, it lacks an anti-disruption policy and does not prohibit security fees from being used to censor speech.

Mount Allison University earns a ‘D’ for its practices, on account of its prior censorship and its current failing policies.

The Mount Allison Students’ Union (MASU) which shares policies with the University likewise receives an ‘F’ for its policies which fail to support free speech.

MASU earns a ‘D’ for its practices, because although it once stood up for freedom of expression on campus, it has current failing policies.

University policies

Mount Allison University has a *Gender Neutral Language Policy* which is meant to be a “guideline” for students and faculty to use language that is gender-neutral:

Day-to-day oral communication should also employ gender neutral language. The guidelines are designed to be of assistance to members of the university community in every academic situation in choosing words which are accurate, clear and free from bias.

Terms such as “man the desk” or “the common man” should be replaced with “staff the desk” or “the average person” respectively. Other terms, like “act like a lady” should be replaced with “be polite” according to section 2.5 of the policy.

Mount Allison University’s *Racism Policy* states:

Examples of conduct that may amount to racism include, but are not limited to: remarks or gestures with racist connotations; racially offensive material (photographs, writing, graffiti, drawings, etc.); unwelcome questions or comments about a person’s race; intimidation, physical violence, discrimination in hiring, discrimination in admission to events, clubs or societies, and unwelcome racial jokes or ethnic slurs.

The *Racism Policy* also states:

Any decision under this document about whether conduct creates an environment which impairs the full and equal participation in the affairs of the University community of a person or persons due to their race must take into account that Mount Allison University is a community which respects diversity; the responsible exercise of academic freedom; and freedom of thought and expression.

Mount Allison’s [*University Web Page Policy*](#) strictly prohibits “hate speech”, including speech that might run afoul of Provincial or Federal Human Rights legislation:

[Web] Pages must not offend University policies or the law, or link to sites that do so. Examples of pages that would violate this policy would be pages that contain hate speech that violates the Criminal Code, speech that violates the Human Rights Code of Canada [sic] and the Human Rights Act of New Brunswick, defamatory speech, and content that violates computer network usage policies.

The [*Use of Facilities and Services*](#) policy states that fees will be charged for events “when the use of facilities



requires services, such as custodial and security services, beyond those required for routine University operations.”

University practices

In 2011, Mount Allison University [forced a student club](#) to change its name in order to receive club status, and denied the club meeting space on campus until the name change had occurred. [The High Life Society](#), which aims to “educate and create discussions about all aspects of cannabis culture, activism, legislation and contemporary marijuana issues,” was told by University administrators that they could not be approved for official club status. This was after the student club had already been approved by the Mount Allison University Students’ Union.

Gayle Churchill, Mount Allison’s Director of Student Life, banned High Life Society from holding their first meeting at the Student Union building on October 27 and 28, which the group attempted to appeal. The group was allowed to continue operating, uncensored, after it changed its name to “Hempology 101 MtA.”

In November of 2010, a Coca-Cola employee was allegedly seen tearing down “Coke Free MtA” posters in a University building. The posters were placed by the student group “Coke Free Mount A” and were designed to raise awareness about the Coca-Cola Corporation. When this was reported to the University, administrators apologized to the group and contacted the Coca-Cola Corporation to protest this violation of freedom of speech at its school.

Student union policies

The Mount Allison Students’ Union (MASU) follows the same policies and procedures as Mount Allison University, including the *Racism Policy* discussed in section 1 of this report.

Section 8 of the [Operating Procedure V: Elections](#) places a limit of \$150 for Executive candidates, and \$50 for council candidates, to spend on campaign materials during MASU elections. Furthermore, Section 8.11 mandates that the Chief Returning Officer (CRO) approve any events “deemed supportive” of a candidate, and Section 8.12 imposes physical limits on the number of banners, posters and “table talkers” that candidates can distribute. Under Section 9.2, the CRO carries significant discretion to disqualify candidates if their conduct, which could include speech, is deemed “inappropriate”.

MASU takes political stances on issues that are within its mandate, such as tuition, student alliances, transport and housing needs of housings and mental health, but it does not take positions on issues outside its mandate. There is nothing in MASU’s policies to prevent such political stances to be taken.

Student union practices

In the case of the student group High Life Society being denied meeting space by University administrators because of its name, the MASU spoke out in support of the High Life Society’s right to free expression on campus. MASU Vice President for Finance and Operations, Patrick Losier, stated in an Argosy article (the independent student-run newspaper) dated November 23, 2011:

Clubs and societies are formed around areas of student interest, and the SAC [Students’ Administrative Council] does not judge whether these interests are valid, so long as they are safe, lawful, and open to all students. So long as the High Society is open to all students, does not promote any illegal activity, and promotes discussion on an area of student interest, it has every right to operate as a SAC society.

Mount Royal University, Calgary, AB

Mount Royal University (MRU) earns a 'F' for its policies. It does not have an unequivocal commitment to free speech. Its policies could be used to censor speech. Its anti-disruption policy only applies to disrupting a class. MRU's policies fail to prevent security fees from being used to censor speech.

MRU earns a 'B' for its decision to settle a lawsuit and apologize for the actions of its security guards which violated a man's freedom of expression on campus.

The Students' Association of Mount Royal University (SAMRU) earns an 'F' for its policies. There is not commitment to free speech and the policies fail to meet any of this report's relevant criteria.

SAMRU earns a 'D' for its practices, on account of its past actions and its current failing policies.

University policies

Mount Royal University (MRU) passed an Academic Freedom policy in 1993, which states:

The common good of society depends upon the search for knowledge and its free exposition. Academic freedom in educational institutions is essential to both these purposes in the teaching function of the institution as well as in its scholarship and research.

Academic staff shall not be hindered or impeded in any way by the institution or the faculty association from exercising their legal rights as citizens, nor shall they suffer any penalties because of the exercise of such legal rights. Academic members of the community are entitled, regardless of prescribed doctrine, to freedom in carrying out research and in publishing the results thereof, freedom of teaching and of discussion, freedom to criticize the University and the faculty association, and freedom from institutional censorship.

Academic freedom does not require neutrality on the part of the individual. Rather, academic freedom makes commitment possible. Academic freedom carries with it the duty to use that freedom in a manner consistent with the scholarly obligation to base research and teaching on an honest search for knowledge.

In exercising the freedom to comment and criticize, academic staff members have a corresponding obligation to use academic freedom in a responsible manner. This implies a recognition of the rights of other members of the academic community, and a tolerance of differing points of view.

Section A(5) of MRU's Code of Student Conduct states:

Mount Royal values the rights and freedoms of the individual and protection against discrimination or harassment for each person. As such, students can expect the following rights, freedoms and values to be fostered and promoted:

- (a) Legal Rights: Students enjoy the rights and freedoms recognized by law subject only to such restrictions on those rights and freedoms as are necessary to ensure the advancement of the community values inherent in this Code.
- (b) Freedom from Discrimination: Discrimination at Mount Royal on the basis of race, ancestry, religious beliefs, physical disability, marital status, colour, place of origin, gender, mental disability, family status, source of income, age and sexual orientation is prohibited.



(c) Freedom from Harassment and Sexual Harassment: Mount Royal's Human Rights Policy strives to create an atmosphere intended to remain free from behaviour which is reasonably interpreted as unwelcome including, but not limited to, remarks, jokes or actions which demean another person and/or deny individuals their dignity and respect.

(d) Positive Academic Environment: Mount Royal students participate in an environment that supports intellectual inquiry as well as the exchange and examination of diverse ideas. These activities are to take place in an orderly manner in and outside of the classroom and in an environment that is protected through the governing documents of Mount Royal.

(e) Discipline: Students at Mount Royal can expect that contraventions of this Code and other relevant documents will be dealt with in a timely manner under the policies and procedures determined by the governing bodies of the Mount Royal.

Section D(1) of the *Code* makes clear that "[t]he Code of Student Conduct supersedes all other policies, rules or regulations to the extent of any overlap." Section D(8) defines Non-Academic Misconduct as "any behaviour or pattern of behaviour" which "adversely affects the learning of others, Mount Royal, or its educational mission," "violates established civil and criminal statutes," "threatens the safety or well-being of members of the Mount Royal community" or "violates the ethical standards set by a professional association."

The *Student Conduct Guide* provides examples of non-academic misconduct including:

- disrupting a class in such a way that interferes with the formal process of the session or the learning of other students;
- verbal assault, defamation, discrimination, retaliation or harassment towards others;
- dissemination of malicious material which creates a climate that hinders or prevents the full participation of another person or group in the life of the University;
- intentionally, negligently or recklessly endangering the wellbeing of any individual or intentionally, negligently or recklessly interfering with any University activity or

University sponsored activity;

- disorderly conduct on University premises or at University sponsored activities;

MRU's *Office of Student Conduct* (OSC) describes its purpose as follows:

The objective of the OSC is to work collectively with faculty and other resources across campus to educate students about academic integrity, respect for others, and the importance of upholding the fundamental values of **Honesty, Trust, Fairness, Respect** and **Responsibility**. These values are the basis for the Mount Royal Code of Student Conduct.

The OSC also "[assists] the Mount Royal community with interpreting the Code of Student Conduct" and pledges to be "[n]eutral when providing support and advice to students and faculty."

The *Human Rights Policy*'s "Guideline and Procedure for Competing Rights" outlines the principles by which the policy will interpret claims of rights' violations against competing rights' violation claims. Section C(2) of the Guidelines state "There is no hierarchy of human or *Charter* rights. When the protected rights of two individuals

or groups come into conflict a balance must be achieved that fully respects the importance of both sets of rights.” Section C(4) further states:

Academic freedom does not imply the right to engage in any action that demeans the freedom or dignity of other individuals in the campus community.

In deciding whether a competing rights’ claim is “legitimate” the Guideline states that “context” should be considered when seeking a resolution:

Do claims fall within the scope of the right when defined in context? For example, breadth of the right to freedom of expression as it relates to communicating offensive language will vary depending on the context. For example, in media commentary, the right might be interpreted very broadly, but in a classroom or workplace it may be interpreted more narrowly.

The *Offensive/Discriminatory Materials Policy* defines such materials as those which contravene:

(a) The Alberta *Human Rights, Citizenship and Multiculturalism Act*, which states, in part:

“No person shall publish issue or display or cause to be published, issued or displayed before the public any statement, publication, notice, sign, symbol, emblem or other representation that:

- (i) indicates discrimination or an intention to discriminate against a person or a class of persons;
- (ii) is likely to expose a person or a class of persons to hatred or contempt because of the race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income or family status of that person or class of persons.”

University Practices

In February 2013, Nicholas MacLeod was peacefully distributing pro-life literature in a building on campus when confronted by MRU security guard Jeff Beddome, who ordered Nicholas to stop immediately, because Beddome considered the literature to be “offensive.” Nicholas initially refused to stop distributing his pamphlets, but then agreed to leave on condition that he could retrieve his jacket from a locker, as it was a very cold winter evening. Beddome and other security guards tried to force Nicholas to leave the building without permitting him to retrieve his jacket, which was in a nearby locker. The security guards assaulted Nicholas, forced him to the ground, handcuffed him, and confined him to a small room for several hours, with his hands still cuffed painfully behind his back. Nicholas had video-recorded the incident on his cell phone, but one of the MRU guards removed the SD memory card from Nicholas’ cell phone. That guard was later charged with theft, and admitted in court to having taken this evidence.

On behalf of Nicholas, the JCCF requested an apology from MRU, appropriate compensation for physical and psychological suffering endured by Nicholas, and revisions to campus security policies and training. MRU rejected this proposal in its entirety, making court action necessary.

In 2015, the court action settled without continuing further to trial. MRU president Dr. David Docherty apologized to Nicholas for the behaviour of MRU security guards, their unnecessary use of force, the unlawful detention, and the violation of *Charter* rights. In his [letter of apology](#), Dr. Docherty stated that “supplemental training will be conducted to ensure that community officers understand the interaction between the Charter of Rights and Freedoms and their duties in maintaining a safe campus environment.”

Student Union Policies



The Students' Association of Mount Royal University (SAMRU) lists as its [Values and Beliefs](#):

- Learning goes beyond the classroom, contributing to the realization of aspirations.
- Community is built on individual relationships and shared resources.
- Our autonomy makes it possible to respond to the needs of our members.
- Our integrity requires accountability, openness, responsible stewardship, and ethical governance.
- Diversity makes our community stronger and more vibrant.
- Fun is essential to creativity, engagement, and social development.

SAMRU's stated Vision is "Where every student can discover themselves, build meaningful relationships and make a difference in the world."

In SAMRU's [Clubs Manual](#) the following standards must be met before student clubs may be ratified. Standards include:

- The student club must have a common purpose or mandate which serves some or all of the Mount Royal University student community. This purpose must also serve the general welfare of students and is consistent with the principles established by the Students' Association of Mount Royal University in its bylaws, policies, and procedures.
- The student club must have at least 10 members and these must be current students of Mount Royal University;
- The student club must not limit or discriminate membership on any basis except that members must be current students of Mount Royal University;

Regarding posters, the Clubs Manual states that "[a]dvertising materials deemed inappropriate or offensive will not be approved."

Section 2 of the [Clubs Policy](#) gives discretion to the SAMRU Board of Directors to de-ratify student groups on virtually any ground:

The Board has the authority to de-ratify clubs if they fail to meet the standards of this policy, *Clubs Procedures* or any and all relevant provincial and federal legislation and Students' Association bylaws, policies and procedures and for any reason deemed important to protect the interests of the Students' Association, Mount Royal or the general welfare of students.

A related document, the [Club Procedures](#) was updated in August of 2014. Additional requirements for club ratification are listed including:

- The student club's purpose must be any benevolent, philanthropic, charitable, provident, scientific, artistic, literary, social, educational, agricultural, sporting or other useful purpose, but not for the purpose of carrying on a trade or business.
- The purpose of the club must not duplicate the purpose of an existing club.
- The Club Ratification Committee has the authority to determine whether a new club's purpose differs substantially from an existing club and to approve or disapprove ratification based on this assessment.

Section 6.3 of the *Procedures* governs the posting of advertising and display materials for clubs. It states that “[t]he SAMRU will prevent the distribution of any club advertising, promotions and communications that can be reasonably assumed to be discriminatory, as defined by the *Alberta Human Rights, Citizenship and Multiculturalism Act*.”

SAMRU’s *Activity Application & Agreement Form* requires student clubs planning a “Lecture, Demonstration, Meeting or Guest Speaker” to provide information prior to venue booking which includes the topic of discussion, name of guest speaker, whether or not parties which “could be impacted” by the event have been contacted, whether Campus Security and SAMRU public relations have been informed, and whether a “security plan is in place.”

Student Union Practices

Following several complaints from students and faculty over what was deemed “offensive” content in the February 2, 2012, issue of the student newspaper *The Reflektor*, namely, a photo of a woman consuming a banana, SAMRU Vice President – External, Michelle Dennis wrote the following letter to the paper:

The Reflector is a separately-incorporated Society housed in Wyckham House as a tenant of SAMRU only. As a Board member, I am not involved in the Reflector’s content but feel the need to respond based on the overwhelming amount of complaints coming from SAMRU’s membership. Intentional or not, the commentary published in Vanessa Gillard’s sex column in the February 2nd edition is offensive to some students as expressed in written concern to the Reflector. The Reflector has heard my recommendation to retract the piece, make an apology to those offended and consider the student’s feedback when making future content decisions. The Students’ Association fosters a community of respect, integrity and diversity on campus and as such, expect that enterprises that collect mandatory fees from the student body will live up to these principles as well.



Mount Saint Vincent University, Halifax, NS

Mount Saint Vincent University (MSVU) earns a ‘F’ for its policies. They fail to meet any of the relevant criteria this report considers.

MSVU earns a ‘D’ for its practices, on account of its failing policies, although its commitment to free speech has not been tested.

The MSVU Students’ Union (MSVUSU) earns a ‘D’ for its policies. Although there is a commitment to free speech in its policies, student expression is not protected under the policies.

MSVUSU earns a ‘C’ for its practices as its commitment to free speech has not been tested.

University policies

Mount Saint Vincent University (MSVU) names “Academic Freedom” as one of its six core [Values](#), although its Vision and Mission statements do not mention free speech or academic freedom.

Mount Saint Vincent’s Library [website](#) includes a statement in support of intellectual freedom:

The library considers it important to purchase materials representing differing opinions on controversial matters as long as they satisfy the general criteria for the selection of monographs and serials. Selection is without partisanship regarding matters of race, sex and sexual orientation, religion, or moral philosophy. Neither the unpopularity of a point of view nor the mode of expression will be used to justify censorship of an author’s works.

Section 1.0 of the “Student Charter of Rights and Responsibilities” in MSVU’s [Non-Academic Disciplinary Policy](#) explains which rights and privileges students enjoy on campus. Section 1.1 (b) and (g) are relevant to free expression:

Students can expect to:

b) Enjoy living in a tolerant community where freedom of expression, belief and political association is celebrated provided these beliefs do not interfere with the rights of others or contravene university policy.

g) Belong to any lawful association of their choosing including the right to assemble and participate in demonstrations within the University provided that such actions do not violate the rights of other members of the University community nor breach the responsibilities as outlined in this Charter.

Under Section 1.2(a) of the [Non-Academic Discipline Policy](#), “Student Responsibilities”, ambiguous language enables administrators to censor speech if it is considered to threaten or endanger the “dignity” of any person:

As members of the University community, students are expected to contribute to making it safe, respectful and inclusive. Conduct which threatens or endangers the health, safety, well-being or dignity of any person contravenes university regulations.

MSVU’s [Fair Treatment Policy](#) includes a clause protecting academic freedom from infringement by that particular policy, which is intended to protect members of the university against discrimination and harassment:

This Policy is in no way meant to infringe upon academic freedom or to impede the pursuit of positive active learning and working. Nor should harassment be confused with the employer's right to manage or faculty's right to set academic standards.

University practices

The authors are not aware of any cases of Mount Saint Vincent University discriminating against students on the basis of their speech, nor of the University censoring student-held events, lectures and other functions.

Student union policies

In order to be ratified, student groups must submit an application for approval by the MSVU Students' Union (MSVUSU) Vice President for Student Life. Restrictions on the "purpose" of a student club are found in the [MSVU Society Policies](#):

b. Purpose of the society

- i. Shall be a summary of the objectives of the intent of the club, society, or association.
- ii. The society must not have a purpose that conflicts with the MSVUSU's mission and vision statements.
- iii. The society must not have the same purpose as any society that has already been ratified by the MSVUSU SRC for the academic year.

Concerning ratification, the *MSVU Society Policies* also states that "the society's activities must not infringe on the rights or privileges of others, which include the rights to privacy and freedom of expression and association."

Section 1.3: "Disciplinary Measures" of the *MSVU Society Policies* empowers MSVUSU officials to de-ratify groups for virtually any reason:

The following will be cause for disciplinary measures:

7. The society is guilty of any other conduct that the MSVUSU Society Affairs Committee deems as unbecoming of an MSVU Society.

The MSVUSU [Advertising and Sponsorship Policy](#) bans "material that demeans or discriminates based on gender, race, sexuality, age, disability or religious beliefs."

Section 1.05(d) of MSVUSU's [Bylaw 1: Elections](#) imposes a strict limit on the amount of money candidates for student union offices can spend on campaigning: \$100 for Executive candidates and \$50 for Student Representative Council (SRC) candidates.

Section 1.05(g) of *Bylaw 1: Elections* governs the use of campaign materials during an election and requires all materials to be approved by the Elections Committee. However, section 1.05(g) does not specify the criteria by which the Committee can approve or disapprove of materials.

Section 1.05(k) of *Bylaw 1: Elections* further rules that "[t]here shall be no independently organized speeches."

Student union practices

The authors found no cases of the student union discriminating against students or student groups on the basis of their speech, nor of the union denying access to space and resources to student groups because of their views.



Nipissing University, North Bay, ON

Nipissing University earns a 'C' for its policies. Its policies could be used to censor speech. Further, it fails to have a policy preventing security fees from being used to censor speech.

Nipissing University earns a 'C' for its practices, as its commitment to free speech has not been noticeably tested and its current policies earn a 'C.'

Nipissing University Student Union (NUSU) earns a 'D' for its policies. It lacks a commitment to free speech. Its policies could be used to censor groups. Finally, it lacks a policy preventing it from taking positions on issues unrelated to post-secondary education.

NUSU earns a 'C' for its practices as its commitment to free speech has not been noticeably tested and its current policies earn a 'D.'

University policies

Nipissing University (Nipissing) lays out its commitment to academic freedom in its [Faculty Agreement](#):

17.1 General Definition

(a) Members have a right to academic freedom, which is defined as the freedom, (i) individually or collectively, to acquire, to pursue, to develop, to preserve, and to transmit knowledge through research, study, examination, questioning, discussion, documentation (in all formats), production, creation, teaching, lecturing, writing, and performance, regardless of prescribed or official doctrine and without restriction by institutional censorship; and (ii) to disseminate their opinion(s) on any questions related to their teaching, professional, and creative activities, and research both inside and outside the classroom.

(b) The parties agree that academic freedom does not require neutrality on the part of the individual. It is furthermore agreed that academic freedom makes intellectual discourse, critique, and commitment possible.

17.2 The Freedom to Teach and its Responsibilities

(a) Members teaching courses have the right to the free expression of their views on the subject area, and may use and refer to materials and their treatment thereof without reference or adherence to prescribed or official doctrine.

(b) In such circumstances, the Member is expected to cover topics according to the Calendar description, to remain up to date in the knowledge of the discipline, to treat students fairly and ethically, and to teach effectively, which includes using fair, reasoned and fact-based arguments and showing a willingness to accommodate the expression of differing points of view.

17.5 The Freedom of Artistic Expression and its Responsibilities

(a) Members engaged in the creation and presentation of works in the visual and performing arts are as entitled to the protection afforded by the commitment to academic freedom as are their colleagues who write, teach, and study in other academic disciplines. Artistic expression, including presentations to the public, will have the same assurance of academic freedom.

(b) Direct or indirect attempts to impose tests of propriety, ideology, or religion on the artistic activity of these Members will be resisted by the University community, it being agreed that such tests are acts of censorship that limit the freedom to explore, to teach, and to learn.

Nipissing's *Code of Student Rights and Responsibilities* includes a clause prohibiting disruption:

The University reserves the right to terminate, at any time, its relationship with any student whose *disruptive behaviour is deemed to be detrimental to the purposes and goals of the University. All students should be familiar with the regulations printed in the University Calendar as well as specific policies published from time to time.

*Definition - Disruptive behaviour applies to behaviour that persistently or grossly interferes with academic and administrative activities or reputation of the University.

The *Code's* Preamble on Student Rights states:

At Nipissing University, students are free to think, speak, write, create, study, learn, pursue social, cultural and other interests, and freely associate together for all these purposes, subject to the requirement that they respect the rights of members of the University and general community to pursue these same freedoms and privileges. In order to secure these rights, the University will use its best efforts to ensure the following:

that those who wish to teach and those who wish to learn can do so under proper conditions; that academic and general facilities are available to those who wish to use them for their normal purposes; that freedom of movement and freedom from harassment are protected; that all property, including records, documents, and the like is protected; that those who wish to file a complaint have the right to do so without fear of reprisal.

The *Code* also states that Nipissing students are expected:

to refrain from conduct which harms or threatens harm to the proper functioning of University programs or activities both on and off campus which include but may not be limited to teaching, studying, research, administration, student events, meetings and other services; the rights of members or guests of the University; the safety and well-being of members or guests of the University and surrounding community; and the property of the University or of its members or guests.

Nipissing has a *Policy on Political Activities and Events* which states:

Nipissing University is committed to free and open discussion and the exchange of ideas and opinions on issues that affect the wider community, including the expression of political views, within its campus. Nipissing University encourages students, faculty and staff to exercise their civic rights to participate as individuals in the political process. Our status as an institution of higher education puts our faculty members in a position to provide expert commentary on local, provincial and federal issues, and to make meaningful contributions to public debate on a variety of wide-reaching public policy issues.

This *Policy* requires that:

Faculty, Staff and Board members may freely engage in comment on political issues or public policy as individuals, but shall refrain from purporting to be presenting the official position of the University. If a faculty, staff or board member is listed as a supporter of a political campaign or initiative it should be without mention of institutional affiliation or with a disclaimer indicating that their actions and statements



are their own and not those of Nipissing University.

Nipissing's *Harassment and Discrimination Policies & Procedures* states that students have a right to be free from a "poisoned work or study environment".

Nipissing's *Acceptable Use Policy* prohibits "offensive" computer content which is defined as any use of the resources which may reasonably be considered to offend other members of the community to such an extent that it may hinder them from using the system. Examples are given including "use of the resources to harass others," and "use of publicly accessible resources to display material which is likely to conflict with the sensibilities of others, whether such material is in the form of text, image, sound or other digitized data."

University Practices

The authors are not aware of Nipissing University actively discriminating against its students and other members of the University on the basis of their views.

Student Union Policies

Bylaw 9, Section 3 governs student club activities at the Nipissing University Student Union (NUSU). Section 3.4 states that "No Official Club may be exclusive in its membership, with the exception of religious, political and areas of study clubs and only with prior approval by the Vice President Internal and Executive Committee." Section 3.5 further states that "political clubs" may not apply for funding.

NUSU does not have policies prohibiting it from taking political stances on issues outside its mandate, nor does it have a policy supporting free expression for its members.

Student Union Practices

The authors are not aware of the NUSU discriminating against students because of their views, nor of denying access to resources on campus to students or student groups with unpopular messages.

OCAD University, Toronto, ON

OCAD University's (OCAD) earns a 'C' for its policies. Its policies could be used to censor unpopular or controversial speech, and do not make it clear that security fees will not be imposed to censor speech.

OCAD earns a 'C' for its practices, on account of past censorship and its policies earning a 'C.'

OCAD Student Union (OCADSU) receives a 'F' for its policies, which fail to promote or protect free expression in any of the ways relevant for to this report.

OCADSU earns a 'D' for its practices, since it has failed to speak out in defense of free speech on campus in the past and on account of its failing policies.

University policies

OCAD University's (OCAD) Memorandum of Agreement with its Faculty Association states:

Academic freedom is essential to the teaching function of the university, as well as to the creative and scholarly pursuits of the faculty, academic staff, other staff, and students. This includes a commitment to unfettered intellectual and aesthetic inquiry and judgement and to the provision of those textual, audio, and visual resources necessary to free inquiry and practice. Academic freedom includes: the right of responsible teaching from a subjective point of view; the right to freedom of creative practice or expression; and the right of dialogue, discussion, debate and criticism.

The Respectful Work & Learning Environment (RWLE) policy states:

OCAD recognizes the importance of certain rights and freedoms at a university dedicated to intellectual inquiry and creative practice. The University is committed to upholding all fundamental human rights, including freedom of association, freedom of conscience, opinion and belief, and freedom of thought, inquiry, artistic and creative expression. Nothing in this policy is to be interpreted, administered or applied in a way that infringes upon academic freedom, or upon legal conduct between individuals that is based on mutual consent. Nothing in this policy is to be understood to prevent any faculty, employee, or student, from instructing, evaluating and engaging in fair criticism of another's behaviour or performance.

The RWLE also states in Section 5.4 that it has "a commitment to academic freedom and freedom of thought, inquiry, and expression which may result in respectful disagreements regarding beliefs and principles," but that OCAD "cannot condone behaviour that is likely to undermine the dignity, self-esteem or productivity of any of its members, whether such behaviour occurs on University premises or in conjunction with University-related activities."

The RWLE defines bullying as "a form of repeated, persistent and aggressive behaviour that is directed at an individual or individuals, and is intended to cause (or should be known to cause) fear and distress and/or harm to another person's body, feelings, self-esteem or reputation. Bullying usually occurs in the context where there is a real or perceived imbalance of power."

Examples of bullying include:

- Discrediting a person, spreading rumours, ridiculing him or her, humiliating him or her, calling into question his or her convictions, or his or her private life;
- Preventing a person from expressing himself or herself, constantly interrupting him or her, and/or pro-



hibiting him or her from speaking to others

- destabilizing a person by making fun of his or her convictions, his or her tastes and/or his or her political opinions;
- Spreading rumours, images, or hurtful comments through the use of email, cell phones, text messaging, internet, websites, or other technologies.

Under “Student Rights and Responsibilities” OCAD’s *Non-Academic Misconduct Policy* states:

Students may think, speak, write, create, study, learn, pursue social, cultural and other interests and associate together for these purposes subject to the principles of mutual respect for the dignity, worth and rights of others as outlined by the Ontario Human Rights Code. All members of the University community, as members of society at large, are responsible to abide by federal, provincial and municipal laws in addition to University regulations.

It states further that OCAD “upholds and will take reasonable steps to ensure students of the following privileges:

1. Participation in University and Student Government: Students may participate in formulation and application of institutional policy affecting academic, extra-curricular and Student union affairs.
2. Freedom of Discussion: Traditional privileges of a university of freedom of inquiry and freedom of expression can be assured only if all members of the community share the responsibility of granting these freedoms to others and accept the obligation for a standard of behaviour which respects the rights of others.
3. Assembly: Peaceful assemblies, demonstrations and lawful picketing are allowed within established laws to the extent that they do not interfere with the rights and privileges of others or with the normal functions of the University.”

The *Non-Academic Misconduct Policy* provides examples on what constitutes non-academic misconduct, in Section II:

Membership in the University Community implies acceptance by every student of the principle of mutual respect for the rights, responsibilities, dignity and well-being of others and a readiness to support an environment conducive to the intellectual and personal growth of all who study, work and live within it.

Any conduct on the part of a student that has, or might reasonably be seen to have, an adverse effect on the reputation or the proper functioning of the University, or the health, safety, rights or property of the University, its members or visitors, is subject to discipline under this Policy.

The list of examples of non-academic misconduct, which is meant to be non-exhaustive, includes:

1. Disruptive Behaviour: Conduct that materially and substantially interferes with or obstructs teaching, learning and work in the context of the OCAD environment. By action, threat, written material, or by any means whatsoever, disrupting or obstructing any University activities, or other authorized activities on premises of the University, or the right of another person to carry on his/her legitimate activities, or to speak or to associate with others. University activities include, but are not limited to,

teaching, research, studying, administration and meetings.

Another example, “Misconduct Against Persons and Dangerous Activity” includes “conduct that threatens or endangers the health or safety of any person, such as a threat of harm on another person,” “knowingly (which includes when one should reasonably have known) creating a

condition that endangers the health, safety, or well-being of any person,” and “distribution of hate-material.” Under “Other” examples of non-academic misconduct, OCAD states that “[a]ny other conduct that has, or might reasonably be seen to have, an adverse effect on the reputation or the proper functioning of the University, or the health safety, rights or property of the University, its members or visitors.”

Section II(B) of the *Non-Academic Misconduct Policy* governs Electronic Communications:

[OCAD] is committed to building and maintaining a diverse and inclusive community where our students, staff, faculty and visitors can work and learn in an environment that supports the mission of the University, adheres to University policies, and respects the dignity and worth of members of the University Community. The means through which we express ourselves as members of this community continue to evolve with the advent of technology. The University is supportive of these types of community, as they can greatly enhance the social and learning experiences for people working and studying at OCAD. The use of such technologies comes with both rights and responsibilities.

Community members are reminded that images, postings, dialogues, and information about themselves or others posted on the internet (e.g. on social networking sites such as MySpace and Facebook) are open to public scrutiny. While University officials do not actively monitor these sites, content that is brought to the attention of the University which describes or documents behaviour that may constitute a breach of University policy will be the subject of a further investigation.

The University does not condone the inappropriate use of electronic and print communications. This is defined as the intentional use of an electronic device or communication media, such as, but not limited to, all features of a telephone, a mobile phone, digital camera, blackberry, e-mails, web-based communication sites and print materials, such as flyers, University newspapers and brochures, that negatively impacts on the well-being of another person or is directed at an individual or individuals causing fear or distress and/or harm to another person’s body, feelings, self-esteem or reputation.

The University reserves the right to appropriately respond to these incidents, which may include disciplinary action, up to and including possible recommendation for expulsion.

The webpage, [*OCAD University’s Social Media Terms of Use*](#), further states that the University “may refuse tweets, posts or comments that are...considered to be abusive, discriminatory, slanderous or defamatory, life-threatening, insulting, and inappropriate, offensive or unlawful.”

OCAD maintains a policy on the [*Temporary Installation of Student Artwork*](#), which states as its Purpose:

When student artwork is installed in [OCAD] public spaces, it can impact on others. Risk assessment is essential, but does not necessarily mean that artwork needs to be altered in any way. The Safety & Risk Management and Campus Security Offices will do everything reasonable to facilitate the safe exhibition of artwork, but reserve the right to refuse any exhibition deemed to have an unacceptably high degree of risk.

The activities of student groups are governed by the University. The [*Student Organization Recognition Policy*](#) states:



While [Student Organizations] are somewhat autonomous, their actions reflect upon the University community as a whole. Therefore it is agreed that they are required to abide by all University policies and procedures. Recognition of a student organization neither implies endorsement of said group's beliefs or philosophy by the University, or the assumption of liability for the group's activities.

This policy is based on the role of the University in promoting freedom of expression and also maintaining the obligations which students assume on becoming members of the University community. Freedom of expression is a principle which is essential to the pursuit of knowledge and the practice of art and design. This principle requires the ability to question and debate many subjects, even the most controversial.

While promoting freedom of expression, the University also has a concurrent responsibility to ensure that all members of the community can reasonably expect to pursue their work and studies in a safe and civil environment. Therefore the University does not condone discrimination, harassment, sexual harassment, invasion of personal privacy, threatening or violent conduct or offences against University property.

Among the requirements for recognition of student groups is that they be "primarily directed towards and include OCAD students" and that they "contribute to the educational, social, or cultural values of the University." De-registration or suspension of registration occurs if "the group's stated objectives or activities or the manner of carrying out its activities would, in the opinion of the Co-Chairs, by their very nature, lead to justifiable complaints under the Human Rights Code (and/or any other human rights legislation that applies in this Province) and/or municipal bylaws, Provincial or Federal statutes or regulations."

The [*OCAD U Poster Policy*](#) states only regarding content that all posters must be "of general interest to the entire OCAD community."

University Practices

In September 2013 an "anonymous" group of faculty, students and alumni formed an association called "OCAD Us" to voice their dissatisfaction with the administration and leadership at OCAD, over issues of bathroom quality, representation and student life. The group has a twitter following (@Ocad_Us) of more than 700 people and an active Facebook group. The group did not seek ratification because, according to members, they did not want to name the members of the group to OCAD's administration for fear of retaliation.

The group decided to hang a poster called "Make OCAD Us" inside the main campus buildings (100-113 McCaul), which was removed by campus security. More posters were put up November 9, stating: "What's your Problem? At OCAD U", and left space for students to share their thoughts about campus life. These were also removed by campus security.

On November 10th, a post was made by on the OCAD Us Facebook page quoting the University as saying to representatives of the group:

We routinely clean up posters around campus, as per our poster and student organization recognition policies. Did we make a mistake? Are you a recognized student group or club initiative?

We welcome all discussion. As per the comment on your other post, we routinely clean up posters around campus, as per our poster and student organization recognition policies. Let us know if you're a recognized student group or a club that we've mistakenly misidentified.

The group re-posted the same posters that were removed November 9th, and these posters were removed again on November 11th. On November 20th, security removed posters for the 6th time. A photo is provided by these students of an alleged security guard removing the poster.

On November 27th, Thomas Hart and Ksenia Soldatenko (OCAD students and representatives of the group) met with Assoc. VP Deanne Fisher about the removal of their posters on six occasions. Ms. Fisher informed the students that they would stop removing the group's posters if they removed mention of OCAD University's name from the posters. The students agreed to black out OCAD U's name. Anonymous members of OCAD Us reported on the meeting:

We were asked about the group and who was involved. We were told that the school was using an out-dated policy since 2006. We were told we can not use the school name in our posters (no policy shown). Told that we had to report what was written to the admin first because "Students might want to write that they are willing to kill themselves" and therefore security must know first so they can help the student. We were told that [OCAD Us] is making the school look bad and we shouldn't do that. Security gets word from the admin on poster removal

Campus security does not always remove posters after a specific time period, as these students note posters which continue to hang on the bulletin boards and walls that date back to September of 2013. OCAD Us stated on its Facebook group that:

The majority of OCAD Us posters—posted on "all other floors" were removed. There is no clause stating that only "recognized student groups" may poster—so OCAD U leadership has breached its own policy. Certainly OCAD Us initiatives are of "general interest to the entire OCAD community."

Student Union Policies

The *Mission and Mandate* of the OCAD Student Union (OCADSU) includes to "develop and manage services and activities that foster a positive and creative educational environment at OCAD U," "participate in the development, enforcement and revision of academic and non-academic policies in an effort to promote students' best interests" and "provide students with an effective voice in the decision-making at OCAD U."

OCADSU's *Elections Policy* prohibits candidates from using "discriminatory, derogatory or pejorative language, specifically language that promotes hate of groups or individuals is racist, sexist, misogynistic, homophobic, transphobic, biphobic, ableist, xenophobic, etc." It further warns that "any campaigning by candidates, their representatives or any third parties (whether through verbal or written communication) that is deemed to be pejorative is explicitly prohibited and will be dealt with severely up to and including the involvement of OCAD University officials and Police."

OCADSU has a *Safer Spaces Statement* which states:

THE STUDENT UNION IS A SAFE SPACE ON CAMPUS

We ask all people who enter the SU to be respectful and non-discriminatory towards all staff and students in the space. We ask you to check your assumptions at the door and to be reminded violent, discriminatory or harmful behavior will not be tolerated.

A "SAFE(R) SPACE" is a space that has been declared free of all types of violence and harassment, including but not limited to sexual assault, non-consensual behavior or attitudes, being intolerant of someone's religious or political beliefs (or lack of), racism, sexism, gender discrimination, homophobia, queerphobia, ableism, heterosexism, cissexism, or any other behavior or language that may perpetuate



oppression or discrimination. It is declared as an open and accepting space, and therefore will facilitate feelings of safety for any person who enters it.

Anyone can set-up a safe space on campus to discuss complicated, personal or political topics and situations. Designate an area that is accessible to all folks participating. Lay some ground rules together that will ensure the freedom and safety for all to attend, and participate without having to face harassment and discrimination.

GUIDELINES FOR A SAFE(R) SPACE

1. Be respectful of each other
2. Keep the space accessible and welcoming
3. Be open to all levels of knowledge
4. Listen in an open and reflective manner
5. Do not speak for others in the space
6. Take responsibility for your privilege

Student Union Practices

The authors found no evidence of OCADSU discriminating against students because of their views, nor of OCADSU censoring unpopular speech on campus. OCADSU failed, however, to speak out against the actions of its University administration when they removed posters by students meant to spark dialogue about campus life (see section 2 of this report).

Queen's University, Kingston, ON

Queen's University earns a 'C' for its policies, since they could be used to censor speech and fail to prohibit security fees from being used to censor.

Queen's University earns a 'D' for its practices on account of its past censorship of the free speech wall.

The Queen's Alma Mater Society (AMS) earns a 'C' for its policies, as it lacks a commitment for free speech and its elections policies could be used to censor speech.

AMS earns a 'C' for its practices on account of its refusal to de-ratify the Men's Issues Awareness Society in 2014, but also support of the confiscation of a free speech wall by the University in 2013.

University policies

The Queen's University *Student Code of Conduct* says the following about free speech:

Adherence to the values expressed through academic integrity forms a foundation for the freedom of inquiry and exchange of ideas essential to the intellectual life of the University.

Although it is expected that students will engage in respectful dialogue with members of the University community, nothing in this Code shall prohibit freedom of conscience and religion, peaceful assemblies, lawful demonstrations and picketing, or inhibit free speech.

Student conduct shall respect the lawful rights of others to possess, use, or enjoy private or University property.

Students shall respect the freedom of individuals to study, teach, work, engage in research and socialize. Students shall refrain from conduct that attempts to limit these freedoms or any other freedoms guaranteed by law. The following conduct is unacceptable and constitutes an offence within the University community: acts of discrimination or harassment based upon, but not limited to, race, religion, gender, ability, ethnicity, national origin or sexual orientation.

A "[Statement on the Freedom to Read at Queen's University](#)" was approved by the University Senate in 1979:

This University believes that the freedom to read is as essential to the democratic way of life as are freedom of speech and freedom of the press, and will resist by moral suasion and if necessary by due process of law all attempts to suppress or restrict the availability of particular books or periodicals on this campus because of a viewpoint they present.

The University's *Room Booking Policy* states:

In assessing the appropriateness of booking classroom and lecture theatre space the following standards are used:

- The event will not bring discredit upon the university;
- The use of the space and any materials displayed or distributed comply with the Queen's University Code of Conduct and not contravene Senate, Board of Trustees or administrative policies, and federal, provincial or municipal laws, bylaws and regulations;
- The event will not infringe on human rights legislation or be obscene or beyond the bounds of common decency under applicable laws in Ontario.



The university reserves the right to deny access to any group for which there is good reason to believe one of the above conditions will be contravened. In addition, access may be denied to individuals or groups which have, in the past, misused or abused a room or its contents or for which there are unpaid rental charges.

There is no clarity as to what would bring “discredit” upon the University, leaving it open to Event Services’ discretion to censor expression on the basis of its content.

The *Harassment/Discrimination Complaint Policy and Procedure* prohibits “racism,” “heterosexism,” “trans-phobia” and sexual harassment. The definitions of each are rather broad and specifically include discrimination that is unintentional, as well as intentional. Anyone can file a complaint to the Human Rights Office within six months of an incident occurring.

University practices

On the evening of April 2, 2013, a free speech wall erected by the Queen’s Students for Liberty (Queen’s SFL) was shut down by the University’s Assistant Dean for Student Affairs, Arig Girgrah.

The free speech wall had been erected inside the John Deutsch University Centre, this space having been booked by Queen’s SFL in March. The wall was scheduled to stand from 11:00 a.m. Tuesday, April 2 until 5:00 p.m. on Friday, April 5. The Queen’s Free Speech Wall was part of a campaign to raise awareness about free expression rights in Canada and was co-sponsored by JCCF.

At approximately 8:20 p.m., two campus security officers arrived at the University Centre, where four members of the Queen’s Students for Liberty were manning the wall. The campus security officers acted on the instructions of Ms. Girgrah, who told the students that the paper canvas on the wall was being removed due to “offensive content.” Neither the security guards nor Ms. Girgrah provided any examples of what was considered “offensive”, and further explanation was refused.

Earlier on Tuesday, at 4:17 p.m., the president of the Queen’s student union (Queen’s Alma Mater Society) Doug Johnson told the Queen’s SFL club that they needed to remove certain unspecified messages from the wall, claiming that they violated the University’s *Code of Conduct* and *Harassment/Discrimination Policy*. Like Ms. Girgrah, Mr. Johnson did not indicate which comments he thought were in violation of university policy. Without indicating which comments were offensive or why they violated university policy, Mr. Johnson nevertheless threatened to cancel the remainder of the club’s space booking if the club did not comply with his unspecified request.

Queen’s University interfered with free expression rights again when it seized the free speech wall for a second time, on April 4, 2013. Campus security confiscated the entire wall (paper, as well as the wood structure) on orders from Queen’s Provost and Vice-Principal (Academic) Dr. Alan Harrison, the Queen’s Alma Mater Society (AMS) and the Society of Graduate and Professional Students. Queen’s University further cancelled the remainder of the space booking for Queen’s SFL.

In an e-mail sent to the Queen’s SFL at 4:06 p.m. on April 4, 2013, Dr. Harrison told the club that the content of their display was “non-compliant” with *Queen’s University Code of Conduct*, the *Queen’s Harassment/Discrimination Policy and Procedure*, residence procedures and the *Student Code of Conduct*.

Queen's SFL held a successful free speech wall event in October of 2013, and it was not disrupted by the University, though it also did not have any content that was considered controversial or offensive as reported by students.

In September of 2011, Queen's University professor, Dr. Michael Mason, was made aware of complaints made against him for using "racist and sexist language" in his history class and in conversations to his teaching assistants. A letter from the chair of Queen's History Department to Dr. Mason states:

In the course of our meeting, and subsequently in your letter to me you acknowledged using terms such as "rag head," "towel head," "japs," "little yellow bastards" and so forth in your teaching. You also acknowledged making remarks about having the female TAs wash your car, use their TA pay to go shopping, that male students in the class ought to marry female doctors to get both money and babies, that the female TAs were the "mistresses" of the class and so forth.

Dr. Mason had used some of these words in the context of teaching about periods in history when these terms were commonly used. A letter from the University stated that Professor Mason's "words and actions" put him "in contravention of the University Senate's Educational Equity Policy," and Professor Mason had "failed to create a safe space" for students. The University then cancelled two of Mason's scheduled classes for October 28 and November 2. Dr. Mason took medical leave starting on November 2 because of a pre-existing heart condition which had become severe over the course of these events.

A [report](#) by the Canadian Association of University Teachers on the incident charged Queen's administrators with compromising basic civil liberties in an effort to create "safe space" on campus:

It is our concern that if the actions of Queen's University administrators vis-à-vis Professor Mason are allowed to stand it sends the message that similar strategies may now be pursued by uncollegial [sic] and increasingly dictatorial university administrators across Canada, even to the extent that they may thereby circumvent academic freedom clauses in collective agreements, and utterly undermine academic freedom both in long-established practice and in principle.

Dr. Alan Harrison, Queen's Provost, supported the actions of Queen's University in this case, [saying](#), "We would never seek to censor anything that anyone says so long as it's appropriately contextualized."

In the fall of 2008, University [administrators hired](#) six "student facilitators" to intervene anywhere on campus if they overheard "homophobic," sexist, racist, or any "discriminatory" language. According to Queen's, "they were tasked with spotting 'spontaneous teaching moments' concerning issues of race, religion, gender, sexual orientation, ability and social class, and to respond – either actively by posing questions to spur discussion, or more passively through activities like poster campaigns or movies."

Concerned students created a [Facebook group](#) entitled "Queen's University Students and Alumni for Free Speech," which had upwards of 600 members. Angela Hickman, then an editor of the campus newspaper, the Journal, said of the program, "Having a program like this in place could stifle public discussion if people are worried their private conversations are being monitored. . . . For a lot of people, their opinions get formed in conversations and so stifling that is dangerous". The University administration responded that the program had been mischaracterized by the media, but nevertheless dropped the program in February of the following year.

Student union policies

The Queen's Alma Mater Society (AMS) [Representation Policy](#) states in section 2.1:



The AMS shall not take positions on governmental policy or political issues that do not directly relate to Queen's University and its students, and commits itself to a general policy of political neutrality regarding such issues. The AMS acknowledges that its student representatives should not be elected on the basis of these political views. The AMS welcomes diversity of opinion and feels that a position of political neutrality can better foster openness and inclusivity than a politicized AMS.

The *Non-Academic Discipline Policy and Procedures* prohibits “infringement of the rights of any member of the University community or general public, including but not limited

to excessive noise and general public disturbance” and “actions committed as part as an [sic] unlawful public disturbances that threaten civil order and/or the safety of any member of the University community or general public,” among infractions under the policy.

Section 5 (Elections) of the *AMS Policy Manual* states that:

All campaign materials and promotions are subject to the approval of the CRO. A sample of all campaign materials shall be submitted to the CRO to be kept on file for the duration of the campaign. All posters must be stamped to indicate approval. All websites and social media accounts must be approved by the CRO prior to posting. All updates shall be closely monitored by the CRO.

The same conditions are applied to referenda campaigns in section 7. Regarding referenda, the *Policy Manual* places a prohibition on running one's own “No” or “Yes” campaign that is separate from the officially mandated “Vote No Campaign” and “Vote Yes Campaign.”

Student union practices

The Men's Issues Awareness Society (MIAS) at Queen's hosted a discussion on March 27, 2014, at Stirling B of the Stirling Hall building at Queen's University, titled “What's Equality Got To Do With it? Men's Issues and Feminism's Double Standards.” The event included a presentation by University of Ottawa professor Dr. Janice Fiamengo to discuss men's issues.

On March 19, Queen's student and AMS member-at-large Amal Abu-Bakare of the un-registered student group “Opposition to the Misrepresentation of Men's Issues and Feminism at Queen's University” emailed members of AMS Assembly to inform them that the group would be proposing a motion at the March 20th assembly to de-ratify MIAS “because of the manner in which its members have chosen to publicly undermine feminism and anti-rape culture discourse on campus”. The vote failed, however, in a secret ballot vote held on March 20, 2014.

In 2013, AMS President, Doug Johnson, issued a [press release](#) supporting the removal of the Queen's SFL wall (see section 2, above) and confirming that the student union was a catalyst in making the decision to censor the display:

Anyone booking space in the Student Life Centre (SLC) has an obligation to abide by the Queen's code of conduct. In this case, several phrases were identified by the SLC that denigrated individuals based on race or religion, and alienated them from a space intended to be inclusive of all Queen's students. Queen's Students for Liberty was given an opportunity to remove these two denigrating comments, and return the space to one of inclusive, free dialogue for all. When the club failed to act, the offensive material was removed by Campus Security but the wall was kept in place, with an understanding that such alienating and denigrating language would not re-appear.

In February of 2012, a referendum was held about the continuation of an opt-out fee (a fee charged to all students that they can claim back during a designated “opt-out period”) for the Ontario Public Interest Research Group (OPIRG) at Queen’s. During the referendum, participants in the “Yes” and “No” campaigns reported being orally slandered, and participants in the “No” campaign reported being physically intimidated during campaigning. One of the “No” campaign organizers commented that, “[a]t the [cafeterias] we’ve had certain OPIRG sympathizers surround and yell at our volunteers.”

In response to reports of physical intimidation by OPIRG campaign volunteers, AMS issued the following statement:

Any incidents of intimidation and violations of elections policy are subject to sanctions through the Non-Academic Discipline system.... Elections and referenda are intended to encourage respectful debate and discussion on campus The AMS encourages any student who feels unsafe on campus to contact Campus Security at [number redacted].

The AMS made no attempt to censor anyone surrounding the referendum. The AMS also offered security protection.

In the late 1990s, the AMS debated for over three hours on whether or not to approve the campus Star Trek club, because its constitution has a “no Klingons allowed” clause, thereby failing to promote “equity.”

Royal Roads University, Victoria, BC

Royal Roads University’s policies earn a ‘D’ grade. Although they prohibit disruption, the University’s policies do not contain a clear and unequivocal commitment to free speech, do not restrict the use of security fees for censorship, and could be used to censor controversial or unpopular expression.

The University earns a ‘C’ for its practices, as its commitment to free speech has not been tested and because its policies are weak in defending free speech.

Since policies concerning the student organizations and posters are made by the University, the policies of the Royal Roads University Student Association (RRUSA) are of limited scope. A grade of ‘D’ is awarded since the RRUSA does not have a commitment to free speech and the policies concerning student organizations and posters could be used to censor unpopular expression.

The RRUSA’s commitment to free speech has not been tested, but its practices receive a ‘C’ grade since the relevant policies received only a ‘D’ grade.

University policies

Free expression and academic freedom are not referenced in the [Mission, Vision and Goals statements](#) of Royal Roads University. However, in the [Intellectual Property Policy](#) “academic freedom” is mentioned as one of the University’s values.

Royal Roads University’s [Student Organization Policy](#) states:

Student organizations that are granted status by the University have the responsibility to:

- Conduct their business in a manner consistent with the educational mandate of the University and in keeping with socially accepted standards of behaviour



- Protect the University's reputation and legal liability

The [Student Rights and Responsibilities Policy](#) lists Guidelines for students:

1.0 Students have the right to engage in free and open intellectual inquiry.

3.0 Students have the right to a University community characterized by mutual respect and equal opportunity.

4.0 Students have the responsibility to treat all members of the University community with respect, in learning environments and in all other interactions. Students have the responsibility not to engage in behaviour that a reasonable person should reasonably know is unsafe or inappropriate and not to intimidate, interfere with, threaten or otherwise obstruct any University activity, nor to hinder members of the University community in the pursuit of their legitimate activities.

7.0 Students have the right to use University facilities and resources designated for students and to enjoy the University campus.

9.0 Students have the right to an environment that is free from interference and disruption, while enjoying the right to dissent, and the right to peaceful assembly.

The University's [Posting and Solicitation Policy](#) states:

5. No political advertising will be permitted (excluding student and staff elections).
11. The University reserves the right to determine the acceptability of signs, posters and/or markings shown on bulletin boards, residence room doors and residence lounges. Any signs, posters and/or markings which are pornographic, racist, homophobic, degrading to men or women or which a reasonable person may find offensive are not acceptable. These signs must be removed immediately at the request of the University or a representative of the University.

The University does not have a policy expressly preventing the University from charging security fees to students hosting discussions or lectures on controversial subjects.

University practices

The authors are not aware of cases of Royal Roads University limiting or restricting campus free speech rights, or discriminating against students or clubs on the basis of their opinion.

Student union policies

The Royal Roads University Student Association (RRUSA) [Constitution](#) does not reference free expression or academic freedom. Policies governing student organizations, posters and events are administered by the University. The RRUSA has not taken political stances on issues not related to its mandate.

Student union practices

The authors are not aware of cases of the Student Association limiting or restricting campus free speech rights, or discriminating against students or clubs on the basis of their opinion.

Ryerson University, Toronto, ON

Ryerson University's earns a 'C' for its policies. It fails to have an anti-disruption policy or a policy preventing security fees from being used to censor unpopular or controversial speech.

Ryerson University earns a 'A' for its practices on account of its condemnation of the Ryerson Students' Union (RSU) for refusing to register a pro-life club on account of its views.

RSU earns a 'D' for its policies. Its policies can be used to censor groups on the basis of their views or beliefs. It lacks election rules that prevent censorship during elections. Finally, it takes official stances on numerous issues unrelated to post-secondary education.

RSU earns a 'F' for its practices, because it denied a pro-life club official status on account of its views.

University policies

Ryerson University's Senate passed a [Statement on Freedom of Speech](#) on May 4, 2010:

Ryerson embraces unequivocally the free exchange of ideas and the ideal of intellectual engagement within a culture of mutual respect. It is a powerful ideal that encompasses every dimension of the University. Everyone who is part of the University, as well as guests and visitors, has a role to play in this shared enterprise. This responsibility extends to both proponents and detractors of any idea or point of view. Recognizing and respecting diversity of people, thought and expression are essential and an integral part of the ideal.

In order to achieve and sustain Ryerson's ideal, members of its community must have freedom of thought and expression, freedom from harassment or discrimination and the freedom to consider, inquire, and write or comment about any topic without concern for widely held or prescribed opinions. This right to freedom of thought and expression inevitably includes the right to criticize aspects of society in general and the University itself.

Ryerson does not avoid controversies, difficult ideas, or disagreements over deeply held views. When such disagreements arise within the University or within a broader social context, the University's primary responsibility is to protect free speech within a culture of mutual respect.

The right to freedom of speech comes with the responsibility to exercise that right in an atmosphere free of intimidation and in an environment that supports the free speech rights of those with opposing views.

While Ryerson is committed to freedom of thought and the free exchange of ideas, it is also recognized that there are limits to the right of free speech that are recognized in the Charter of Rights and Freedoms. The University may act when speech on campus is used in a way that is itself unlawful or prevents the lawful exercise of free speech by others.

Ryerson's Policy 61, the [Student Code of Non-Academic Conduct](#), states:

Nothing in this Code shall be construed to prohibit peaceful assemblies and demonstrations, lawful picketing, or to inhibit freedom of expression.



One of the enumerated offences in Policy 61 is to “not endanger, threaten, harm, or encourage others to endanger, threaten or harm, or act in ways which would reasonably be perceived to endanger, threaten or harm the physical and mental well-being of community members” (section C.3).

The *Statement of Student Rights and Responsibilities* declares that:

As a student at Ryerson University, you have the responsibility to:

...

- refrain from
 - ...unwelcome or persistent behaviour (e.g. personal harassment) that you know, or ought reasonably to know, would cause another person to feel humiliated, demeaned or intimidated or which may obstruct the teaching, learning and/or work process of another person and which includes, but is not limited to, hazing and aggressive religious recruiting;
 - using the university’s computing, telephone, mail and/or other university communication systems to convey nuisance or other objectionable messages which may endanger the personal well-being of another person or which may obstruct the teaching, learning and/or work process of another[.]

On February 8, 2010, Ryerson University released an extensive investigative report on racism and related issues on campus. The report made several recommendations to quell what it reported to be a “chilly climate” for racial minorities at the school. Its recommendation included a change to the school’s anti-discrimination policy. The report stated: “While ideas will be debated vigorously, no one should be made to feel disrespected because of their race, language, religion, gender, sexual difference or ability.” The report also recommended more restrictions on academic freedom:

Issues of academic freedom are contested since there is a fine line between free speech and hate-mongering. A person has crossed the line when their protest/speech diminishes another person’s self-respect and identity.

The report led to the establishment of a revised *Discrimination and Harassment Prevention Policy*, passed by the Board of Governors in November 2011. Section 4 of the “Guiding Principles” of this *Policy* states:

Freedom of expression is the cornerstone of education at Ryerson University, but like other Charter rights, it is not an absolute right. The Canadian Charter of Rights and Freedoms guarantees “freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication.” The rights and freedoms guaranteed in the Charter are “... subject only to reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.” Human rights, for example, may place limits on these freedoms.

The *Discrimination and Harassment Prevention Policy* states the following about academic freedom:

Ryerson University's Discrimination and Harassment Prevention Policy is not intended to inhibit academic freedom. It reminds all members of the Ryerson University Community that, in exercising our freedoms, we all have a responsibility to respect the rights and freedoms of others, including the right to study and work in an environment which is free of discrimination and harassment. Please refer to note 8 in the "Definitions and Notes" section at the end of this Policy.

The definitions include "a 'non-discrimination' clause, referencing the prohibited grounds of discrimination as contained in the *Ontario Human Rights Code* and refer to more general "obligations" of faculty members and instructors."

The *Policy* also refers to a "Poisoned Environment", and includes speech and other expressive behaviors as a source of creating such an environment. However, the *Policy* does not empower officials to sanction or impose penalties, even if it is found that speech caused a poisoned atmosphere on campus.

The Discrimination and Harassment Prevention Officer is empowered to enforce the *Policy*. The Officer is not empowered to censor speech, but may make recommendations to senior administration on sanctions to be placed on violators of the *Policy*.

University practices

Ryerson President Sheldon Levy [spoke out](#) against a decision by the Ryerson Students' Union to deny club recognition to Students for Life at Ryerson (SFLR), in February of 2015, describing it as 'disturbing' (see section 4). Levy stated "[t]he strength of freedom of speech is not that I give freedom of speech to those that I like to hear, but that the strength of it is that you give [it to] those you wish you did not have to listen to."

On January 31, 2014, Ryerson University [ordered that](#) the Canadian Association for Equality (CAFE), a Toronto-based organization advocating for "men's issues awareness," pay a \$1,600 security fee in order to hold an organized talk at Ryerson on February 6, 2014, entitled "Are Men Obsolete? Feminism, Free Speech and the Censorship of Men's Issues," to be delivered by Karen Straughan. Ironically, Straughan's talk focused on the need for safe spaces in which men on university campuses can discuss issues of health and well-being. Ryerson also changed the venue from the advertised Mattamy Athletic Centre to the less central G. Raymond Chang School of Continuing Education. CAFE was able to collect enough support to pay the security fee, and the event proceeded. Ryerson eventually absorbed the cost of the security fee after the President and Vice Chancellor of Ryerson University, Sheldon Levy, stated that the fee was an obstruction to free expression. Levy made the following [comments to the student newspaper](#) on the matter:

Freedom of speech is hugely important. If you're gonna say something, and I like what you say, big deal. That's not freedom of speech. It's when you say something, and I hate what you're saying ... but I make room for you to say it, that's real freedom of speech.... We share the university's goal to promote freedom of expression, but recognize that freedom of speech comes with the responsibility to ensure that student safety is prioritized.

On May 15, 2007, Malik Zulu Shabazz, a Washington, D.C.-based lawyer and the leader of the New Black Panther Party, was scheduled to speak at an event at Ryerson. He had been invited by a registered student group, United Black Students at Ryerson, which is a chapter of the Toronto-based Black Youth Taking Action (BYTA). Shabazz was detained at the airport and refused entry to the country, and ultimately did not make it to the speaking engagement. His views were the subject of [serious controversy](#). A [CBC News article](#) explains the decision



by federal agents to detain Shabazz:

Canadian authorities bar Shabazz from the country owing to his criminal record: a five-year-old misdemeanor, according to a BYTA spokesperson. Toronto Jewish groups had lobbied for Shabazz, an admitted anti-Zionist, to be denied entry and the case prompts criticism of Jewish groups for what critics say is an attempt to suppress free speech.

Despite this, the Ryerson administration did not cancel the event. In fact, Janet Mowat, a University spokesperson stated, “The Ryerson administration attempts to maintain a forum for free thought and free expression.”

Student union policies

The Ryerson Students’ Union’s (RSU) *Policy Manual* includes a statement supporting free expression on campus, titled *Non-Academic Codes of Conduct*:

The Ryerson Students’ Union Supports:

- i. Freedom of conscious and religion;
- ii. Freedom of thought, belief, opinion and expression, including freedom of the press and other mediums of communication;
- iii. Freedom of peaceful assembly; and
- iv. Freedom of association.

The Ryerson Students’ Union Opposes:

- i. Any speech or expression that is hate speech rooted in, but not limited to anti-Semitism, Islamophobia, racism, sexism, homophobia, transphobia, and ableism;
- ii. Any attempts by Ryerson University’s administration to quiet or silence student dissent on or off campus which thereby denies students their fundamental freedoms under the guise of the Non-Academic Code of Conduct
- iii. Any University policies or processes that empower a single Administrator to be judge and juror of a particular complaint.

The RSU’s *Course Union Groups Policy* and *Student Group Policy* both state that the course unions’ and student groups’ “actions must not be contrary to the Ontario Human Rights Code, RSU Policies, or the Policies of the University.” Students must also meet other criteria, including having at least 20 members in their club.

The *Student Group Policy* states that “RSU groups may not proselytize (i.e. seek to convert).” This clause clearly infringes the expression rights of student groups, particularly religious and political student groups. The *Policy* also prohibits groups affiliating with federal or provincial politics.

In a 2011 article concerning student groups, *The Eyeopener*, Ryerson’s independent student newspaper, wrote as follows: An individual student club’s “ratification would be at the discretion of the Student Group Committee and the Board of Directors regardless of whether they meet the requirements in the [Student Group Policy]”,

The Eyeopener reports:

Aside from listing proposed executive members, creating a valid constitution and listing potential events, prospective groups must also provide a list of at least 20 current full-time undergraduate students that support the funding of the group. This last factor can prove troublesome for students looking to share what are currently unpopular ideas.

...

Carson [RSU VP Student Life and Events] says such a club's ratification would be at the discretion of the Student Group Committee and the Board of Directors regardless of whether they meet the requirements in the policy. Instead of following a rigid set of guidelines, both groups review applications on a case-by-case basis. "Every group that applies has the potential to be approved or denied," says Carson.

RSU's Advertising Policy gives discretion to the RSU President and other RSU administrators to censor speech that is deemed to carry political or religious messages:

2.1 Posters must be approved and stamped by the RSU.

2.2 Posters advertising a licensed event must be stamped by the Campus Groups

Administrator

2.3 Posters containing political slogans or religious messages must only be approved

by the Campus Groups Administrator, the RSU's President or the Executive

Director of Communications & Outreach.

RSU's Poster Policy requires that the President approve all posters from religious and political groups, but does not specify by what criteria approval is given.

The RSU's Pro-Choice Policy states:

Preamble

28.1 The Ryerson Students' Union prohibits all forms of harassment and discrimination on the base of race, class, religion, sex, gender, or gender identity. As per section 2 of the Canadian Charter of Rights and Freedoms, all students have the right to the following fundamental freedoms:

- i. Freedom of conscience and religion;
- ii. Freedom of thought, belief, opinion and expression, including freedom of the press and other media of communications;
- iii. Freedom of peaceful assembly; and
- iv. Freedom of association.

Definitions

28.2 Anti-choice groups or organizations are those which compromise and/or threaten the freedom and/or wellbeing of women who may contemplate an abortion or have chosen to have an abortion.



28.3 Pro-choice describes the view that a woman should have the right to determine what she does with her sexual and reproductive health. It is the moderate and widely supported stance which respects and acknowledges a women's intellectual and moral ability to make decisions on what choice is best for her body. Pro-choice is not pro-abortion; it simply defends the right of a woman to decide for herself what to do with her body.

Protocol

28.4 The RSU respects and affirms a women's right to choose. No RSU resources, space, recognition or funding will be allocated to enhance groups/individuals whose primary/sole purpose is anti-choice activities. Such activities are defined as any campaigns, actions, distribution, solicitation, or lobbying efforts that seek to limit an individual's right to choose what they can or cannot do with their own body.

28.5 Further, no RSU resources, space, or recognition or funding will be allocated to enhance groups/individuals who are members of or directly affiliated with external organizations with the primary/sole purpose of anti-choice activities.

The RSU takes political stances on issues including bottled water, the Prison Industrial Complex, privatization, public funding for Pride events, abortion, women's issues, and religious, spiritual and cultural freedom. It has also endorsed the Boycott, Divestment, Sanctions movement.

On March 4, 2013, Neda Hamzari, representative on the RSU's Board of Directors, introduced a motion to amend the RSU's policy on women's issues. The motion to amend passed without debate or discussion, and mandates the RSU to officially oppose the following:

4. Groups, Meetings or events [that] promote misogynist views towards women and ideologies that promote gender inequity, challenges women's right to bodily autonomy, or justifies sexual assault
5. The concept of misandry as it ignores structural inequity that exist between men and women
6. Groups, meetings events or initiatives [that] negate the need to centre women's voices in the struggle for gender equity.

Marwa Hamad, vice-president equity at the RSU, [said the policy](#) will preserve space for discussing misogyny and institutionalized gender imbalances.

Student union practices

On February 23, 2015, the RSU Board of Directors [voted to deny](#) club recognition to Students for Life at Ryerson (SFLR), on the grounds that it violated the RSU's women's issues policy. The group had applied for club recognition in October of 2014, was denied, and then appealed to the Board of Directors, where it was again denied. The club is now pursuing court action against the University to uphold its free speech rights.

On October 3, 2014, a [video](#) created by the group Hamas on Campus was posted by Ryerson student Ofer Ziberman to the RSU's Facebook page, and subsequently [removed](#) by page administrators. The video asserts that several current members of al-Qaeda (including a co-founder) were former members of Muslim Students'

Association or Students for Justice in Palestine—groups with campus affiliates at campuses across North America. The video was reportedly re-posted by other students, and removed each time. RSU administrators explained later that the video was removed because it was “racist and Islamophobic.” The RSU further stated:

We would like to take this opportunity to remind folks that we have a zero-tolerance policy for hate speech both online and offline ... we will continue to delete videos posted on our page that promoted hate speech rooted in, but not limited to, anti-Muslim, anti-Arab and/or anti-Semitic sentiments and/or remarks.

In October of 2013, Ryerson student Carter Grant applied to have his student group, Preserving Human Dignity at Ryerson (PHDR), registered as an official club. He received an email on October 28 from the RSU informing him that his pro-life group would not be approved. Campus Groups Administrator Leatrice O’Neill gave no reasons for the refusal, and directed Mr. Grant to speak to RSU President Melissa Palermo, who explained that the union was worried Grant’s student group would prevent some students from feeling “comfortable”, “welcome”, and included”.

PHDR has met all of the requirements outlined in the *Student Groups Policy*. The only reason that the RSU refused club status to PHDR is the content of PHDR’s message, based on RSU’s beliefs that this content would make some students feel uncomfortable.

The JCCF wrote to RSU President Melissa Palermo on January 16, 2014, pointing out that the RSU’s censorship is discriminatory, contrary to freedom of expression, and illegal. To date the RSU has not granted club status to PHDR.

On March 15, 2013, the Ryerson Student Union (RSU) denied certification to a men’s issues student group because the RSU was worried the student group was affiliated with two external organizations, “A Voice for Men and the Canadian Association for Equality,” they viewed as “in some jurisdictions...a hate group”. The men’s issues group’s constitution said its goal was to “create a progressive and constructive voice and lend representation to any and all Ryerson students concerned with the issues of men and boys.”

In November of 2010, a group of students planned to organize a Soviet Union-themed party. The posters designed to advertise the event were rejected by the RSU. RSU’s then-president Toby Whittfield commented on the incident by explaining that all posters have to “support RSU’s mandate of respect and inclusiveness”. He added: “If it turns out that [the poster] is not part of the mandate, then they shouldn’t be on a board.”



Saint Mary's University, Halifax, NS

University policies

In Saint Mary's University's (SMU) [*Academic Plan*](#), SMU supports the notion of academic freedom and free expression:

We recognize that the common good of society depends on knowledge and its free exposition. As the foundation of our mission, Saint Mary's University, through our teaching and scholarship, values discovery and dissemination of knowledge in all its forms.

Recognizing knowledge as provisional and subject to reinterpretation, we base our scholarly enquiry on principles of academic integrity and academic freedom, the freedom of students and faculty to explore and assess different approaches and contributions to human knowledge. Academic freedom is the foundation of the intellectual community, which fosters independent critical thinking, informed judgment and expression, and open debate.

SMU's [*Policy on the Prevention and Resolution of Harassment and Discrimination \(Discrimination Policy\)*](#) has three objectives:

1. To prevent discrimination and harassment, including sexual harassment, on grounds protected by the Nova Scotia Human Rights Act
2. To provide procedures for handling complaints, remedying situations, and imposing discipline when such discrimination and harassment do occur
3. To use best practices in Conflict Resolution or Appropriate Dispute Resolution (ADR)

The *Discrimination Policy* continues:

This policy applies to all members of the University community, including students, administrators, faculty and staff as well as permanent sub-contractors, consultants, volunteers and others who are acting in a recognized or sanctioned capacity. It applies to incidents that occur in the course of work or study or participation in University sponsored events held on campus, at a satellite campus or learning center, or off-campus. Examples of off-campus settings include, but are not limited to field trips, athletic team road trips, conferences or training events, and university- sponsored social functions.

The *Discrimination Policy* is intended to allow professors and students to learn about controversial ideas, so long as discussion is in a “mutually respectful” and “non-coercive” manner, as per this reference on page 14 of the *Discrimination Policy*:

This policy is not to be applied in such a way as to detract from the right of faculty, staff and students to engage in the frank discussion of potentially controversial matters. This policy is not intended to limit or prohibit debate, instructional techniques, or the assignment of readings that advocate controversial positions, provided that discussion and instruction are conducted in a mutually respectful and non-coercive manner. This policy also recognizes the right to teach according to one's best judgment, within

the bounds of the course calendar description and requirements of competency.

Item 3 of the [*Campus Aesthetics Policy*](#) states:

Facilities Management shall approve the placement of all banners, bulletin boards, posters, signage and other general advertisement type items on the campus. Facilities Management shall approve the distribution of magazines, papers and flyers on campus.

The [*Poster Policy*](#), which is administered jointly by Facilities Management and the Saint Mary's University's Student Association (SMUSA), restricts posters from being placed on campus "which could damage the reputation of the university".

SMU's [*Code of Student Conduct*](#) includes as Misconduct, "the use of abusive or offensive language or gestures at University sponsored functions." It also prohibits "[c]onduct which threatens or endangers the health, safety or well-being of anyone in their capacity as a member of the university community on or off campus."

The *Code* provides a disruption clause, prohibiting "[i]ntentional obstruction or disruption of any University sponsored function, including disciplinary proceedings held in accordance with these regulations."

Saint Mary's University has no policies which clarify security fees cannot be charged to students holding events on controversial subject matter.

University practices

On January 27, 2014, a University of King's College journalism publication [reported on tweets made by members of SMU's football team which condemned homosexuality, mocked sexual consent, and degraded women and racial minorities. One of the tweets said "bitch get on yo knees" while another said "See a girl feeling down? Feel her up."](#) SMU suspended six of its football players because of the tweets, and noted that [comments made in social media will be covered in SMU's soon-to-be-released new code of conduct.](#)

[Following the "rape-chant" incident involving SMUSA leaders, on September 6, 2013, SMU announced](#) it would be hearing disciplinary charges against two students involved in the chants, alleging that they had violated section 7(b) of the *Student Code of Conduct*. SMU's statement reads:

Two student organizers will face a disciplinary hearing following an orientation week event involving a sexually inappropriate chant at Saint Mary's University. A formal complaint was received Friday, September 6. The complaint alleges violations of the Student Code of Conduct for the use of abusive or offensive language or gestures at University sponsored functions...As per University policy, the names of the individuals involved will not be released.

SMU will not publish the results of the disciplinary hearing. SMU created a President's Council to recommend steps to be taken following the incident, in an effort to "foster cultural change". The Council [released a report in December, 2013, which recommended the creation of a "University-wide Code of Conduct" conceivably to replace the existing Student Code of Conduct. The report also calls for a redefinition of roles when dealing with cases of misconduct and sexual assault. All twenty recommendations were accepted by SMU.](#)



On February 5, 2009, Jose Ruba of the Canadian Centre for Bio-Ethical Reform gave a pro-life speech at SMU. Protesters filled the auditorium on campus and were so loud that Ruba was forced to write his messages on a computer and use a projector screen to communicate with the audience. SMU Security did nothing to restrain or silence the disruptive protesters, except to notify police of what was happening. When three police officers arrived, they were able to settle the crowd, but after the police left the protestors became disruptive once again. The protestors refused to leave the auditorium, and Ruba himself ended up leaving the building and finishing his speech in a church on the edge of campus, which is not part of SMU property.

The university issued a [press release](#) on February 9 describing the need to move the event to the nearby church “regrettable,” but SMU President Colin Dodds expressly refused to invite Jose Ruba back to campus to provide him with a fair opportunity to present his views without disruption. The release also stated the university was reviewing the incident, although no findings have ever been made public.

In February of 2006, a now retired SMU philosophy professor, Peter March, posted the well-known “Danish cartoon” about the prophet Mohammed to his office door. He was ordered to take down the cartoon by the academic president and vice president. March was also charged security fees by the University when he tried to host a lecture on campus about Islam and Democracy. Another philosophy professor, Dr. Mark Mercer (an outspoken supporter of free speech on campus), defended his fellow professor, but was unable to change the minds of the SMU administration.

Student union policies

The Saint Mary’s University Students’ Association (SMUSA) does not take positions on political issues outside its mandate.

The [Organizational Values Policy](#) states that “[SMUSA] will defend the rights of students in order to ensure that individuals being [sic] treated fairly and equally in a safe environment.”

The [Student Societies Policy](#) of SMUSA states that “the PRESIDENT may make further rules and regulations that she/he deems necessary, provided they are consistent with the Constitution and these policies.”

The [Poster Policy](#), which is administered jointly by Facilities Management and the Saint Mary’s University’s Student Association, restricts posters from being placed on campus “which could damage the reputation of the university”.

SMUSA’s [Election Policy](#) empowers the Chief Returning Officer to censor “obscene, degrading or discriminatory material.” It also states that “a sense of humour can exist.” The *Policy* also allows campaign materials to be banned if they depict a person other than the candidate sponsoring the material.

Student union practices

SMUSA made national headlines in September after a video was posted on social media showing frosh leaders and first-year students cheering about the rape of underage girls. The chant spelled out the word “young” with “U is for underage, N is for no consent” and included the line, “SMU boys, we like them young.”

In the wake of the incident, two SMUSA executives, including its president, apologized and resigned. Two students faced disciplinary action by the University (see section 2 of this report).

In September of 2012, SMUSA did not allow the registered student group, SMUdent Gaming Society, to advertise their upcoming social event because of the image of a pistol contained on the advertisement poster. The poster, which was designed to attract new students who enjoyed gaming to join the society, contained images of a Nintendo game controller, as well as a Zapper, a gray-and-red electronic pistol that came with the 1985 Nintendo Entertainment System. SMUSA executive Michael MacDonnell [explained the student union's decision](#) to censor the poster:

What we have to remember here is that a picture speaks 1,000 words, it crosses all language barriers. And, that being said, a picture depicting or making light of gun violence is something that we as an association are not willing to endorse.

MacDonnell further commented that, “We, as SMUSA, the students association here, have a responsibility to our students as well as our societies to ensure that everything remains tasteful and appropriate.”

In November 2010, SMUSA President Matt Anderson [ordered](#) a pro-life club's authorized display be removed from campus. Anderson ordered a sign that read “Women Do Regret Abortion” to be removed because of complaints from students that they had been offended by the message. In a letter to the campus paper, the *Journal*, Anderson stated that the sign violated SMUSA's mission statement: “To maximize the positive university experience for its students and provide assistance in overcoming the challenges they may face.” He further stated that the sign had to be removed because of the “absolutist nature” of the message, eluding that if the sign had read “Some Women Regret Abortion” instead, it wouldn't have been removed. The students complied with the actions of SMUSA, but did so under protest.



Saint Paul University, Ottawa, ON

Saint Paul University earns a ‘F’ for its policies. It fails to have a commitment to free speech. Its policies could be used to censor politically incorrect speech. It lacks an anti-disruption policies. Further, its policies do not prevent security fees from being used to censor controversial speech.

Saint Paul University earns a ‘D’ for its policies, because although it has not recently faced a challenge to free speech, its current policies are failing.

Saint Paul’s University Students’ Association (SPUSA) earns a ‘C’ for its policies, as it gives jurisdiction over non-academic student life to the University and the University’s policies fail to promote freedom of speech and could be used to censor unpopular or politically incorrect views.

SPUSA earns a ‘C’ for its practices, since its commitment to free speech has not been tested and its current policies earn a ‘C.’

University policies

Free expression and academic freedom are not referenced in the Mission, Values or Vision statements of Saint Paul University.

The University does not have any formal policies regulating non-academic student behaviour, nor does it have a policy expressly preventing the University from charging security fees to students hosting discussions or lectures on controversial subjects.

The University’s policy on [Prevention of Harassment and Violence](#) defines and prohibits ‘Psychological Harassment’:

Psychological harassment is manifested through repeated hostile or unwanted behaviours, words, actions or acts that violate the dignity or the psychological or physical integrity of a member of the University community and that create, for that person, a harmful work or study environment.

A single serious incident of such behaviour can also be considered psychological harassment if it involves such a violation and results in ongoing harmful effects for a member of the University community.

Among the behaviours that could be considered psychological harassment are:

- § comments or actions intended to be contemptuous, condescending, mocking or intimidating;
- § threats, denigration, humiliation, repeated insinuations, unfounded accusations, exclusion;
- § extortion, undue pressure;
- § discriminatory or degrading speech or actions regarding human potential, physical and intellectual abilities.

The Harassment Prevention Committee enforces this policy and facilitates harassment prevention programs of the University. The Committee [provides a definition of harassment](#):

- a. vexatious behaviour manifested through actions, speech, repeated acts or gestures, that are hostile or unwanted, behaviour based or not on discriminatory motives prohibited by the Human Rights Code of Ontario (race, colour, gender, pregnancy, sexual orientation, marital status, age, except within the measures provided by the law, political convictions, language, ethnic or national origin, social circumstance, handicap or use of a means to aid a handicap); and
- b. behaviour detracting from the physical or psychological integrity of a person or in the nature of compromising a right or that is in the nature of compromising work or studies of a person or group of persons or the creation of a work or study climate that is intimidating or hostile.

University practices

In March of 2011, Saint Paul's University invited then-secretary general of Amnesty International, Alex Neve, to give the keynote address at an event to mark the opening of the University's new Centre for Conflict Studies.

The talk, Resolving and Preventing Conflict: The 'Rights' Way, [was opposed](#) by some alumni and faculty of Saint Paul's, due to statements Mr. Neve had made in support of abortion. The University did not officially respond to the complaints, but the event went on as scheduled and without interruption.

Student union policies

Saint Paul's University Students' Association (SPUSA) includes in its [Goals](#) "[t]o encourage and promote initiatives of an academic, socio-cultural and liturgical nature among its members."

The SPUSA defers management of non-academic student life, including student organizations and events, to the University and its policies. SPUSA does not take political stances on issues outside of its mandate.

Student union practices

The authors are not aware of cases of the Saint Paul's University Students' Association limiting or restricting campus free speech rights, or discriminating against students or clubs on the basis of their opinion.



Simon Fraser University, Burnaby, BC

Simon Fraser University (SFU) earns a ‘C’ for its policies. It lacks an anti-disruption policies and a policy that prevents security fees from being used to censor controversial speech.

SFU earns a ‘C’ for its practices, as its commitment to free speech has not been recently tested and its current policies earn a ‘C.’

Simon Fraser Student Society (SFSS) earns a ‘D’ for its policies, as it lacks a commitment to free speech, policies which prevent the SFSS from discriminating against clubs on the basis of their views, and election rules that do not empower elections officers to censor speech.

SFSS earns a ‘C’ for its practices, as its commitment to free speech has not been tested and its current policies earn a ‘D.’

University policies

Simon Fraser University (SFU) has a [*Statement on Respectful Debate*](#) by SFU President Andrew Petter on its website:

Public universities play a unique role in Canadian society: they are places in which people should feel free to exchange ideas, beliefs and opinions. Controversy, conflict, and criticism are inherent to this role. Yet universities also aspire to foster an environment that promotes civility and respects human dignity.

...Universities operate on the principle that freedom of speech is a core component of intellectual enquiry and is central to the pursuit of knowledge. The value universities place on free expression does not imply their endorsement of views that are expressed....

... when disputes arise in our university around major social and political issues, we should err on the side of tolerating free speech. Provided such speech does not overstep legal boundaries, it should not be censored even though it may be provocative or offensive...

...I therefore urge all members of the university community to redouble their efforts to create a culture that celebrates robust and vigorous debate within an academic milieu characterized by reason, tolerance, and mutual respect. Freedom of speech is a precious right and, as such, we have a duty to do all we can to ensure that is exercised responsibly and with civility.

In 2012, *SFU* launched a new strategic visioning project called “enVISION>SFU”. The *Strategic Vision*, under “Underlying Principles,” states that “SFU will be an open and inclusive university whose foundation is intellectual and academic freedom.”

SFU’s [*Code of Academic Integrity and Good Conduct*](#) states in its preamble, that “Simon Fraser University is committed to creating a scholarly community characterized by honesty, civility, diversity, free inquiry, mutual respect, individual safety and freedom from harassment and discrimination” (Section 1.1).

SFU's *Human Rights Policy* prohibits discrimination and harassment. Section 2.2 of this *Human Rights Policy* reaffirms the University's commitment to academic freedom:

2.2 This Policy will not be interpreted, administered, or applied to infringe the academic freedom of any member of the University community. Academic freedom is the freedom to examine, question, teach, and learn and it involves the right to investigate, speculate, and comment without reference to prescribed doctrine as well as the right to criticize the University and society at large. The frank discussion of controversial ideas, the pursuit and publication of controversial research, and the study and teaching of material with controversial content do not constitute discrimination.

SFU policy concerning the “Display of Notices, Posters, Advertisements, etc. on Campus”, requires approval for posting, without indicating what criteria must be met.

SFU recognizes the value of free speech in one of its research awards. The Sterling Prize aims to “recognize work which provokes, and/or contributes to the understanding of controversy.”

The Sterling Prize was set up through an endowment by Nora and Ted Sterling. “This is an unusual venture in a world in which controversy is discouraged rather than encouraged,” they said. “We hope, that by providing a substantial reward for creative, unconventional effort, it will contribute to works of this nature gaining both a forum and a degree of respectability.”

University practices

In early February of 2013, the SFU campus club Life Link booked space for a pro-life display on campus, approved by SFU to take place on Monday March 18. Suddenly, on the afternoon of Friday March 15, SFU cancelled the club's scheduled event, based on complaints received by the University about the display's controversial content. University administrators said it might be “necessary” to set up the display with signs facing inwards so that nobody walking by could see the display.

The students contacted JCCF on the evening of Friday, March 15. On Monday morning, the JCCF promptly sent a legal warning to SFU President Andrew Petter, which can be viewed here. The club's event was re-scheduled for April 10 and 11, and took place without any censorship on the part of the university.

On November 7, 2011, a pro-life club set up a display on SFU's Burnaby campus. The display, known as the Genocide Awareness Project (GAP), included pictures comparing abortion to various historical genocides. The club followed the SFU's rules and procedures in anticipation of the event, submitting a plan to set up their display at a high-traffic location at Convocation Mall. The setup would have included enough space to walk in front of, but also behind, the pictures, enabling passers-by to avoid the graphic images if they didn't want to view them. After giving initial approval for the event, SFU demanded that the display's signs be set up in a circle facing inwards, so that passers-by would not see the signs.

The president of SFU Lifeline wrote to the student newspaper in defence of students' rights to display materials without obstructions, noting the University's discrimination against the club purely on the basis of the contents of the club's campus display:



We submitted a set-up plan (which we followed) to the administration, which allowed a path through Convocation Mall behind the signs so that people could avoid them. This plan was rejected by the administration on the grounds that students could come upon the display inadvertently. They requested that we obscure the signs in some way, much like saying we could have our freedom of speech on the condition that we whispered. We declined to submit another plan because to comply with demands to obstruct our display would be to accept an infringement on our right to free speech.

The pro-life club refused to compromise its display, and proceeded based on the plan originally approved by SFU. Opponents blocked the students' signs using university property, namely: large portable blackboards on wheels. Rather than upholding the students' free expression rights, campus security asked the pro-life students to turn the signs inward. Security knowingly condoned the physical blocking and obstruction of the students' display.

Student union policies

The Simon Fraser Student Society (SFSS) is the governing student association at SFU. Section R-11 of the [*SFSS Policy Manual*](#) governs elections. This section limits the number of official campaigns that can participate in referenda campaigns to one “yes” campaign and one “no” campaign. It further imposes a financial restriction of \$300 on referenda campaigns. Campaign spending restrictions of \$50 are imposed on candidates for SFSS council positions. The spending limits restrict the number of voters candidates can communicate with during an election period (those limits being the amount of pamphlets that can be prepared and distributed before going over the monetary limits).

The SFSS does not take political stances on issues outside of its mandate, nor does it include a policy upholding free expression rights on campus.

Student union practices

The authors found no evidence of the SFSS censoring student expression, through the denial of resources and facilities on campus or through the cancellation of events, the prohibition of displays, etc.

St. Francis Xavier University, Antigonish, NS

St. Francis Xavier University's (StFX) earns a 'D' for its policies. Its policies could be used to censor unpopular or politically incorrect speech. It lacks an anti-disruption policy. Further, its policies do not prevent security fees from being used to indirectly censor controversial speech.

StFX earns a 'C' for its practices, on account of its prior efforts in support of free speech and since its current policies earn a 'D.'

The StFX Student Union (Union) earns a 'D' for its policies, which lack a commitment to free speech, can be used by the Union to discriminate against groups based their views, and empower election officials to censor campaign speech.

The Union earns a 'C' for its practices, since its commitment to free speech has not been tested and its policies earn a 'D.'

University policies

St. Francis Xavier University's (StFX) [*Community Code*](#) lays out general rules of behaviour, as well as the rights and responsibilities of students. Students are expected to uphold "the responsibility not to indulge in behavior that has serious ramifications for the safety, welfare and academic well-being of yourself and others." None of these terms are defined.

Section 14(f) of the *Code* includes the following as a major offense:

Using abusive, sexist, racist, homophobic, or otherwise derogatory language in either verbal or written form, or gesture in the course of his or her interactions with another Student, Guest, or University Official

The StFX's Student Conduct Coordinator enforces the [*Community Code*](#), and is empowered to facilitate informal resolution processes. Informal resolution processes refer to "off the record" mediation, counseling, educational workshops, discussions, and the like. The Coordinator is not empowered to impose sanctions on students such as censorship or punishment for speaking on a controversial topic.

StFX's [*Discrimination and Harassment Policy*](#), Section 1.2 protects political groups on campus by including "political belief, affiliation or identity" as prohibited grounds for discrimination. Section 9 states that the *Discrimination and Harassment Policy* should not interfere with free speech and academic freedom, but does impose the requirement that such expression be "mutually respectful and non-coercive":

This Policy shall not be applied in such a way as to detract from the right to engage in the frank discussion of potentially controversial matters, including, but not limited to age, race, politics, religion, sex and sexual orientation. These are legitimate topics within the University setting, and this Policy shall not be applied so as to have the effect of limiting appropriate discussion of them or of prohibiting bona fide instructional techniques, such as the use of irony, the use of conjecture and refutation, or the assignment of readings that advocate controversial positions, provided that such discussion and instruction are conducted in a mutually respectful and non-coercive manner.



Sections 1.3, 1.4 and 1.5 of the *Discrimination and Harassment Policy* define harassment to include being made to feel “offended or unwelcome”. Section 1.4 goes on to say that verbal harassment may be deliberate or unintentional.

StFX’s [Risk Assessment Policy](#) outlines procedures and regulations that students and student groups must comply with in order to access space for an event on campus. Applicants must submit a detailed overview of their event, including the intent and composition of the event, as well as advertising and other promotional materials. Applicants must include an assessment of the level of risk associated with their event. According to the *Policy*, risk can include an assessment of “emotional harm” to an attendee.

The Risk Management Committee enforces the *Risk Assessment Policy*. It decides if an event gets approved after the student group has informed the Committee whether they think the event carries a high, medium or low risk level. The Committee is effectively empowered to decide that an event is too risky because of the content or message of the expression at the event.

University practices

On February 10, 2009, the StFX student group Students for Life invited pro-life author and lecturer Jose Ruba to speak at StFX. The club’s president, Lara Lavelle, commended the University administration for ensuring that the event was able to take place. Ruba’s presentation at neighboring Saint Mary’s University in Halifax a week earlier had to be cancelled at its original location due to protesters making Ruba’s talk impossible to hear.

In light of the controversy at St. Mary’s University, [StFX administration made apparent efforts](#) to ensure that Ruba’s presentation on February 10 would not be stopped by similar protests. Campus security personnel were ordered to monitor the event so that the presentation could run without interruption.

On December 11, 2006, tenured StFX professor [Shiraz Dossa](#) attended a conference sponsored by the Iranian Ministry of Foreign Affairs, titled “International Conference to Review the Global Vision of the Holocaust,” in Tehran. More than 1200 attended, and the event included 44 speakers and 33 papers on the subject of the Holocaust.

On December 13, 2006, StFX University President Sean Riley released the following [statement](#):

I express my shock and regret that the name of St. Francis Xavier University has been associated with the recent “conference” in Tehran due to the presence of a member of University faculty. The gathering, in its origins and focus, contained elements that are deeply abhorrent to the St. Francis Xavier University community and the traditions of our 153 years of history...Members of University faculty, in Canada at least, have the freedom of inquiry and speech which is part of our democracy. They do not, however, speak for the University...This conference has rightly been condemned in no uncertain terms by our Prime Minister on behalf of all Canadians. The StFX community and I join in this condemnation.

Student union policies

The StFX Student Union (Union) [*Policy Manual*](#) contains all policies described in this report. The *Advertising Policy* states that “[t]he Union will not accept any advertising that is racist, sexist, homophobic, or discriminatory in anyway. Businesses that foster discrimination will be banned from Union publications.” The *Advertising Policy* empowers the Union to disapprove advertising based on the content of its message, without a specific definition of what could be considered “sexist, homophobic, or discriminatory”.

The *Elections Policy* empowers the Chief Returning Officer (CRO) to establish the rules and procedures governing Union elections:

The Returning Officers under the supervision of the Chair of Council have complete authority over elections held by the Union. Any concerns or appeals brought through other channels in the Union shall be considered completely invalid.

By empowering the CRO and Council to establish rules governing elections, the Union risks enabling such officials to censor candidates’ posters, speeches and events based on their content.

The Union’s *Gender Issues Policy* allows for censorship of materials judged sexist by Union officials, stating that “[t]he Union condemns sexism, is opposed to the distribution of any sexist material, and pledges to document incidences of sexism on our campus.”

The Union’s *Poster Policy* also uses ambiguous language to empower Union officers to censor any materials they consider offensive:

...Any publicity that is to be posted must be approved by the appropriate Union Executive.

No material that is slanderous, offensive, harassing, discriminatory, etc. will be permitted.

Failure to comply with this policy will result in the removal of the poster as well as possible disciplinary action by means of the Community Code.

The *Society Policy* prohibits the Union from funding “partisan political groups”, thereby discriminating against political party campus clubs. The *Society Policy* also bans communications material that the Union deems offensive, and empowers the Vice President of Student Relations to make decisions regarding which messages are considered appropriate:

It is the society leader’s responsibility to ensure that all publicity material is approved by the VP Student Relations before being posted. All material must bear the society name. Material that is offensive, harassing, discriminatory, etc. will not be approved and is at the discretion of the VP Student Relations. Placement of publicity items must only be on bulletin boards in academic buildings unless otherwise specified. Failure to comply to the Union Poster Policy will result in the removal of the poster.

Students union practices

The authors are not aware of cases of the Students’ Union denying equal access to University facilities, and are not aware of any evidence that the Union is not “content neutral” with the way it treats clubs, speakers, and listeners in practice.



St. Thomas University, Fredericton, NB

St. Thomas University (STU) earns an ‘C’ for its policies because it does not have an anti-disruption policy, nor does it have a policy preventing security fees from being used to censor speech.

STU earns a ‘B’ for its practices, on account of its past actions defending free expression.

The STU Students’ Union’s (STUSU) earns a ‘F’ for its policies which fail to protect speech by meeting any of this reports criteria.

STUSU earns a ‘D’ for its practices on account of its past attempts to censor speech and its failing policies.

University policies

The [mission statement](#) of St. Thomas University (STU) contains the following commitment:

... to preserve the tradition of academic freedom. We seek to provide learning and working atmosphere that is free of discrimination, injustice, and violence, and that is responsive, understanding, open and fair. STU’s [Student Code of Conduct](#) exclusively focuses on student relations with the faculty and staff, and provides safety rules that students are expected to follow.

The *Student Code of Conduct* also states:

A Student shall not:

- obstruct another individual or group of individuals from carrying on their legitimate activities, or from speaking or associating with others; or
- interfere with the functions, activities and services of the University or a student group or groups such that the function, activity or service is obstructed or disrupted.

STU has a [Harassment & Discrimination Policy](#) for Faculty and Staff, and another for students. Both policies support academic freedom and free expression:

Section 4.1.3

The University is committed to academic freedom and to freedom of expression and association. Neither this Policy in general, nor its definitions in particular, is to be applied in such a way as to detract from the right of students to engage in free inquiry and open discussion of potentially controversial matters.

St. Thomas University does not have a policy expressly compelling STU to intervene to ensure controversial events are not disrupted by protesters, nor does it have a policy preventing security fees from being imposed on students hosting events on controversial subject matter.

University practices

In March 2009, a former Israeli political advisor named Dr. Josef Olmert came to STU to give a speech and take questions. Olmert was invited by the STU Political Science Society. The Vice-President Academic of STU gave a warning prior to the event that there could and would be disciplinary actions to those who would interrupt and obstruct the speaker in an inappropriate manner. STU's pre-emptive action to ensure Olmert's lecture could proceed without incident is testament to the school's commitment to free speech.

Despite this warning, and in spite of campus security escorting several protestors out of the auditorium, [reports of the event](#) indicated that protestors were so unruly during the talk that they impaired the ability of the audience to hear the presentation.

Student union policies

Part I, Section 6 of the of the STU Students' Union's (STUSU) [General Policy](#) commits STUSU to refrain from interfering with its independent student press:

S.6. The Students' Union support an autonomous and self-sustaining campus media, and shall not infringe upon the independence of The Aquinian, Inc., CHSR-FM, and any other recognized student campus media publication.

Part VI - S.4. states that "[t]he Students' Union shall not endorse any political party, though it may, as a matter of policy, endorse specific proposals or principles." Section 5 states that "[t]he Students' Union and affiliated organizations shall not accept advertising which is discriminatory in nature, nor shall they accept advertising from persons or organizations promoting discrimination or hate."

Student union practices

In October of 2012, STUSU Vice President for Student Life, Nicole Pozer, resigned from her position on the STUSU executive. Pozer cited feeling "undervalued" by her colleagues and decided to resign after [receiving a letter](#) from fellow STUSU executives asking her to resign.

Meredith Gillis, then a reporter with the student newspaper *The Aquinian*, wrote coverage of the resignation in several articles where she alleged the resignation was a result of practical jokes laid on Pozer by her fellow STUSU executives over the course of her term. Both STUSU and Pozer denied this claim, and many representatives on the Student Representatives Council (SRC) and the STUSU executive accused Gillis of using inappropriate sources, and citing rumour as fact.

Then-STUSU president John Hoben, and the SRC, demanded an apology from *The Aquinian* for its reporting of STUSU events that year, including the Pozer controversy. Editor-in-Chief Liam McGuire refused to apologize, stating that Gillis was simply reporting the facts as she understood them. STUSU unsuccessfully [tried to amend the language](#) of STUSU's media fee, which provides funding to *The Aquinian*, so that STUSU could give the fee to other media organizations if it so chooses. STUSU then ceased its demand for an apology.



Thompson Rivers University, Kamloops, BC

Thompson Rivers University (TRU) earns a ‘D’ for its policies. While it does state a commitment to freedom of expression, its policies could be used to censor speech. Further, TRU fails to have an anti-disruption policy or a policy preventing security fees from being used to censor unpopular speech.

TRU earns an ‘A’ for its practices, as it rejected suggestions by some students that certain visiting academics be banned because they had made a controversial presentation at TRU.

University policies

Free expression and academic freedom are not referenced in the [Mission](#) statements of Thompson Rivers University (TRU).

TRU’s policy, [Campus Conferences/Events](#), states:

In keeping with its aim of providing an environment conducive to freedom of enquiry and expression, TRU will permit the use of its facilities for public speaking, distribution of literature (if not considered to be libellous, seditious, inciting to riot, or beyond the bounds of common decency, under the laws applicable in British Columbia), gatherings and related activities, where there is some reasonable degree of student, faculty, or staff interest, providing, specifically, that such actions:

1. Cause no interference with the orderly functioning of TRU nor infringement on the rights or privileges of others, which rights include the right to peaceful pursuit of campus activities and to enjoy the rule of law.
2. Do not contravene existing TRU Policies.
3. Comply with all TRU rules and regulations governing the use of TRU property (e.g. food and beverage, alcohol policy, advertising, health and safety, fire regulations, security, parking regulations, etc.) and conduct of students and others on the University campus.
4. Do not promote hatred or discrimination against, or expose to contempt, any person or group of persons because of colour, race, ancestry, place of origin, ethnic origin, citizenship, creed, sex, age, marital status, family status, handicap, or sexual orientation.

TRU’s [Respectful Workplace and Harassment Prevention policy](#) states:

Thompson Rivers University promotes teaching, scholarship and research, and the free and critical discussion of ideas. The University is committed to providing a working and learning environment that allows for the full and free participation of all members of the University community. Discrimination undermines these objectives, violates the fundamental rights, personal dignity and integrity of individuals or groups of individuals and may require remedial action by the University. Harassment is a form of discrimination that is prohibited under this policy and may result in the imposition of disciplinary sanctions including, where appropriate, dismissal or permanent suspension.

This policy defines “personal harassment” as “[b]ehaviour directed towards a specific person or persons that:

i. serves no legitimate purpose; and ii. would be considered by a reasonable person to create an intimidating, humiliating, or hostile work or learning environment.” The terms “intimidating,” “humiliating,” and “hostile” are not defined.

Section 2.2 of the Respectful Workplace and Harassment Prevention policy states:

This policy will not be interpreted, administered, or applied to infringe the academic freedom of any member of the University community. Academic freedom is the freedom to examine, question, teach, and learn and it involves the right to investigate, speculate, and comment without reference to prescribed doctrine as well as the right to criticize the University and society at large. The frank discussion of controversial ideas, the pursuit and publication of controversial research, and the study and teaching of material with controversial content do not constitute discrimination.

University practices

Thompson Rivers University’s Society of Law Students hosted a seminar titled *Trending Now #NewLaw* on February 4, 2015, which included a presentation by two Mount Royal University researchers on the topic of aboriginal policy and the law. The presentation was [deemed](#) by some to suggest that lawyers take advantage of aboriginal funding. One of the organizers of the conference, a third-year law student, stated to the media that he would not invite the speakers back to campus.

The Dean of TRU’s Faculty of Law, Bradford Morse, [explained](#) to the media that the reaction and decision not to invite the speakers back to campus were made by the students, not by the University:

“We’re very clear. We’ve never said that anyone is banned from TRU, whether it’s these individuals or anyone else,” Morse told *Daybreak Kamloops*.

“No one has been banned, no one has been told, ‘You’ll never be invited back.’ That’s true for the institution, the university, it’s true for the Faculty of Law ...for the Society of Law Students as well.”

TRU Student Confessions was an anonymously administered Facebook page created during the 2013-2014 academic year that invited students to submit confessions that were then anonymously posted. The page garnered over 2,000 likes before being removed by its administrators on March 26, 2014.

TRU’s Director of Judicial and Student Affairs, Duane Seibel, [reportedly](#) advised the TRU Student Confessions administrators that the University was concerned about anonymous posts being made about students that could be considered “harassing, humiliating or defaming,” and told them to “consider the content of the posts and ensure they weren’t contrary to university policy or Canadian law.”

Despite this Facebook page being independent of the University, TRU’s Dean of Students Christine Adam stated to the media:

the anonymous nature is what is most concerning because the page becomes a place where people feel comfortable expressing hate, racism or homophobia without being called to account for it. When people can’t be held accountable for their actions, there is no valuable civil discourse taking place.

In April 2012, a piece of student-made artwork was removed from TRU’s art department by a TRU employee.



Sooraya Graham, the creator of the picture, which depicts a woman in full Islamic dress holding up a bra while folding laundry, said she contacted the employee who stated she would not return it unless Graham promised not to hang it up in the art department. When Graham informed TRU Administration, they obtained the artwork from the employee and hung it up in the TRU Art Gallery. The University also [offered](#) to cover all costs related to the damage of the artwork caused when the employee removed it.

Christopher Seguin, vice-president of advancement for TRU, upheld the University's defence of the artwork being placed on campus in [statements to the media](#):

It was an individual acting on their own motivations. When we found out (they) had taken the piece of artwork down, we spoke to (them) and (they) made a commitment to replace it ... First and foremost, freedom of expression has to be preserved on our campus... We listen to the concerns of all our stakeholders, but we maintain freedom of expression on our campus. There is nothing condoning hatred in this work, it is not a rude piece of art and we stand behind it.

Student union policies

Free expression and academic freedom are not referenced in the Mission, Values or Vision statements of the Thompson Rivers University Students' Union (TRUSU).

[Issues Policy 07](#) of the TRUSU *Issue Policy* states:

Summary:

Public institutions of higher education serve the common good of society through searching for, and disseminating, knowledge, truth, and understanding and through fostering independent thinking and expression in students, faculty members, and researchers. The intrusion of proprietary or third party interests into the classroom and research environment places pressure on public institutions of higher education to alter their mission in order to secure and retain funding from private sources, pushing public institutions to become dependent on private sector funds and therefore private sector goals.

Restricting academic freedom leads to many negative consequences including: researchers critical of industry, university, or government practices having their employment threatened; courses and research not considered commercially relevant being under-funded or eliminated; and, in general, dissent becoming increasingly silenced. For universities to remain true to their mission to pursue knowledge for its own sake, the tenets of academic freedom must be held as indispensable.

Policy:

I. The Union supports:

- a. The right of students, faculty members, and researchers in all forums to exercise academic freedom;
- b. A respectful attitude towards others and the right of all people to express their views and opinions in a safe and collegial environment;
- c. Collaboration and consultation on academic research matters between the academic communi-

ty and community at-large where it respects academic freedom;

II. The Union opposes:

- a. Academic freedom used to perpetuate hate and discrimination against others;
- b. Any agreement, decision, or contract that infringes upon a student, faculty member, or researcher's academic freedom including, but not limited to: unilateral decisions to publish results or papers, to withhold the release of controversial findings and stifle academic debate, or to limit ethical questioning of institutional policies or procedures;
- c. Policies of the federal and provincial government designed to limit the academic freedom of students, faculty members, and researchers.

[Issues Policy 13: Non-Academic Student Codes of Conduct](#) states that TRUSU opposes “[l]imitations on students’ right to free expression, assembly, or any other right under the Canadian Charter of Rights and Freedoms.”

[Operational Policy 08: Club Policy](#) lists among its requirements for ratification “[a] designation of the Club as belonging to one of the following categories: a. Academic; b. Common Interest; c. Ethnicity-based; d. Religious Affiliation; e. Political Affiliation.”

[Operational Policy 10: Space Usage](#) prevents TRUSU space being used for the following:

- b. No activity that unduly degrades the integrity or value of the space or Union property is allowed
- c. No activity that is discriminatory or harassing in nature is allowed
- d. No activity that unduly disrupts the activities of other Union members is allowed
- ...
- g. The Union reserves the right to enforce any further limits on usage and access that may be necessary

[Operational Policy 24: Endorsements](#) states that “[t]he Union may endorse positions, policies, campaigns, or events.”

[Operational Policy 32: Non-Partisanship](#) states that TRUSU’s stance in favour of non-partisanship shall not “[d]isallow positive or negative commentary or action in relation to, or endorsement of, a position, policy, or decision of any politician and/or political party.”

Student union practices

The authors are not aware of cases of the TRUSU limiting or restricting campus free speech rights, or discriminating against students or clubs on the basis of their opinion.



Trent University, Peterborough, ON

Trent University earns a ‘C’ for its policies. It lacks an anti-disruption policy and a policy that prevents security fees from being used to censor controversial speech.

Trent University earns a ‘C’ for its practices, as its role in negotiating the reinstatement of the campus pro-life club was weak in its commitment to freedom of expression.

The Trent Central Student Association’s (TCSA) earns a ‘D’ for its policies. Its policies do not prevent the TCSA from discriminating against clubs on the basis of their beliefs. The elections rules could be used to censor campaign speech. Finally, the TCSA promotes causes unrelated to post-secondary education.

The TCSA earns a ‘B’ for their practices, as they eventually granted Trent Lifeline official recognition in 2014, after it had refused to do so previously.

University policies

The *Vision for Trent University* commits to creating “vibrant, engaged and sustainable communities of learning, teaching and research committed to free enquiry and expression.”

Trent University has an Office of Human Rights, Equity and Accessibility which oversees Trent University’s *Policy on Discrimination and Harassment*. The preamble in the *Policy* states that “Trent University endeavours at all times to provide a working and learning environment ... that is fundamentally committed to the promotion of free inquiry and expression. Harassment, as defined in Section 3 of this policy, may interfere with the exercise of free inquiry and expression”.

In section 3 of the *Policy*, harassment is defined as follows:

- (a) “Harassment” means engaging in a course of vexatious misconduct, which may include verbal misconduct, that is of a serious nature, that is experienced first-hand, that is based on a prohibited ground of discrimination as defined in this policy, and that is known or ought reasonably to be known to be unwelcome. In recognition of the high value accorded to freedom of expression and inquiry and to academic freedom in a university community, the stipulation that a course of activity be vexatious misconduct in order to constitute harassment indicates that communication or expression - including the communication or expression of thought, opinion or belief - which is germane to any aspect of academic inquiry or public discourse falls outside this definition.

Section D of the *Residence Guide* states that “all postings must be written and displayed in a manner that is respectful, does not discriminate and does not use offensive language, including language that violates Trent University’s *Policy on Discrimination and Harassment*.”

Policies governing bookings of the display case at Trent’s Bata Library state:

The Trent University Library is committed to academic freedom – no censorship of exhibit material will be imposed by the Library. If there is concern over the subject matter of a display, it is advised you contact the university group mounting the displays and not the Library.

University practices

After Trent University's student union (see fourth section of this report) denied club status to a proposed campus pro-life group on ideological grounds in January of 2013, the University effectively upheld and implemented that decision for the remainder of the school year. From February of 2013 onwards, Trent University insisted that Trent Lifeline could only be registered as a campus club if it agreed to "develop a mutually satisfactory risk management plan with the University and the TCSA [student union]" that would "give individuals the choice regarding being exposed to potentially disturbing material." No such demand or requirement has ever been placed on other organizations, such as the Centre for Gender and Social Justice ("dedicated to facilitating a politics of resistance" and "the affirmation of action and resistance based on cultural identity, including and not limited to indigenous action, black consciousness, and Palestinian solidarity movements, as well as a consciousness of one's identity and history as oppressor and oppressed.").

Trent University administration did play a role in negotiating the re-instatement of Trent Lifeline's status in February of 2014. Trent University's Associate Vice President of Students, Nona Robinson, said to the campus newspaper *Arthur*:

In effect, different opinions, values, and beliefs will always be with us, but it is engaging civilly that leads to dialogue. The issues that Lifeline is involved with, such as abortion and euthanasia, are critically important to many people, so it is understandable that the club's activities have the potential to be provocative if the issues aren't handled with respect.

Trent failed to defend the rights of one of its student groups when it was denied space for a free speech wall event by the Trent Central Students' Association (TCSA) in 2012.

Student union policies

Among the Trent Central Student Association's (TCSA) *By-laws, Policies and Operating Resolutions 2013-2014* is by-law I.1.2, which states: "The [TCSA] is committed to... free speech and effective communication of all opinions in the University community."

The TCSA is similarly committed to restricting any type of harassment or discrimination, as made clear by section I.1.1 of the TCSA's mission: "to facilitate and provide an environment wherein our members can pursue academic excellence as well as personal and social growth free from all forms of discrimination, harassment, oppression and persecution."

The TCSA collects levies from students, as part of their TCSA fee, to fund particular groups including the Centre for Gender and Social Justice, the Kawartha World Issues Centre, the Organic Gardens, the Peterborough Coalition against Poverty, the Trent Queer Collective, and more. Levies can be proposed for new groups during referendum campaigns, with a majority vote resulting in the corresponding levy being put on all TCSA members the following school year.



TCSA elections are overseen by the Elections Committee. According to section XIII.4.3 of the *Operating Resolutions and By-Laws*, members of the Election Committee are empowered to approve (or censor) campaign materials. However, no specific guidelines for approval are provided except that “all publicity materials must be acceptable under the Trent University policy on Human Rights and the Association’s policies surrounding Discrimination, Harassment, and Oppression” in accordance with “Elections Procedures,” section iv. Furthermore, “discussion of other candidates must be limited to the public record and defamation or slander of opponents or other candidates may result in disciplinary procedures” in accordance with “Elections Procedures,” section xii. Unfortunately, no definitions for defamation or slander are provided, creating the potential for ambiguous interpretations of the policy and potential censorship.

The *By-Laws* limit election speech through spending limits on election campaigns, stating that “candidates shall adhere to a campaign spending limit as set by the Elections Committee.”

Student union practices

The student group Trent Liberty planned to host a “Free Speech Wall” event at Trent during the fall of 2013. The event involved raising a large whiteboard on campus and encouraging students to share their thoughts and opinions on the wall in an exercise of their free expression rights. The event was to be sponsored by JCCF. Upon applying for space with the Trent Central Students Association (TCSA) in August of 2013, however, Trent Liberty received a notice of rejection:

Thank you for you [sic] interest in working with the TCSA on a “Free Speech Wall”. However, this is an initiative that we have chosen not to support. Whereas we recognize that you are coming from a position of hoping to foster free inquiry and expression, similar initiatives at other campuses have gone very wrong.

At campuses across North America, “free speech walls” have opened up space for people to espouse hate speech. The goal to make the board “free from censorship” allows students to write hateful and discriminatory messages free from repercussion.

Moreover, it implies that these messages would not be removed from the wall, as this would be a form of “censorship”. This can create an unsafe and inaccessible environment, particularly for students from minority groups. As a student union with an aim to foster an equitable and safe campus environment, we cannot support an initiative that would allow students open space to espouse hate speech if they wish. We acknowledge that free speech does not inherently or necessarily equate to hate speech, but the potential cannot be ignored.

That said, Trent Liberty is free to pursue the initiative on its own. However, I would strongly encourage contacting the Office of Human Rights, Equity, and Accessibility and becoming acquainted with any relevant policies regarding hate speech, equity, and/or accessibility I would also encourage becoming acquainted with the University’s posting policy.

Sincerely,
Tessa Nasca
Vice President Campaigns and Equity
Trent Central Student Association

In January 2013, a pro-life student group called “Trent Lifeline” applied for official recognition with the TCSA. Without recognition, student groups are not eligible for TCSA funding or resources, and are not permitted to attend Clubs and Groups day during Introductory Seminar Week. Furthermore, using the University’s logo and name is not permitted if advertising on campus as an unrecognized student group.

On January 31, the club received an email from Vanessa Jones, Club & Group Coordinator, indicating that the Trent Central Student Association (TCSA) had rejected Lifeline’s application to be an official club at Trent University. Ms. Jones stated “[s]ince campaigning for pro life [sic] or pro choice [sic] is not allowed on campus... since there is [sic] so many opinions to this it can lead to a very exclusive group, while all groups at Trent must be inclusive[.]”

When representatives from Trent Lifeline asked for a specific policy to refer that justified the club’s rejection, the Club and Group Coordinator responded “I cannot send you a policy right now as there is one working under way [sic].” Trent Lifeline was encouraged to appeal the decision, but the appeal process went through the same individuals and organization that rejected them in the first place; there is no independent process to review the decision.

Due to delays caused by having to appeal the denial of club status, Trent Lifeline was forced to cancel planned events to promote their cause. One member of the Trent Lifeline executive stated:

Because of the appeal process, the club ran out of time in the school year to plan and host an event on campus. We were hoping to have a lecture and a viewing of the movie “It’s a Girl” before the end of the winter term (April). The club was focused on getting club status and responding to the student union’s demands/ requests for information, which continued well into April. By the time the club started talking about holding the events, exams were upon us, and we did not have sufficient time to properly organize the events.

[Source: Trent Lifeline]

A letter from Trent Lifeline’s legal counsel, JCCF president John Carpay, was sent to the President of the TCSA on February 6, 2014, calling for a reversal of the decision to reject Lifeline’s application, and explaining why and how the TCSA’s conduct was illegal.

In February of 2014, the TCSA re-instated Trent Lifeline after months of deliberations between Lifeline members, TCSA and Trent University representatives.



University of Alberta, Edmonton, AB

The University of Alberta earns a ‘B’ for its policies. Its policies fail to prevent security fees from being imposed as an indirect method to censor controversial or unpopular speech.

The University of Alberta earns a ‘F’ for its practices, because it failed to enforce its policies to protect free expression and it imposed security fees on a unpopular and controversial student group.

The University of Alberta Students’ Union earns a ‘F’ for its policies. It fails to have a commitment to free speech. Its policies could be used to discriminate against clubs on the basis of their views. Its elections policies could be used to censor campaign speech. Further, it takes positions on issues unrelated to post-secondary education.

The Students’ Union earns a ‘D’ for its practices. Numerous instances in 2015 related to UAlberta Pro-Life presented the Students’ Union with the opportunity to stand up for free speech, but it failed to do so.

University policies

The University of Alberta’s (U of A) [*Code of Student Behaviour*](#) states in its Introduction (section 30.1):

The University is defined by tradition as a community of people dedicated to the pursuit of truth and advancement of knowledge, and as a place where there is freedom to teach, freedom to engage in research, freedom to create, freedom to learn, freedom to study, freedom to speak, freedom to associate, freedom to write and to publish. There is a concomitant obligation upon all members of the University community to respect these freedoms when they are exercised by others. For these freedoms to exist, it is essential to maintain an atmosphere in which the safety, the security, and the inherent dignity of each member of the community are recognized.

The Introduction also states that “[n]othing in this Code shall be construed to prohibit peaceful assemblies and demonstrations, or lawful picketing, or to inhibit free speech.”

The *Code of Student Behaviour* also includes a section dealing with the registration of student groups. Section 30.8.2 reads:

30.8.2(1) To be eligible for registration a group must be able to provide, upon request, satisfactory evidence of the following:

30.8.2(1) a That the group’s stated purposes, goals or activities are consistent with the philosophy of the University as stated in 30.1.

Section 30.3.4 of the University of Alberta’s *Code of Student Behaviour* prohibits speech that might promote “Inappropriate Behaviour,” as well as the disruption of “University-related functions” including events by students and student/faculty groups:

30.3.4(1) b No Student shall, by action, words, written material, or by any means whatsoever, obstruct University Activities or University-related Functions.

30.3.4(1) c No Student shall use words that incite others to behaviour that is inappropriate to members of the University Community, whether or not in connection with a demonstration, rally or picketing.

The University of Alberta [*Residence Community Standards Policy*](#) affirms the freedoms recognized in the *Code of Student Behaviour* (“the freedom to create, learn, study, associate, speak and write, and the associated obligations to respect these freedoms exercised by others”) and also states that, “Every individual is equal in worth and dignity and possesses the same rights and opportunities, free from discrimination and harassment.”

University practices

The University of Alberta condoned the censorship of one of its own student groups throughout the 2014-15 school year. As explained in a [filed affidavit](#) sworn by Amberlee Nicol, a student at the University of Alberta, throughout the 2014-15 school year, pro-life students repeatedly saw their posters torn down whenever they tried to advertise their events. When the University finally found one student guilty of this theft and vandalism, she was not required to pay any restitution to UAlberta Pro-Life for the destruction of its property.

In March 2015, UAlberta Pro-Life’s opponents used Facebook to publicize their plans to obstruct and disrupt a pro-life display, a campus event authorized by the U of A. Campus security did not warn any members of this online mob that their planned behaviour was expressly prohibited by the *Code of Student Behaviour*, not to mention the *Criminal Code of Canada*. Nor was disciplinary action taken against those who violated the U of A’s own rules against encouraging the commission of offences. When the online mob showed up to physically block and disrupt the pro-life display, campus security stood by passively and watched. In spite of clear U of A rules that prohibit the obstruction of university-related functions, not a single student has been found guilty of participating in this mob censorship.

Finally, the University slapped UAlberta Pro-Life with an invoice for “security fees” for a subsequent, low-key classroom event, just because other students might show up and physically disrupt the expression of unpopular ideas on campus. The students, represented by the JCCF, have filed for an injunction to compel the University to uphold its own *Code of Student Behaviour*.

In July of 2013, posters were placed around the University of Alberta campus by “Men’s Rights Edmonton” and were later removed by the University’s campus security. The posters were not approved previous to being posted, and Men’s Rights Edmonton was not a registered student group. The “Don’t be that girl” poster reads: “Just because you regret a one night stand, doesn’t mean it wasn’t consensual. Lying about sexual assault = a crime.” The poster was designed to raise awareness about alleged over-reporting of sexual assault cases. The poster’s graphic and design mimicked a similar campaign launched several years earlier in Vancouver, “Don’t Be That Guy”.

Complaints about the posters were received by the University of Alberta’s Institute for Sexual Minority Studies and Services, which in turn informed campus security and requested the posters be removed.

In a [post](#) to the University of Alberta’s official blog on July 10, 2013, the University’s Provost, Martin Ferguson-Pell, issued the following statement:

I was sorry to learn that posters have been put up by an anonymous person or persons on campus which have angered many in our community.

The content of these posters is offensive to some of our faculty, students, and staff, and the university does not condone the message. We also recognize people have a right to freedom of expression. However, these posters violate our [posting policies and procedures](#) and have been removed.



The University of Alberta [chose to intervene](#) in the Alberta Court of Appeal against free expression in the case *Pridgen v. University of Calgary*, supporting the University of Calgary's unsuccessful attempt to censor criticism of a professor on a Facebook page. The U of A believed, like the University of Calgary, that "institutional autonomy" and "academic freedom" should serve as a license for universities to repudiate their own mission statement (and the condition on which they receive government funding) by censoring the peaceful expression of students on campus. The Alberta Court of Appeal affirmed the Court of Queen's Bench decisions in *Pridgen v. University of Calgary* that "the university is not a Charter-free zone."

Student union policies

Section 2.0.5 of the University of Alberta Students' Union [Operating Policies](#) requires that posters from students or student groups cannot be approved if they contain material that is "sexist, racist, homophobic, or otherwise defamatory," as well as "any poster that contains offensive pictures or language" and "any poster that is not written in English or French"

Section 2.0.7(B) states that "[a]ll publications must be in good taste, and relevant to the needs of the student population. Publications that are sexist, racist, homophobic or otherwise defamatory shall not be permitted."

The terms "otherwise defamatory," "in good taste", and "relevant to the needs of the student population" are very subjective. Such vague terms give discretion to the Executive Committee to determine which messages may be distributed through publications and which may not.

The [Students' Union Political Policies](#) defines "Political policy" as a "directive from Students' Council to the Executive Committee that sets the direction of the Student's Union's advocacy efforts." It states:

Members of the Executive Committee are responsible for creating and following implementation plans for political policies and must report their progress to the Policy Committee.

The Students' Union takes positions on numerous topics, including stances on affordable housing, public transit, and environmental issues.

Section 40(1) of [Bylaw 2000, A Bylaw Respecting Elections, Plebiscites and Referenda of the Students' Union](#), requires all candidates in student union election campaigns to have all campaign material, including materials expressive of their beliefs and viewpoints, "approved in form, content, and cost by the Chief Returning Officer (C.R.O.) before they may be used in campaign activities. Further, section 40(2) states:

- (2) Candidates and sides wishing to have campaign materials approved shall provide the C.R.O. with:
 - a. a written estimate of the cost of the proposed campaign material, including the source of that cost; and
 - b. the complete contents of the proposed campaign material, including text, images and layout.

Section 41(2) of the same *Bylaw* empowers the C.R.O. with the following mandate:

(2) Where a candidate or side contravenes Section 40(1), the offending campaign materials shall be destroyed and the C.R.O. may assess an additional penalty to that candidate or side, as set out in Section 69.

The additional penalties a student might incur if he/she violates this policy are not specified, but any violation of the *Bylaws* could result in a student being deemed not in good standing with the union (and therefore unable to participate in official events, vote in future union elections, etc.).

Section 9 of [*Bylaw 5600, A Bylaw Respecting Student Groups*](#), states that [t]he Students' Union may terminate a student group's registration or suspend a student group's activities." This section does not specify or elaborate on what grounds, if any, the Students' Union may proceed to terminate a group's registration, giving the Students' Union unlimited discretion to censor speech it deems to be offensive or controversial.

Student union practices

The authors are not aware of any instances of the Students' Union censoring speech on campus, or discriminating against students or student clubs on the basis of belief, opinion, philosophy or expression. However, the student union policies facilitate and enable censorship and discrimination.



University of British Columbia, Vancouver, BC

The University of British Columbia (UBC) earns a ‘C’ for its policies, since particularly its *Discrimination and Harrassment Policy* could be used to censor speech and it fails to have a policy prohibiting security fees from being used to censor controversial speech.

UBC earns a ‘F’ for its practices, having censored team names deemed inappropriate.

UBC’s Alma Mater Society (AMS) earns a ‘D’ for its policies, which enable AMS to discriminate against student groups on the basis of their views and expression, empower elections officials to censor campaign speech, and fail to prevent AMS from taking official positions on issues unrelated to post-secondary education.

UBC’s student unions earn a ‘D’ for their practices on account of the Okanagan Campus Students’ Union’s eviction of the student newspaper from its office space in 2014.

University policies

The University of British Columbia’s (UBC) President through June 2014, Dr. Stephen Toope lamented in a 2008 interview that “in Canada we have seen many examples of students trying to shut down speakers with whom they disagree.” Dr. Toope asserted that “the role of the University is to encourage tough questioning, and clear expressions of disagreement, but not the ‘silencing’ of alternative views. Universities are sites for the contestation of values, not places where everyone has to agree. That means that speakers we don’t like, or even respect, should be allowed to put forward their views... [which can] then be challenged and argued over.”

In regards to academic freedom, UBC’s *Calendar* states:

The members of the University enjoy certain rights and privileges essential to the fulfilment of its primary functions: instruction and the pursuit of knowledge. Central among these rights is the freedom, within the law, to pursue what seems to them as fruitful avenues of inquiry, to teach and to learn unhindered by external or non-academic constraints, and to engage in full and unrestricted consideration of any opinion. This freedom extends not only to the regular members of the University, but to all who are invited to participate in its forum. Suppression of this freedom, whether by institutions of the state, the officers of the University, or the actions of private individuals, would prevent the University from carrying out its primary functions. All members of the University must recognize this fundamental principle and must share responsibility for supporting, safeguarding and preserving this central freedom. Behaviour that obstructs free and full discussion, not only of ideas that are safe and accepted, but of those which may be unpopular or even abhorrent, vitally threatens the integrity of the University’s forum. Such behaviour cannot be tolerated.

UBC’s *Student Non-Academic Misconduct Policy* contains a section forbidding disruption of the right of other members of the community to free speech:

4.2.3 Disruption: No student shall, by action, threat, or otherwise, disrupt any activity organized by the University or by any of its faculties, schools, or departments, or the right of other persons to carry on their legitimate activities, to speak or to associate with others.

UBC adopted a revised *Discrimination and Harassment Policy* in September of 2011. This *Policy* reverses the wording of the previous version concerning its relationship to the University statement on academic freedom. The previous *Policy* stated that the *Discrimination and Harassment Policy* should not be interpreted in a way that contradicts the *Academic Freedom Statement*. However, the new *Policy* states that academic freedom shall be interpreted in a way that is consistent with the *Discrimination and Harassment Policy*, reversing the direction of interpretation. The new *Policy* reads:

Academic Freedom and freedom of thought, belief, opinion and expression carries with it the expectation that all Members of the University Community will conduct themselves in a responsible manner so as not to cause, condone or participate in the Discrimination or Harassment of another person or group of persons.

The new *Policy* goes on to define ‘harassment’ as follows:

3.4 Harassment is comment or conduct that one knows or ought reasonably to know is unwelcome, that creates a negative impact for the recipient, and that is related to one or more of the prohibited grounds of discrimination as set out in the B.C. Human Rights Code.

The apparent reversal in the order of priority between UBC’s statement of academic freedom and its *Discrimination and Harassment Policy*, combined with the fact that the latter appears to define ‘harassment’ broadly to include “comment” that “creates a negative impact for the recipient,” is a troubling step away from protecting free speech.

The new *Policy* is explicit in claiming that it only covers those grounds for complaint that are found in the B.C. *Human Rights Code*:

The fundamental objectives of this Policy are to prevent Discrimination and Harassment on grounds protected by the B.C. Human Rights Code, and to provide procedures for handling complaints, remedying situations, and imposing discipline when such Discrimination or Harassment does occur. Concerns regarding discrimination or harassment that do not involve any of the grounds prohibited by the B.C. Human Rights Code are not covered by this Policy.

The new *Policy* is consistent with the restriction on speech contained in Section 7(1) of the BC *Human Rights Code*:

A person must not publish, issue or display, or cause to be published, issued or displayed, any statement, publication, notice, sign, symbol, emblem or other representation that (a) indicates discrimination or an intention to discriminate against a person or a group or class of persons, or (b) is likely to expose a person or a group or class of persons to hatred or contempt because of the race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or that group or class of persons.

Complaints made on the basis of the *Discrimination and Harassment Policy* are referred to and handled by the UBC Equity Office. Equity officers are empowered to render judgments on these cases and to impose disciplinary measures left to the discretion of the equity officers (see sections 5.1 and 5.1.4. of the *Discrimination and Harassment Policy*).

The UBC poster and bulletin policy, *Posting of Notices, Posters and Signs*, requires that any postings (inside buildings) for events or groups be approved first by the department in the building in which it is to be posted. No criteria are given for departmental officials to approve postings.



UBC has an Equity Office which is empowered to handle complaints made under the *Discrimination and Harassment Policy* (as noted above). The official powers of the equity officers to monitor speech appear to be limited to the powers given to them by the *Policy*.

It is worth noting that the Equity Office [website](#) appears to define “harassment” much more broadly than does the *Discrimination and Harassment Policy*. It states:

Harassment, a form of discrimination, is a comment, conduct or behaviour that humiliates, intimidates, excludes and isolates an individual or group based on the BC Human Rights Code’s thirteen grounds of prohibited discrimination.

Harassment is unwanted and unwelcome attention from a person who knows, or ought to know, that the behaviour is unwelcome. Harassment can range from written or spoken comments to unwanted jokes, gifts, and physical assault, and may be accompanied by threats or promises regarding work or study opportunities and conditions. Harassment can be either a single incident or a series of related incidents.

It is not clear what force this definition has, or whether the [Equity Office](#) in fact uses this definition to adjudicate harassment complaints. Whatever its use, this definition counts as harassment any “comment (written or spoken), conduct or behaviour” that “humiliates, intimidates, excludes and isolates an individual or group” based on their race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age.

University practices

In January of 2015, “UBC Rec,” which manages recreation activities for the University, [censored](#) the team names of some of its intramural teams. The team names that were censored included, “Got SEMENT?,” “Suckin’ D’s” and “Strokin’ P’s,” “Whiskey Disc,” “Floppy Disc,” “Peter North Stars,” and “#AirCanadaSucks”. Other team names not deemed inappropriate by UBC Rec included “EnviroMENTALS,” “Pimpin’ Ain’t Easy,” “Show Me Ya TDs,” “Girls Gone Wild,” “Beaches Be Cray,” “Gold Diggers,” “Homewreckers” and “High Speed Drillers.”

One of the teams was renamed to *CENSORED* North Stars. Following the re-naming of the team, which was originally named as a tongue-in-cheek reference to a pornographic film actor, the captains wrote an [open letter](#) to UBC Rec wherein it stated:

UBC Rec -- thank you for wisely renaming our intramural hockey team; the Peter North Stars definitely doesn’t have the same ring as the *CENSORED* North Stars. We members and supporters of the *CENSORED* North Stars recognize that times change, and what is deemed acceptable changes with it. In today’s social climate, we must conduct ourselves in accordance with what other people think is right.

In March of 2012, UBC student Justine Davidson removed all her clothes and sat in a chair in front of the controversial Genocide Awareness Project (GAP) display, holding a small sign that read “Autonomy is beautiful.” Her actions were peaceful, and did not block the visibility of the GAP display.

Campus security officers asked Davidson to put her clothes on, with which she partly complied. She was eventually escorted away by RCMP officers.

Pursuant to the anti-disruption provision in the *Student Non-Academic Misconduct Policy* (section 4.2.3: see link above), Davidson was asked to meet with Chad Hyson, UBC's Associate Director for Student Development. However, after examining the details of the case, Hyson deemed that the infraction was too minor to warrant any disciplinary measures.

This judgment was viewed differently by various people as either a vindication or a defeat for free speech on campus. The campus newspaper, the *Ubyyssey*, published an [editorial](#) strongly condemning the actions of campus security in interfering with Davidson's protest, and mistakenly reported that Davidson had been disciplined by the University.

In a [correction article](#), the *Ubyyssey* editors apologized for their factual error, but argued that campus security was still culpable for interfering with Davidson's right to protest.

Others, though, may see Davidson's actions as constituting a disruption of the right to free speech of pro-life students. Such disruptions had occurred in years past. Hyson thought Davidson's actions were disruptive, though he considered it of a minor nature.

Controversies surrounding the GAP date back to 1999, when UBC demanded security fees in the amount of up to \$60,000 from a campus pro-life group ("Lifeline") intending to set up this display. Similar fees had not been imposed on other groups putting on events with controversial messages. (Source: *Ubyyssey*, UBC student newspaper, Sept 17, 1999, page 5.)

While abandoning its initial demand for \$60,000 in security fees, UBC did place numerous restrictions on Lifeline from 1999 to 2010, insisting that the campus club limit the number, size, location, and direction of its signs, the number of times the group could express its views on campus, and the length of time the group could set up its display.

UBC [repeatedly condoned](#) the physical blocking, interruption and obstruction of Lifeline's displays by opponents who were recruited by Students for Reproductive Choice. As recently as 2010, UBC failed to provide adequate security to enforce an agreement by protesting opponents of the pro-life display to stay 30 feet away from the display. The opponents [rendered the pro-life display practically invisible](#) by holding large yellow banners with slogans like "Unwanted Pregnancy is NOT a choice" and "Full Access to Free Abortion." UBC did not make any effort to remove the protesters, or even to insist that they stand a reasonable distance away (as per an alleged "agreement"), thereby allowing the de facto censorship of pro-life speech on campus.

In March of 2011, following pressure from John Carpay, JCCF's President, [UBC lifted these restrictions](#) and insisted that pro-choice counter-protesters refrain from obstructing and blocking Lifeline's expression. Lifeline's event went ahead without restrictions, and with campus security upholding the rule of law on campus.

In March 2011, a Bosnian-Muslim group calling itself the Institute for Research of Genocide of Canada tried to prevent Dr. Srdja Trifkovic from speaking at UBC. The Institute argued that "[a] historical revisionist like Trifkovic should not be allowed to lecture in an academic context." [UBC approved of Dr. Trifkovic speaking](#), with president Stephen Toope stating: "for a University, anything that detracts from the free expression of ideas is just not acceptable."

The event was [later cancelled](#) after Dr. Trifkovic was stopped at the Vancouver International Airport and sent back to the US. "The ensuing campaign soon escalated into demands to keep me out of Canada altogether" (Trifkovic).



In the lead up to hosting Olympic 2010 events at Thunderbird Stadium, [UBC agreed](#) to insert a clause in the student residency contract prohibiting students living within eyesight of the sports centre from displaying offensive “signage” in their windows while the games were being held. Stephen Owen, chief spokesman for UBC, said the policy was meant to shield the Olympics from “guerilla advertising;” however, it was left to Owen to decide personally, in consultation with the UBC legal department, which signs were acceptable and which ones needed to be removed. During the Olympics, residents were not allowed to display “false or unauthorized commercial association with the Olympics” that would be visible from the Thunderbird Winter Sports Centre, an Olympic venue. “UBC spokesperson Stephen Owen said the University was not trying to suppress anyone’s right to political protest. He said the clause in question was written strictly to protect the commercial interests of Games organizers.”

In 1997, UBC hosted the Asia Pacific Economic Cooperation (APEC) forum. During the time of the event, [protests were not permitted on campus](#). While there may have been legitimate security concerns, it is doubtful that they justified the actions taken against one student, Craig Jones, who was arrested for displaying signs reading “Free Speech,” “Democracy,” and “Human Rights” on the front lawn of his residence.

Student union policies

The [mission statement](#) of the UBC student’s union, the Alma Mater Society (AMS) states:

The Alma Mater Society will promote high-quality student learning. It will advocate student interests, as well as those of the University of British Columbia and post-secondary education as a whole. The Society will provide its members with diverse opportunities to become exceptional leaders. It will be flexible enough to accommodate the changing world.

The AMS’s priorities will be determined by its members. The Society will foster communication, both internally and externally, in order to be democratic, fair, accountable to, and accessible to its members. It will provide services students want and can use. It will cultivate unity and goodwill among its members, but will also encourage free and open debate, as well as respect for differing views. It will solve problems constructively.

The AMS passed a [Respectful Environment Policy](#) which states:

3. Definitions

“Bullying and Harassment” means any inappropriate conduct or comment by a person towards another person that the first person knew or reasonably ought to have known would cause the second person to be humiliated or intimidated, but with respect to employees, volunteers and appointees excludes any reasonable action taken by a manager relating to management and/or direction, or the place of employment. Although bullying and harassment typically refer to a series of incidents, a single serious incident may constitute bullying and harassment. “Complainant” means the individual filing a complaint.

“Discrimination” means making a distinction, whether intentional or not, based on enumerated grounds, relating to personal characteristics of an individual or group, which has the effect of imposing burdens, obligations, or disadvantages on such individual or group not imposed upon others.

“Enumerated grounds” means: race, colour, age, ancestry, citizenship, creed, national or ethnic origin, sex (including pregnancy), religion, marital status, family status, disability (physical and mental), sexual orientation, gender identity, union membership, and criminal conviction unrelated to employment.

“Respondent” means the individual against whom a complaint is filed.

4. Examples of bullying and harassment

Examples of personal bullying and harassment encompassed by this policy are:

- Insults or verbal aggression, such as yelling, swearing, name-calling, and intentional humiliation.
- Multiple or destructive “pranks” or “practical jokes” directed towards an individual, or targeted group of individuals, including harmful hazing or initiation practices.
- Vandalizing or otherwise damaging or defiling personal belongings, work area or work product.
- Social isolation, ignoring an individual or unwarranted exclusion from organized team building activities.
- Spreading malicious rumours (regardless of whether they are believed to be true).

5. Examples of bullying and harassment based on grounds of discrimination

Sexual harassment is a form of discrimination based on sex or sexual orientation. Examples include:

- Making or threatening reprisals after a negative response to sexual advances.
- Making unwelcome sexual advances, propositions, flirtations or repeated unwelcome requests for or efforts to make social contact, including asking questions about sexual conduct or sexual orientation or spreading rumours about such information.
- Making comments about an individual’s body, sexual prowess, sexual orientation or sexual deficiencies or using sexually degrading or vulgar words to describe an individual or making derogatory sexual comments.
- Displaying or distributing sexually suggestive or gender-based objects, pictures, posters, cartoons, letters, or e-mails.

Other examples of harassment and bullying on the basis of noted grounds of discrimination include:

- Offensive jokes related to race or nationality.
- Racial slurs or commentary.
- Display of literature or materials that promotes the supremacy of one race or ethnic group.



The AMS [may refuse to grant club status](#) based on belief and philosophy. Some of the criteria used by SAC to determine club status include:

- Would this club further the mission of the AMS?
- Would this club conflict with an existing club or group?
- Do we have sufficient resources to constitute this club?
- Would this club be accessible to all AMS members?
- Is there a good reason this club should be affiliated with the AMS?

AMS' *Student Resource Group Policy* gives discretionary power to its officials and decision-making bodies to restrict the distribution of publications, the posting of signage in the Student Union Buildings, and the hosting of events in AMS facilities. The *Policy* empowers AMS officials to give special privileges to clubs known as "Resource Groups", if recommended by the Student Administrative Council. There are no stated criteria for SAC to recommend a club, except that it be a fully constituted student association that has been in existence for at least two years. Special privileges include financial services, priority over regular student organizations when it comes to booking space, etc.

The *Policy* in effect promotes the speech and ideology of clubs whose message the SAC agrees with (or considers more important), while putting other clubs at a disadvantage for high-traffic space and AMS resources.

According to the AMS *Student Administrative Commission (SAC) Policy Handbook* all properly constituted clubs are eligible to book rooms, post notices on Student Union Building (SUB) notice boards, and receive other benefits. According to the *SUB Bookings Policy*, room bookings that may be "controversial" need to be brought to the SAC for approval. This discretionary power has potential for withholding booking facilities to groups putting on events with unpopular messages. Similarly, the *Bookable Bulletin Boards Policy* forbids the posting of materials deemed "inappropriate" by the SAC, though there is no evidence of abuse of this discretionary power.

The *SUB Distributions and Publications Policy* requires that any publications distributed in the SUB be UBC student-produced (or else approved by the SAC on grounds that it contains student-focused content) and not contain "offensive" material. No definitions are offered for what constitutes "offensive" material.

The AMS elections rules require that campaign materials be approved by an elections administrator, who has discretionary power to disallow materials she/he deems offensive. Section 7 of the AMS code of procedures for elections states that:

"(h) All campaign material must be approved by the Elections Administrator before it is used.

(i) The Elections Administrator shall not approve campaign material which he or she deems to be offensive.

(j) A decision of the Elections Administrator to approve or not approve campaign material may be appealed to the Elections Committee, in accordance with the appeal procedures in Article 8(2) below."

The AMS takes a stance on "reconciliation and aboriginal peoples" in its [External Policies Manual](#).

Student union practices

The Alma Mater Society (AMS) is the student union for students at UBC's Vancouver campus, but Okanagan campus students are members of the UBC Okanagan Campus Students' Union (OCSU). On August 7, 2014, OCSU executives voted to evict the student newspaper, *The Phoenix*, from student union office space after the paper ran continuous deficits and was considered a liability at a time when AMS officials were conducting an internal space audit. OSCU also cut the operating budget of the paper by 27%. While the vote to evict did not take place until August, the OSCU informed *The Phoenix* on July 9 that it would need to leave.

On April 2, 2013, a BC Liberal party representative was [denied the opportunity](#) to participate in an all-candidates forum hosted by the AMS. Andrew Wilkinson, himself a Liberal candidate for the riding of Vancouver–Quilchena, was sent as a representative for Point Grey Liberal candidate (Premier) Christy Clark. However, AMS officials did not allow Mr. Wilkinson to participate in the debate on grounds that “they wanted to keep it a debate about Point Grey riding issues only”.

The AMS did not provide Premier Clark with sufficient notice of the event. An initial email that was supposed to be sent to Clark informing her of the event was not sent due to a “technical glitch.” A second email was sent on March 31. However, due to the Easter long weekend, the email was only read by Clark's office the day of the event. Furthermore, the AMS's explanation for excluding Wilkinson from this forum, whom Clark sent in her stead, is inconsistent with the content of the invitation email sent to Clark's office on March 31. According to AMS Vice-President External Tanner Bokor ([as reported in the *Ubyyssey*](#)), the email requested that Clark, “or a representative,” attend.



University of Calgary, AB

The University of Calgary earns a ‘D’ for its policies. It lacks a clear and unequivocal commitment to free speech. Its policies could be used to censor unpopular speech. Further, its policies do not prevent security fees from being used to censor controversial speech.

The University of Calgary earns a ‘F’ for its practices, having censored team names other students found offensive.

The University of Calgary Students’ Union earns an ‘F’ for its policies. They do not include a commitment to free speech. They could be used by the Students’ Union to discriminate against clubs on the basis of their views. They could be used to censor speech during an election. Finally, they do not restrict the Students’ Union from advocating on issue unrelated to post secondary education.

The University of Calgary Students’ Union earns a ‘C’ for its practices. Although it stood up for free speech in the case of the student group, Solidarity for Palestinian Human Rights, it failed to stand up for free speech concerning team names in intra-mural sport.

University policies

The University of Calgary does not reference free expression in its Mission statement.

The *Statement on Principles of Conduct* includes the promotion of free inquiry and debate among the University’s guiding principles, while also committing the University to respect the “dignity” of all members. The University of Calgary’s *Intellectual Property Policy* states further:

The University must be a place where ideas can flourish. The University is a body dedicated to the pursuit and development of knowledge. ... By virtue of this stimulating environment, Members of the University community engage in discovery and discourse. Academic freedom assures both the openness and responsibility of comment and criticism on all intellectual matters...

Section 4.9 b) of the *Non-Academic Misconduct Policy* restricts “engaging in communication toward an individual or group which may be considered harassing or offensive (including online communication).” It also prohibits disruptive behavior, stating under Minor “engaging in disruptive behaviour. Disruptive behaviour is that which disrupts or invades the rights of other.”

The University of Calgary has a *Space Allocation Policy* which states in section 4.1 that “[s]pace will be allocated in accordance with University strategic planning documents and industry best practice.” It also states that “The University recognizes that spontaneous Demonstrations or other types of Special Events may arise. The University reserves the right to direct, limit or terminate these gatherings or activities.”

In March of 2010, University of Calgary Provost Alan Harrison publicly defended the right of controversial American speaker and author Ann Coulter to speak at the University of Calgary, stating in a [media interview](#):

... the purpose of a University is to encourage and promote the free exchange of ideas. To do anything other than that is to go against everything that the University stands for.... It’s not our job to determine in advance what she might or might not say and whether that is the promotion of hatred.

If we try to suppress people's views simply because we don't agree with them we are doing two things. We are acting contrary to what a University stands for and also frankly, we are providing increased publicity for the person who is spreading those views. That's not our purpose. Our purpose is to give her the same respect as everybody else deserves.

As I've said we're about the free exchange of ideas and we're not about anything else. We're not about trying to restrict what people's rights to either state their opinions or demonstrate against those stating their opinion, as long as those demonstrations are peaceful.

University practices

In October of 2014, the University's Active Living department, which manages intramural sports for the University, [decided to ban](#) team names that are considered "offensive, sexist, racist or that refer to the use of drugs and alcohol." The decision came after complaints from students that some of the names were offensive to them. Some of the banned team names include:

- Ball hockey - Soft Dump in the Corner
- Basketball - Chocolate Thunder
- Flag football - Beats By Ray
- Flag football - Let Me See Your TDs
- Bubble soccer - Ball Touchers
- Indoor soccer - Blaze It Like Beckham
- Outdoor soccer - 2 Goals 1 Cup
- Outdoor soccer - Grassburners
- Volleyball - Just The Tip
- Volleyball - Muffin Stuffers

In January of 2011, the Board of Governors (the University's highest authority) upheld a decision that students were guilty of "non-academic misconduct" for having defied the University of Calgary's demand that they set up their pro-life display with signs facing inwards, such that no passers-by would be able to see the signs. Seven students, represented by the Justice Centre for Constitutional Freedoms, commenced an action in the Alberta Court of Queen's Bench to overturn this Board of Governors decision (*Wilson et al. v. University of Calgary*).

The Alberta Court of Queen's Bench rendered its Judgment on April 1, 2014, ruling it was "unreasonable" for the Board of Governors of the University of Calgary to refuse to hear and fully consider the students' appeal. The Court noted that the University's decision failed to address many of the arguments that the students had put forward, such as their right to free expression under the *Charter*, their free expression rights under contract, and administrative law arguments. Regarding the University's rationale of "safety and security", the Court said there was no evidence before any of the University's decision-makers as to exactly what it was about the students' pro-life display that may cause a threat to the safety and security of those on campus. The Court



noted that “there is no indication that having the images turned inwards will somehow alleviate any safety concerns.” It was not reasonable to conclude that there existed a rational connection between the *Charter*-infringing demand (to turn the signs inwards) and the provision of a safe campus.” The Court further held that the University failed to demonstrate that it took into account the nature and purpose of a university as a forum for the expression of differing views.

On June 17, 2014, the Student Discipline Appeal Committee of the Board of Governors of the University of Calgary voted to allow the appeal of the students who were found guilty, and to remove the charge from the students’ files. More information on *Wilson* is contained at JCCF.ca.

Pro-life students have set up a controversial display on campus twice per year since 2006, for two consecutive days each time.

In the fall of 2010, after Campus Pro-Life had set up its display on campus on nine occasions (each time for two consecutive days), the U of C started demanding a \$500 “security fee” that is not demanded of any other campus club wishing to set up a stationary display. In the spring of 2011, the U of C demanded a \$1,000 “security fee” from Campus Pro-Life but later accepted \$500. In the fall of 2011, the University again demanded \$500, and has continued demanding money from this student club.

In 2009, the pro-life students were charged with “trespassing” on their own campus, after they refused to comply with the University’s demand to turn their signs inwards to prevent people from seeing the signs; no other campus groups has been asked to do this with their displays. A trial date was set for November of 2009, but the Crown Prosecutors stayed the charges when the U of C could not point to any rule, policy, bylaw, or regulation that the students were violating.

In the fall of 2007, campus security stood by and watched while some people blocked and disrupted the display, preventing the pro-life students from carrying on dialogue with other students. Campus security did not ask these obstructionists to cease their conduct. Instead, after this incident, the University started demanding that the pro-life students turn their signs inwards. When the students refused to comply with this demand, the University found them guilty of “non-academic misconduct.”

The University has not objected to other disturbing visual images on campus, such as photos of members of the Falun Gong religious sect who were tortured by the Chinese Communist government. The U of C has also condoned a poster campaign to promote the wearing of seatbelts in cars, featuring gory graphic photos showing a person’s face after having gone through a windshield.

It appears that the University of Calgary controls, or at least influences, the booking of space that is nominally the responsibility of the Student Union. In November of 2010, then-President of the Students’ Union Lauren Webber stated that the Student Union was denying Campus Pro-Life equal access to space in MacEwan Hall in order to comply with the University of Calgary’s *Use of University Facilities for Non-Academic Purposes* policy.

In 2008, the University of Calgary prosecuted and convicted ten students of “non-academic misconduct” for creating the Facebook page, “I no longer fear hell, I took a course with Aruna Mitra.”

The students had written on Facebook that Mitra lacked knowledge of the subject matter, that she frequently said “don’t quote me on that,” and often answered students’ questions with “what do you think?” Students described the professor as inept, awful, and “illogically abrasive,” and claimed that she said “um” over 260

times during a single class. When students compared the marks they received on an assignment one of the students, Steven Pridgen, wrote “somehow I think she just got lazy and gave everybody a 65 . . . that’s what I got. Does anyone know how to apply to have it remarked?” Many students in the class appealed their grades and all succeeded in getting a higher grade.

Eight months after the course was concluded, Keith Pridgen wrote on Facebook that Mitra was no longer teaching at the University of Calgary: “Remember when she told us she was a long-term prof? Well actually she was only sessional and picked up our class at the last moment because another prof wasn’t able to do it; Lucky us.”

The students were threatened with expulsion unless they wrote an abject letter of apology.

Two of the 10 students, brothers Keith and Steven Pridgen, after failing to have the finding of non-academic misconduct overturned by the University’s General Faculties Council or the Board of Governors, took the University of Calgary to Court.

The students were successful, with the Alberta Court of Queen’s Bench overturning the University’s finding of guilt, and further declaring that “the University is not a *Charter*-free zone.” The University appealed the ruling in *Pridgen v. University of Calgary* to the Alberta Court of Appeal. In May 2012 the appellate court agreed with the Court of Queen’s Bench and affirmed that the *Canadian Charter of Rights and Freedoms* protects the free speech rights of University students on campus.

Student union policies

In February of 2011, the University of Calgary Students’ Union adopted an *Acceptable Display Procedure* which empowers the Students’ Union Operations and Finance Committee to restrict or prohibit demonstrations, displays and expression which the Committee deems to be “offensive” or “inappropriate.”

The *Procedure* defines “inappropriate” as “discriminatory in nature” and goes on to say that “discrimination” is not necessarily limited to race, ethnicity, colour, religion, sex, sexual orientation and age. The definition of “inappropriate” also includes any behaviour that is deemed “[u]nlawful, fraudulent, harmful, abusive, threatening, defamatory, vulgar, obscene, hateful, offensive, a violation of human rights, an invasion of privacy or otherwise objectionable in nature.”

Section 22 of the *Elections Policy* requires that all campaigning be “positive in nature”.

The Students’ Union states among its “Criteria for Sanctioning Clubs and GLOs” in its *Club Sanction and Renewal Procedure* that the club’s “Constitution is consistent with the Students’ Union and University of Calgary bylaws, policies, and procedures” The Students’ Union’s *Clubs Manual* prohibits discrimination and harassment, which it defines broadly.

Student union practices

In 2014, the University of Calgary Students’ Union defended one of its campus clubs, Solidarity for Palestinian Human Rights (SPHR) against worldwide calls for sanctions against clubs of this nature, after the club’s former president posted alleged hate speech on her Facebook page. *The Gauntlet* reports:



Ala'a Hamdan, a fourth-year biology student and former president of the Calgary chapter of Solidarity for Palestinian Human Rights (SPHR), posted writing on her personal Facebook page this month that members of Calgary United With Israel (CUWI) accused of being hate speech that condones violence against Israelis.

“So be aware of my existence; my body and soul are ready to fight and die,” reads one of Hamdan’s posts. “And if you see my blood coming out of my body please smile and cry of happiness because just then I will lay at peace in my mother’s arms.”

The Students’ Union defended the right of SPHR to exist on campus and express its viewpoints. Ben Cannon, Vice-President of Student Life, told the *National Post* “We believe in the right for a club to express their opinions and to keep the dialogue going on campus...Clubs should be free to state their opinions unless it reaches a level of criminality, at which point it would be for the police to deal with.”

During the 2010-11 academic year, the Students’ Union denied use of the South Courtyard Stage (a prominent, high-traffic area) to Campus Pro-Life for the “Echoes of the Holocaust” event, on the grounds that the visual imagery used in this event is graphic and shocking.

During the same academic year, Campus Pro-Life also encountered difficulties in booking space for “Silent No More,” which involves women speaking publicly about their own experience with abortion. The club was promised the South Courtyard Stage for March 16, 2011, and out-of-province speakers booked their flights for that date. The Students’ Union then declared the South Courtyard Stage would not be available on March 16 after all, and allocated this space to another group on that date. The out-of-province speakers had speaking engagements at other Alberta universities in addition to the University of Calgary and could not re-arrange their schedule, so they lost their only opportunity to use a prominent, high-visibility forum on campus.

At various times, the Students’ Union has placed a sign in front of Campus Pro-Life displays stating “the views expressed are not those of the Students’ Union,” but this is not done in respect of the expression of other student clubs.

In February of 2009, the Students’ Union stripped Campus Pro-Life of its official club status even while admitting that the club had not violated any rule, policy, bylaw or regulation of the Students’ Union or of the University of Calgary. The reason provided by the Students’ Union was the refusal of club members to comply with the University’s demand that they turn their signs inwards so that nobody can see them. The Campus Pro-Life club appealed this decision and was eventually reinstated in June of 2010, when new students were elected to the Students’ Union.

In 1998, the campus Reform Party Club had its club status removed for having left a window open at a club event, a minor violation. The club was reinstated only after threatening a court action against the Students’ Union.

University of Guelph, ON

The University of Guelph earns a ‘C’ for its policies. Some of its policies could be used to censor politically incorrect or unpopular speech. It also lacks a policy that prevents security fees from being used to censor groups with a controversial message.

The University of Guelph earns a ‘C’ for its practices, as its commitment to free speech has not been recently tested and its current policies earn a ‘C.’

The Central Student Association (CSA) earns a ‘D’ for its policies. They do not prevent the CSA from discriminating against groups based on their expression or views. They empower election officials to censor campaign speech. Further, they fail to restrict the CSA from advocating on issue unrelated to post-secondary education.

The CSA earns a ‘D’ for its practices on account of its past censorship and its current policies which only earned a ‘D.’

University policies

The University of Guelph’s *Student Rights and Responsibilities* (SR&R) policy states:

You have the RIGHT to an environment where the inherent worth of all individuals is respected, regardless of race, sex, national or ethnic origin, religion, age, sexual orientation or mental or physical disability.

You have the RESPONSIBILITY to respect the diversity that exists in the University community. The University views actions that undermine the dignity and worth of any individual or group based on the above grounds to be particularly grievous. (s. II(3))

However, the University does acknowledge the importance of protecting free speech under section V of the same policy, the importance of being able to safeguard dissent and making it an offence to preventing any members of the community from being able to speak or associate with others. The SR&R also states:

You have the RIGHT to an environment that, while safeguarding dissent, is free from interference and disruption. You have the RESPONSIBILITY not to interfere with the normal functioning of the University, nor to intimidate, interfere with, threaten or otherwise obstruct any activity organized by the University, including classes, or to hinder other members of the University community from being able to carry on their legitimate activities, including their ability to speak or associate with others. (SR&R s. V).

The University’s *faculty agreement* has an article on academic freedom, noting that it results in “freedom from institutional censorship” (s. 7.3(e)) and prevents disciplinary proceedings from being taken when faculty exercise academic freedom (s. 7.7). “Parties acknowledge that the common good of society depends upon the search for knowledge and its *free exposition*. Academic Freedom in universities is essential to both of these purposes in the scholarly pursuit of teaching and research” (s. 7.1). [Emphasis added]



Section 4 of the University's *Human Rights Policy* states:

The University acknowledges that situations arise in which there is a perceived conflict between academic freedom and human rights. A violation of either freedom is of grave concern to the University. With respect to the interplay of human rights protection and the practice of academic freedom, it is the position of the University that *discussion of controversial issues in or out of the classroom is not a violation of this Policy*.

Academic freedom entails the right of all University community members to *make statements that challenge and may even offend* the sensibilities, ideas and beliefs of others. On the other hand, academic freedom does not entail a right to discriminate against or harass individuals on grounds protected by the Code and this Policy. [Emphasis added]

Discrimination is defined in Section 6 of this *Policy* as:

A distinction, whether intentional or not, but based on grounds relating to personal characteristics of the individual or group, which has the effect of imposing burdens, obligations or disadvantages on such individuals or groups not imposed upon others, or which withholds or limits access to opportunities, benefits, and advantages available to other members of society.

Harassment has been defined as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

The University outlines its definition of discrimination and harassment, as well as how to address these issues in the document *Discrimination Awareness: creating a university free from discrimination and harassment (Discrimination Awareness)*:

Discriminatory comments or conduct can lead to a poisoned environment. A series of discriminatory statements or incidents or an extreme single statement or incident can create a poisoned environment for individuals. Such conduct can affect everyone's environment. A poisoned environment is characterized by condonation [sic] of, or participation in, such matters as: pinups, language or graffiti that demeans groups on the basis of prohibited grounds identified either by the Ontario Human Rights Code or by the University's policy; failure to implement special programs; and the failure to review and change policies, practices and procedures that discriminate on any ground prohibited by the University's policy.

Discrimination Awareness also outlines that "Harassment is determined by the impact of the behaviour on the person being harassed, rather than the intent of the harasser and by whether a reasonable person could conclude that the behaviour is harassment."

One of the ways the University encourages students to oppose harassment is to "refuse to go along with harassment masked as humour/academic debate."

Discrimination Awareness was prepared by the Human Rights and Equity Office (HREO), whose duties are outlined as follows: "The University established the HREO in 1996 to coordinate its initiatives in the areas of discrimination, harassment and employment equity. The Office also supports the Office of the Provost in the area of educational equity."

The HREO is described as being able to “listen, help you assess your situation and explore options to remedy the situation,” but does not itself officially reprimand discrimination or harassment. According to *Human Rights at the University of Guelph*, the role of the HREO includes “bringing to the attention of persons with supervisory responsibilities any University policy, procedure or practice that appears to discriminate against an individual or a group based on prohibited grounds;” as well as contributing to a “fact-finding team” comprised of both staff and students to help address the situation. The document suggests that the University prefers conflict resolution involving arbitration and mediation to settle problems of discrimination.

University practices

In a [2012 issue](#) of the school’s newspaper, *The Ontarian*, a number of faculty and lecturers submitted a letter regarding Israeli Apartheid Week (IAW). The letter stated:

We are ... deeply troubled to learn that one person connected to IAW organizing claims that, because of their involvement, they have been subject to intimidation from University of Guelph personnel. Such behavior is a violation of basic democratic rights including the rights to academic freedom, free speech, free association, and free assembly. Any university official engaging these or similar acts has abdicated his or her responsibilities to students and to intellectual inquiry, has abused their power, and has contravened the university’s mission.

The University has not issued an official response to the letter.

The University protected free speech for one student group, Campus Crusade for Christ, during a January 2004 event where a Guelph Student, Graydon Baker, spoke to students about his religious beliefs as part of an educational campaign sponsored by Campus Crusade for Christ, a registered student group. Citing vocal opposition to the planned presentation, the University ordered campus security personnel and Ontario Provincial Police to ensure safety at the event, which was carried out without incident (but with many protestors attending).

Student union policies

The University of Guelph has two student unions. The Central Student Association (CSA) governs the undergraduate student body.

The Central Student Association (CSA) [held a rally](#) in Branion Plaza on Oct. 22 expressing its desire to ban bottled water from the University of Guelph campus. The CSA wants the university to stop the sale of bottled water on campus. In 2012, a referendum was held in which 78 per cent of students polled voted against its continued sale. Some students disagree with the CSA’s stance on bottled water, which is based largely on environmental concerns, which some argue is outside the CSA’s mandate.

The [Policy Manual](#) Appendix D (Human Resources) states:

The C.S.A. is committed to maintaining an open and fair working anti-oppressive environment for each individual involved in the CSA consistent with the exercise of free speech and with enjoyment of



social relationships which are a normal part of life. Central to this commitment is the belief that it is the right of each C.S.A. staff member or volunteer to work in an environment free from harassment and discrimination and where each individual is treated with respect...

The *Policy Manual's Appendix F: Issues and Organization Policy* further states:

The CSA believes that a quality education flourishes only in an intellectually free climate. We oppose, therefore, any and all attempts to impose political or other selection criteria, in short, any non-academic criteria, upon the academic and research work of post-secondary education. Academic freedom and a quality education are indivisible. We recognize that academic and research work must be undertaken with a spirit of responsibility to society, as befits its intellectual leaders.

Also included in the *Policy Manual* is a “Declaration of Student Rights.” (Appendix F, Section 4.1) It begins by stating:

We declare that a full policy of non-discrimination against students must be enforced at all educational institutions within Canadian society. Further, every person has the right to equal treatment without being discriminated against because of race, national or ethnic origin, religion, sex, gender orientation, ability, family status, sexual orientation, political belief or socio-economic background.

Included in the rights of students are “[t]he right of all students to organize and participate in democratic, autonomous student organizations which represent students on their respective campuses” (Art. 15); “[t]he right of student organizations to publicize their activities in reasonable places” (Art. 22); and also “[t]he right to organize and participate in mass demonstrations without harm, prejudice or intimidation” (Art. 46).

However, in section 4.1, the *Manual* goes on to spell out what sorts of non-academic criteria it would impose on teaching. For instance, “non-sexist instruction, textbooks and materials” (Appendix F, s. 4.2), “non-ableist instruction” (Appendix F, s. 4.7), and no “heterosexist images and presumptions” (Appendix F, s. 4.4) are all criteria which the CSA believes should not be required for teaching materials.

The *Policy Manual* also defines harassment. It states that:

Harassment is defined as any direct or indirect attention or conduct (oral, written, graphic or physical) by an individual or group who knows, or ought reasonably to know, that such attention or conduct is unwelcome/unwanted, offensive or intimidating.” (Appendix D, Section 13)

The *Policy Manual* outlines parameters set by the CSA under which clubs can operate. Clubs must agree to a number of CSA policies, and it is noted that “[t]he CSA Clubs Conduct Tribunal, and ultimately the CSA Board of Directors, reserves the right to revoke or deny ASO status, funding, office space, and other privileges to any club that fails to meet or acts contrary to SOP policy. Clubs which have had privileges revoked or withheld will be known as limited accreditation clubs” (Appendix G Section 4.5).

Bylaw 2 prevents slander against another candidate (s. 7.2.1). Slate candidacy (multiple candidates running together) is prohibited (Bylaw 2, s. 13). While third parties are permitted to make endorsements, “any material emanating from that group are to be considered campaign material,” and are thus counted towards candidates’ election expenses (Bylaw 2, s. 18). The campaign limit for Executive candidates is \$200, for the Board of Directors \$75, and for referenda \$300 (Appendix I, s. 3). The election expenses are provided by the CSA, and the use of other funds “to promote a CSA candidate’s name, candidacy, or image is forbidden” (Appendix I, s. 1.3.6). Additionally, “all campaign material must be authorized by signature of the CEO before material can be printed or used” (Appendix I, s. 1.3.4).

Election Campaigning, University of Guelph Central Students’ Association, 2012

Student union practices

The *Bylaws* grant the Chief Electoral Officer (CEO) sweeping powers to regulate the conduct and campaigns of candidates during election periods. During the 2013 election period, for example, the CEO instituted “Appendix A: Canvassing Etiquette Guide for Residence,” which was not publicly posted. It bans residence campaigning, except for four hours over two days per week; requires ID to be worn by candidates which is provided by the CSA; and bans representatives from campaigning on behalf of candidates. The Appendix also notes that any infractions on the accounts of “gender, race, class, ability, sexual orientation, ethnicity, religion, and age” will “jeopardize their participation in the election. Thus, candidates are encouraged to produce tasteful images.”

The “2013 CSA Winter General Elections All-Candidates Package,” specifies exactly how many posters are permitted in each area of the school. Additionally, when candidates send emails through list-servs, they are charged four cents per recipient of the list-serv, and this amount counts towards candidates’ election expenses.

Guelph Atheos, a registered student group under the CSA, was denied resources for holding its “Stone a Heathen” event, in September of 2012. According to an Atheos executive member, this event is held to protest the act of stoning across the world. At this event, students would have been asked to donate money in order to throw a water balloon (which represents a stone) at one of the club volunteers (heathens). Half of the proceeds from the event were planned to go to Amnesty International, which opposes stoning. Indeed, there have been noted instances of student groups partnering with Amnesty International and holding such events on campus.

The CSA prevented Atheos from holding the event on the grounds that it would promote stoning. The Atheos executive notes that this was not a safety issue, but that the CSA did not approve of the message. The CSA did not respond when asked to elaborate on the issue.

In response to an event called a “Life Fair” hosted by the University’s club “Life Choice” in September 2008, the CSA issued a public apology to the students on campus for exposing them to the images and information at the fair, which displayed information and photos about abortion. CSA also revoked the club status of “Life Choice” without undergoing the CSA’s implemented procedure of informing the group that their status was under review on October 1, 2008.

The apology asserted that the CSA was correct in banning the group as it constituted a violation of women’s rights to an educational environment “free of advertisement, entertainment, programming and/or materials which promote violence against women, sexual stereotyping and discrimination.” The apology was issued with listings of information on pro-choice movements and abortion resources.



The apology failed to mention that as a Canadian Federation of Students (CFS) chapter, CSA was obligated to support a new (in 2008) CFS-approved ban of pro-life student groups. In February 2009, after CSA set up a Tribunal of students to decide whether the student group's ban should continue, [the club's status was reinstated](#).

During an event hosted in March 2011 by Life Choice, an executive member of the CSA [hosted a booth](#) offering pro-choice material and abortion information.

In October 2004 the national umbrella organization of a campus group, Power to Change (formerly Campus Crusade for Christ), launched an advertising campaign across multiple campuses that stated "I agree with _____," and would give students a link to a religious testimony from a student on their campus. The Guelph campus was linked to a website by the slogan "I agree with Graydon." The student representing the campaign, Graydon Baker, shared his personal stories about his spirituality with students in open forums on campus. Guelph CSA received a number of complaints from students who were unhappy about CSA "condoning" (by allowing the student group to hold their event) the campaign and who suggested the CSA not allow the club to have the same rights to express their views as other student groups. The CSA responded by suspending the club status of Power to Change. Reports of the incident suggest that the CSA had no policy-backed grounds to decertify the club, so they enforced a fine which Campus Crusade for Christ paid, and then reinstated the club within days. The final event for the campaign, a presentation by Baker on his religious views, took place without interference. [Read source](#)

University of King's College, Halifax, NS

University of King's College (UKC) earns a 'D' for its policies. It has policies which could be used to censor politically incorrect speech. It fails to have an anti-disruption policy, or a policy which prevents security fees from being used to censor controversial speech.

UKC earns a 'C' for its practices, since its commitment to free speech has not been recently tested and its current policies only earn a 'D.'

King's Student Union (KSU) earns a 'C' for its policies. Its elections rules limit speech, and it fails to have a policy restricting its advocacy to issues related to post-secondary education.

KSU earns a 'C' for its policies, as its commitment to free speech has not been recently tested and its current policies earn a 'C.'

University policies

The University of King's College (UKC) [*Code of Conduct \(Code\)*](#) references free expression in Section 8 of its definitions:

Nothing in this Code shall be construed to prohibit peaceful assemblies and demonstrations, or lawful picketing, or to inhibit freedom of speech.

In addition, Section 2 of the *Code's* Commentary recognizes the following limitations on UKC's jurisdiction:

In the exercise of its disciplinary authority and responsibility, the University treats students and employees free to organize their own personal lives, behaviour and associations, subject only to the law and to University regulations that are necessary to protect the integrity of University activities, the peaceful and safe enjoyment of University facilities by other members of the University and public, the freedom of members of the University to participate reasonably in the programmes of the University and in activities in or on the University's premises, or the property of the University or its members. Strict regulation of such activities by the University of King's College is otherwise neither necessary nor appropriate.

UKC's *Code* in Section 6 of its Commentary also protects academic freedom, to the extent of "normal and accepted academic practice":

The University of King's College is a place of academic work. As such, none of the definitions in this Code shall be construed in such a way as to limit or hinder normal and accepted academic practice.

UKC supports free expression in section 2 of its [*Policy and Procedures on Sexual Harrassment \(Harassment Policy\)*](#), subject to the limitation that it be "conducted in a mutually respectful and non-coercive manner":

The University of King's College promotes teaching, scholarship, research and the free and critical discussion of ideas. This policy is not to be applied in such a way as to detract from the right of faculty, staff and students to engage in the frank discussion of potentially controversial matters. This policy is not intended to limit or prohibit debate, instructional techniques, or the assignment of readings that advocate controversial positions, provided that discussion and instruction are conducted in a mutually respectful and non-coercive manner.



Under its *Racial Equity Policy*, UKC has created a [*Collegial Code of Conduct and Procedures \(Collegial Code\)*](#). Under the *Collegial Code*, harassment is defined as follows:

[A] verbal or physical expression of Aboriginal, Racial or Ethnic bias which exhibits a negative attitude, or hatred towards a person or group, based on their colour, ethnocultural, Aboriginal origin or heritage. Such expressions include, but are not limited to slurs, jokes, graffiti or other materials, stereotyping, threats, abuse, intimidation, inciting others to use racial slurs, displaying negative behaviour of a racial nature or engaging in negative racial name calling. Such actions may be direct or indirect and can result in a demeaning, insulting or harassing atmosphere. (s. 2.1)

UKC's [*Racial Equity Policy*](#) creates a Committee on Racial Discrimination and Harassment to hear complaints of racial discrimination and harassment and an Equity Liaison Officer to receive and facilitate such complaints and act as an impartial mediator.

The use of UKC facilities is not restricted on the basis of the subject matter of the event. Room bookings and access to other campus facilities (dishes from meal hall for serving coffee at an event, for example) are free –with a conditional \$100 damage deposit for rooms and a damage deposit of \$20 for dishes– for all students with regardless of the subject of the event. Booking facilities is done through the administration's front desk or Sodexo, depending on the space in question.

University practices

In 2008, UKC made news when the School of Journalism lobbied publicly to defend freedom of speech and save the life of Sayed Parwez Kaambakhsh, a 23-year-old journalism student and reporter who received a death threat for bringing an article about a Muslim woman's right to multiple marriages into a class discussion. Since then, UKC has had a very active chapter of Journalists for Human Rights, a group which frequently brings free speech to the forefront of the campus consciousness, with educational events and actions.

In the same year, the UKC's School of Journalism and Calgary's Sheldon Chumir Foundation for Ethics in Leadership hosted the sixth Joseph Howe Symposium, entitled *The Media's Right to Offend: Exploring Legal and Ethical Limits on Free Speech*. The conference featured high profile and controversial guests including Ezra Levant, Michael deAdder and Peggy Wenthe. On [his blog](#), Levant spoke of the conference:

For 125 people to show up on a gorgeous Saturday morning for such a conference was a very encouraging sign that freedom of speech is deeply cherished in the great city of Halifax.

Student union policies

Within the [*Bylaws*](#) of King's Student Union (KSU), the following rights (among others) are affirmed as fundamental to the democratic body of the student union:

IV. the right to freedom of conscience, religion, thought, belief and opinion

V. the right to freedom of expression, precluding reasonable restrictions on incitement towards violence and advocacy of hatred

VI. the right to form a society or political organization on campus and apply for funding and ratification for said body as per the criteria set out by the Union

...

X. the right to not to be discriminated against in the delivery of University or Union services based on the following grounds: race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, gender identity, disability, religion, conscience, belief, culture, language and birth

The *Bylaws* leave University administrators to define ‘hatred’.

The *KSU Operations Policy* lists an Equity Affairs Committee, mandated to sit three times per term, although the Committee has not sat in recent years. According to the *Operations Policy* Section 2.21, the Equity Affairs Committee “shall have a mandate to formulate and draft Union policy on issues of equity relating to race, gender, religion, physical and mental disability and sexual orientation.”

The *Operations Policy* in “Appendix A – Elections Procedure” places restrictions on election campaigns, including limiting the number of campaign posters to 75 per candidate and total campaign expenditures to \$25 per candidate.

Student union practices

The authors found no cases of the student union discriminating against students or student groups on the basis of their speech, nor of the union denying access to space and resources to student groups because of their views.



University of Lethbridge, AB

The University of Lethbridge earns a ‘B’ for its grades. It lacks a policy prevent security fees from being used to indirectly censor unpopular or controversial speech.

The University of Lethbridge earns a ‘F’ for placing restrictions on the placement of a display by a pro-life student group due to complaints from students that they were offended by the graphic images on display in the 2014-2015 year. The University also failed to prevent protesters from obstructing the same pro-life club’s display in the 2013-2014 year.

The University of Lethbridge Students Union (ULSU) earns a ‘D’ for its policies, which do not include a commitment to free speech, which fail to prevent ULSU from discriminating against a club on the basis of its views, and which censor campaign speech.

ULSU earns a ‘A’ grade for defending free speech rights for one of its student groups

University policies

The [*Mandate Statement*](#) of the University of Lethbridge includes the following:

Programs of research, scholarship, and creative activity include the study of fundamental issues for their intrinsic intellectual, aesthetic, or philosophical interest, and of practical challenges of direct importance for social, cultural, economic, or environmental well-being. The University of Lethbridge protects free inquiry and scholarship, facilitates access to scholarly resources, and supports artistic expression and the free and open scholarly discussion of issues.

Under “Why We Exist,” the *Mandate Statement* states that the University of Lethbridge will “encourage and nurture creative expression.”

One of the “Fundamental Principles” of the University is to “protect and encourage free inquiry and expression”:

In keeping with the unique mandate of the university in society, the University of Lethbridge supports and protects artistic expression and the free and open scholarly discussion of issues, including those that are controversial. In the tradition of academic freedom, the University models collegial and civil debate, dissent, and controversy to critically explore and resolve issues in an atmosphere of professionalism, respect, and good will. We also have an obligation to address long-term issues and those of broad scope.

Section B.5, [*University of Lethbridge Principles of Student Citizenship*](#) states “students respect and uphold the rights and freedoms of all members of the University of Lethbridge community, in accord with the principles articulated in the Canadian Charter of Rights and Freedoms.”

The [*Student Discipline Policy – Non-Academic Offences*](#) includes protection against disruption:

5)b. Disruption:

1. Students should maintain the freedoms of other members of the University community including freedom of thought, beliefs, opinion, expression, peaceful assembly and association. Behaviour contravening or limiting these freedoms constitutes disruption.
2. Student conduct which unduly interferes with instruction including scheduled lectures, seminars, tutorials or other instructional activities, or with course examinations or other evaluation procedures will also be considered a disruption.
3. Student conduct which unduly interferes with learning and studying in the University Library will be considered disruption.

It also states that “[any] other conduct by a student which adversely affects the safety of the University Community and/or its members will be considered a non-academic offence.”

The University’s [*Personal Security Policy*](#) states that it is “in addition to and not in replacement of the rights an individual may have under law or contract.” It states under “Policy Principles”:

The University recognizes the need to protect freedom of expression in the academic context. Nothing in this policy can be used to limit academic freedom, which is generally understood as the right of academic staff to teach and conduct research (as outlined in Article 11 of the Faculty Handbook) without interference and without jeopardizing their employment. This freedom is central to the university’s mission and purpose and is meaningless unless it entails the right to participate in public life, to criticize university or other administrations, to champion unpopular positions, to engage in frank discussion of controversial matters, and to raise deeply disturbing questions and profound challenges to the conventional beliefs of society.

The University of Lethbridge has a [*Hazing Policy*](#) which defines Hazing as follows:

The definition of Hazing includes but is not limited to any action or situation created, whether on or off campus, to produce mental or physical discomfort, embarrassment, harassment, fright and ridicule, including initiations which are abusive and humiliating. Any mental or physical requirement, request or obligation placed upon any person which could cause pain, disgrace, or injury, or which is personally degrading or violates any federal, provincial, local statute or university policy is also considered hazing.

The [*Student Art Placement Policy*](#) states:

The APC will notify the Department of Art of any complaint or concern pertaining to art placement. Upon notification and just cause, the Department of Art shall remedy the art placement including any required removal or take down. The University has the right to immediately remove any placement deemed a safety hazard or that poses imminent danger to life and safety of others, or any other substantive breach.

University Practices

The University of Lethbridge imposed restrictions on the placement of a display by a pro-life student group due to complaints from students that they were offended by the graphic images on display in the 2014-2015 year. The University also failed to prevent protesters from obstructing the same pro-life club’s display in the 2013-



2014 year.

In October of 2010 the Dean of the Faculty of Fine Arts at the University of Lethbridge, Dr. Desmond Rochfort, [ordered the removal](#) of a piece of student artwork titled “It’s a Phallus, See” by Lethbridge student Claire Reid, which had been posted on the 8th level wall of the University Centre for the Arts, a designated location for the display of student artwork. The artwork, depicting a woman holding a penis, was deemed by administration to be inappropriate and potentially disturbing to some passersby, including children.

At a meeting of the Faculty of Fine Arts council in December of 2010, the Dean’s decision was overturned and Reid was invited to re-post her artwork on condition that she post signs warning passersby of the graphic content in the display. In the meeting it was also revealed that Dean Rochfort had violated the terms of the [Student Art Placement Policy](#) by not following protocol in reporting requests for removal of artwork and for denying Reid the choice to keep her artwork on display.

Student Union Policies

The University of Lethbridge Students Union (ULSU) [Bylaw XXV: Campaigns for Election Candidates and Ref-
erenda](#) states:

1.1. All active members of the ULSU are entitled to campaign against any election candidate or for or against any referendum question;

1.1.1. There may only be one (1) registered campaign against any election candidate;

1.1.1.1. Any additional individuals who wish to campaign against that same election candidate will be asked to work in conjunction with the registered campaign;

1.1.1.1.1. If an issue arises between the registered campaign and any additional

Campaigns arises [sic], this will be mediated by the CRO

Section 4 of [Bylaw XXIX – Clubs](#) lists discrimination on the basis of political affiliation among grounds for club de-ratification. The same rule is applied to Fraternities and Sororities in Section 4 of [Bylaw XXXI](#).

[Bylaw XIX – Code of Conduct](#) applies to employees and elected student representatives of the Union, and prohibits the “use of degrading or malicious statements or actions which in any way harms the membership, employee, or the integrity of the ULSU...”

Section 1 of [Policy XVI – Clubs Policy](#) states “[the] General Assembly has the authority to ratify or deny ratification to any student club”

Student Union Practices

The University of Lethbridge Students Union (ULSU) has defended the free expression rights of its pro-life group when this group has faced censorship by the University (see section 2).

University of Manitoba, Winnipeg, MB

The University of Manitoba earns a ‘D’ for its policies, its policies could be used to censor unpopular speech, they do not prohibit the disruption of students’ events, and fail to restrict security fees from being used to censor controversial speech.

The University of Manitoba earns a ‘D’ for its practices on account of its past censorship of expression and its current policies which only earn a ‘D.’

The University of Manitoba Students Union (UMSU) earns a ‘F’ for its policies. It fails to have a commitment to free speech. It could use its policies to discriminate against clubs on the basis of their views. Its elections rules are open to be used to censor speech. Finally, it does not have policies that restrict it from advocating on issue unrelated to post-secondary education.

UMSU earns a ‘D’ for its practices on account of a September 2013 decision not to de-ratify its pro-life club, though only after legal advice from JCCF. It has also failed to uphold free expression rights previous to 2013, and these practices have not been reversed or repealed.

University policies

The University of Manitoba (U of M) cites academic freedom as one of its “[Core Principles](#)”:

We will protect the right of everyone in our academic community to intellectual independence and critical inquiry. Advancement of understanding in research, scholarship and creative work and the transmission of that knowledge to students requires the privilege of speaking and writing freely. Members of our University have a personal and institutional commitment to academic freedom in the performance of their academic duties.

U of M’s [Academic Freedom and Responsibilities](#) policy states the following about academic freedom:

1.1 Academic Freedom:

The common good of society depends upon the search for truth and its free exposition. Academic freedom in the University in teaching, research and dissemination of knowledge is essential to these purposes. Persons engaged in teaching, research and dissemination of knowledge are, therefore, entitled to freedom in carrying out teaching and in discussing their subjects, and freedom from institutional censorship. Academic freedom carries with it the responsibility to use that freedom in a manner consistent with the scholarly obligation to base research, teaching and the dissemination of knowledge in a search for truth.

The [Respectful Work and Learning Environment Policy \(RWLE Policy\)](#) prohibits “discriminatory” or “harassing” speech. Section 2.4 of the *RWLE Policy* states that “[t]he University of Manitoba is committed to an inclusive and respectful work and learning environment free from human rights discrimination or harassment, sexual harassment and personal harassment.” Section 2.1.2 of the *RWLE Policy* prohibits written or spoken insults such as name calling, slurs, graffiti, pictures, remarks or jokes that are considered discriminatory or harassing.

The *RWLE Policy* does recognize “a commitment to academic freedom and freedom of thought, inquiry, and



expression among its members which may result in respectful disagreements regarding beliefs or principles.”

Equity Services is an office created to administer the *RWLE Policy*. Equity Services is [described](#) by senior administration as having the ability to “monitor” and “oversee” events and issues on campus. Such was the case in 2010 when the President’s report cited the role Equity Services played in monitoring controversial events such as Israel Apartheid Week.

U of M’s policy on [Inappropriate or Disruptive Student Behaviour](#) does not include protection against the disruption of extra-curricular events.

Room bookings are administered by Conference and Catering Services. A Standard Operating Procedure governs which groups may rent certain spaces, including the Fireplace Lounge, a high-traffic student lounge space on campus. The Operating Procedure indicates:

Throughout the academic year, only officially-recognized UMSU student groups will be allowed to rent table space or conduct presentations in the Fireplace Lounge. For table rentals, a maximum of three groups/tables will be allowed at one time.

Regarding vendor table rentals, one University of Manitoba official is quoted, “We reserve the right to disallow rentals by groups/individuals whose purpose or intent may be deemed:

Incompatible or disruptive to the University

Harmful to the University’s reputation

Offensive to community standards

Having a history or reputation of being disingenuous

Implied as endorsed or legitimized by the University

Unsafe, with potential for injury to persons or damage to property

Contrary to the law or University policy.”

University practices

The non-profit organization Canadian Palestine Support Network made room bookings on behalf of the de-ratified but still active student group Students Against Israeli Apartheid for the week of March 17-24, 2014, to hold its annual Israeli Apartheid Week event. U of M Conference & Catering Services reserved the high-traffic Fireplace Lounge for three of the events, but later moved them last-minute to out-of-the-way spaces on campus. Conference & Catering cited an “operational procedure and best practice” which excludes third-party groups from renting the Fireside Lounge, however, no such policy is publicly available.

The University of Manitoba approved a Genocide Awareness Project (GAP) display which was held September 23-25, 2013, on the Pedway at its Fort Garry campus. The display was hosted by the registered student group U of M Students for a Culture of Life (UMSCL). Shortly after the display was set up, a small pro-choice counter-demonstration was organized across from UMSCL's fenced-in signs. The University's Security Services watched over the two groups for the duration of their attendance. The University of Manitoba [reported](#) receiving more than two complaints over the display. However, it did not attempt to shut down the display.

The engineering students' magazine, *The Red Lion*, published a satirical Valentine's Day issue in February 2010 which was [criticized](#) as sexist. Equity Services reviewed the magazine to see if it violated the *RWLE Policy*, and requested a meeting with the magazine's editorial staff. According to John Danakas, director of public affairs, the purpose of the meeting was to discuss "the content of the publication in light of the University's *Respectful Work and Learning Environment Policy* [and] to have a discussion about what materials might be offensive and the impact that offensive materials can have on people and groups of people." *The Red Lion* did not suffer any content-based restrictions as a result of controversy.

During various Israel Apartheid Week (IAW) events, the University of Manitoba's President has stated that the University provides security at all IAW events to ensure they run without incident. In a [2011 op-ed](#) in the *Winnipeg Free Press*, University President David Barnard explained his position that the University will not ban IAW from taking place but noted that "University policies" such as the *RWLE Policy* are justifiable reasons to interfere with free expression.

In January 2009, the Muslim Students' Association (MSA) student group set up a display in the University Centre. The display featured several images. One of the images depicted an Israeli fighter plane targeting a baby stroller. Another featured a caricature of a hooked-nosed Hasidic Jew with a star of David, pointing a bazooka at the nose of an Arab carrying a slingshot; a third one showed an Israeli helicopter with a swastika on top, dropping a bomb on a baby bottle. On the same day, University staff were notified by students that some found the images offensive and that the images violated the University's *Respectful Work and Learning Environment Policy*. Staff then informed MSA volunteers that complaints had been received.

[According to John Danakas](#), Director of Marketing and Communications at the U of M, the MSA chose to voluntarily remove the images after they heard that they offended some students. An article appearing in the *National Post* on March 2, 2009, however, states that the U of M "forced" the removal of the images.

In 1999, U of M professor Hymie Rubenstein distributed to Winnipeg School Board members a flyer that read "18 Myths spread by Gay and Lesbian activists." Representatives of the student union took offense and asked the University administration to determine whether Rubenstein had violated the Manitoba Human Rights Code. The University President's office responded by stating that Professor Rubenstein's actions did not fall under U of M regulations because he was not conducting University business at the time. Later, the University's Vice-President (Academic) [took a stand](#) upholding the rights to express one's views, stating: "This is a principle on which the University must not compromise . . . It is my responsibility as an officer of the University of Manitoba to ensure that this forum of free expression remains a hallmark of our society and University community."



Student union policies

The University of Manitoba Students Union (UMSU) in its [Bylaw Manual](#) states in Bylaw #1030(1): “All Campaign Materials (unless exempted under 1030(2) or 1030(3)) must be approved by the CRO [Chief Returning Officer] before they may be used in a campaign.”

According to [Policy #2016](#), UMSU does not approve posters that are “discriminatory or derogatory towards any person based on the characteristics listed in section 9(2) of the Manitoba Human Rights Code” or that violate University policies (e.g., the *RWLE Policy*’s prohibition on discrimination and harassment). “Discrimination” and “harassment” have the same definition in this document as given in the *RWLE Procedure* document (see Section 1). In addition, rejected posters can be appealed to the UMSU Executive Committee, meaning that UMSU decides what counts as discriminatory or harassing.

The UMSU’s *Policy #2009* protects students from “discrimination” and “harassment” on three grounds: violations of the *Human Rights Code*, sexual harassment and personal harassment. *Policy #2009* specifically “does not condone behaviour that is likely to undermine the dignity, self-esteem or productivity” of UMSU members.

Policy #2005 states:

UMSU shall attempt to work with event organizers of ‘high-risk’ UMSU-supported events ... to improve patron, staff and public safety, but reserves the right to refuse to work on any event or with any event organizer that is taking unnecessary risks.

Student union practices

When the University of Manitoba Students for a Culture of Life (UMSCL) held a Genocide Awareness Project (GAP) display in September of 2013 (see section 2 of this report), a UMSU councilor moved to revoke ratification for UMSCL after UMSU reported receiving more than 20 complaints about the display. [The motion](#) read:

WHEREAS comparisons to the holocaust, graphic and inappropriate messaging regarding abortion is taking place on campus. Creating [sic] an unsafe environment for students and is in direct opposition of Policy 2009.

BE IT RESOLVED THAT UManitoba Students for a Culture of Life be revoked of their student group status.

The motion was defeated. JCCF sent a five-page [letter to UMSU explaining why UMSCL has a right to express their views freely on campus](#).

[On April 11, 2013, UMSU Council passed a resolution](#) to remove official student group status from Students Against Israeli Apartheid (SAIA), and to ban the club from UMSU spaces.

The resolution used *Policy #2009* to justify the ban on the grounds that SAIA’s annual event, Israeli Apartheid Week, discriminates against “Zionists” which the resolution defines as a group of persons sharing “national characteristics”. Israeli Apartheid Week, which takes place at hundreds of campuses throughout North America, therefore discriminates against Zionists on the basis of their “national characteristics,” according to the resolution.

The resolution was introduced despite legal advice from UMSU’s lawyer which stated the move could leave UMSU “at a significant risk of committing a breach of [their] legal obligations.”

SAIA tried again to seek ratification in September of 2013, but was [again denied](#).

In [the case of Hymie Rubenstein](#) in 1999 (see Section 2), representatives of the student union asked the University administration to determine whether Rubenstein had violated the Manitoba *Human Rights Code*. [In an interview](#), Rubenstein said “This is what political correctness is all about -- trying to censor people. This is the sort of fascism you get in universities today.”



University of New Brunswick, Fredericton, NB

The University of New Brunswick (UNB) earns a ‘C’ for its policies, as policies could be used to censor speech and it lacks a policy prevent security fees from being used to censor speech.

UNB receives an ‘A’ for its practices on account of its defense of Robert Duchesne’s academic freedom.

The UNB Student Union’s (UNBSU) earns a ‘D’ for its policies, as it lacks a commitment to free speech, it has policies enabling it to discriminate against clubs on the basis of their views, and has policies empowering election officials to censor speech during elections.

UNBSU earns a ‘D’ for its practices, because it did not take the opportunity to stand up for free speech when a complaint was filed against Robert Duchesne.

University policies

The University of New Brunswick (UNB) [Values](#) statement says that:

We seek truth through academic excellence in our teaching, learning and research.

We respect individuals and their freedom of thought and expression.

Section 4(b) of the UNB’s [Student Disciplinary Code](#) sanctions students who “act or speak in a disorderly, disruptive, indecent or offensive manner”. The term “offensive” is not defined, allowing university administrators to interpret what constitutes “offensive” conduct. Sanctions include expulsion.

The *Code* also prohibits the “disruption or obstruction of any authorized activity, event, class or service of the University, or interference with any person’s rights to carry out legitimate activities, speak or associate with others;

UNB has a Human Rights officer tasked with enforcing the [Declaration of Rights and Responsibilities](#), which prohibits any “comment or conduct that ought reasonably to be known to have the effect of creating an intimidating, humiliating, hostile or offensive working or learning environment.” Section 7.01 the *Declaration* states that “[e]very member of the University community enjoys freedom of opinion, expression and peaceful assembly.”

The *Declaration* also states that “[e]very member of the University community has a responsibility to treat all other members of the University community with respect and tolerance, and to contribute to a respectful learning and work environment.”

UNB’s [Harassment, Sexual Harassment and Discrimination Policy](#) defines harassment as “comment or conduct that ought reasonably to be known to have the effect of creating an intimidating, humiliating, hostile or offensive working and learning environment.”

UNB’s policies do not clarify whether security fees can be charged to students holding events on controversial subject matter.

University practices

In 2015, the University of New Brunswick defended the academic freedom of one of its faculty members, who faced complaints for comments made at eurocanadian.ca, a website he runs for his organization, the Council of European Canadians, which is independent of his academic work.

In a May 26 post titled “[Chinese Head Tax, White Apologies, and ‘Inclusive Redress’](#)”, Duchesne asserted that [Chinese Canadians are manipulating “white guilt”](#).

Vancouver councillor Kerry Jang [filed a complaint](#) against Duchesne with UNB in early June. UNB prohibited Duchesne from using UNB’s name or his UNB affiliation when voicing his political views via his blog and email. In January of 2015, UNB’s Vice President for its Saint John campus, Robert MacKinnon, [publicly defended](#) Duchesne’s academic freedom against Jang’s complaint.

Student union policies

The UNB Student Union’s (UNBSU) [Clubs and Societies Policy](#) denies “Ratified Status” along with the funding and promotional support made available with such status, to religious clubs and to clubs affiliated with a political party.

UNBSU has discretion to withhold “Ratified Status” from any club or society if it deems the group “ineligible”, which leaves the door open to censorship and discrimination against clubs on the basis of the content of their expression.

[By-law No. 2](#) governs elections for UNBSU positions. The *By-Law* establishes the Chief Returning Officer (CRO) who is empowered to enact special rules that could impose censorship on candidates and students:

5. The CRO may, from time to time, create temporary regulations to govern the conduct of an Election, provided that such regulations are created prior to the beginning of the campaign, published in such manner as deemed appropriate by the CRO which shall include at least the posting of a notice in the Student Union Building, and circulated to all candidates and all members of the Appeals Board, such regulations to expire at the end of that Election or upon a resolution of the Council effecting the same.

There are several clauses contained in [By-law No. 2](#) that restrict candidates’ speech during elections, and that discriminate between candidates in imposing speech restrictions:

(c) no campaign for any Campus Wide Candidate shall use more than two hundred (200) Posters and five hundred (500) Mass Publicity Items during the campaign period;

(d) no campaign for any Faculty Representative Candidate shall use more than one hundred (100) Posters and two hundred (200) Mass Publicity Items

during the campaign period;

UNBSU does not take political positions on issues unrelated to its mandate.

Student union practices

The authors are not aware of any cases of the Student Union having restricted or censored speech on campus, or having discriminated against particular students or clubs on the basis of the content of their expression.



University of Northern British Columbia, Prince George, BC

The University of Northern British Columbia's (UNBC) earns a 'C' for its policies, as it does not clarify whether security fees can be charged to students holding controversial events, nor does it have an anti-disruption policy.

UNBC earns a 'C' for its practices, as its commitment to free speech has not been tested.

The Northern Undergraduate Student Society (NUGSS) earns a 'D' for its policies, which lack a commitment to free speech, could be used to censor clubs, and do not prevent the NUGSS from censoring speech during elections.

NUGSS earns a 'C' for its practices, because although it has stood up against censorship before, its current policies only earned a 'D'.

University policies

The University of Northern British Columbia's (UNBC) [*Harassment and Discrimination Policy and Procedures*](#) outlines UNBC's vision for a "learning environment in which all students, staff, and faculty are treated with respect and dignity." It goes on to state that:

Neither this policy in general, nor its definitions in particular, are to be applied in such a way as to detract from the right of faculty, staff or students to engage in the frank discussion of potentially controversial matters.

Furthermore, section 1.3 of the *Policy* declares that the *Policy* is not intended to infringe upon academic freedom in any way, nor is it intended to interfere with the conduct of organizations in their promotion of the interests of an identifiable group.

The *Policy* is careful not to leave "harassment" and "discrimination" open to subjective interpretation. In section 2.8.1, the *Policy* incorporates the *Human Rights Code of British Columbia* definition of "discrimination" in section 2.8.1. Similarly, the *Policy* expressly adopts an objective "reasonable persons" interpretation of "harassment" in section 1.7. Harassment is defined in section 2.8.2 as "an abuse of authority or aggressive or threatening behaviour, where the abuse of authority or behaviour is directed at an individual because of one of the prohibited grounds" described in the *Human Rights Code of British Columbia*. Examples of harassment given by the *Policy* include derogatory remarks, undermining another's work, or displaying offensive material of a discriminatory nature.

The University of Northern British Columbia's [*Faculty Agreement*](#) states as follows with respect to academic freedom:

The censorship of information is inimical to the free pursuit of knowledge. The collection of knowledge will be done freely and without bias in support of the research, teaching, and study needs of the UNBC community.

UNBC's [*Fraternities, Sororities, and Student Organizations Policy*](#) outlines that all university groups, regardless of their goals, cause, etc., are entitled to the same privileges on campus, unless they operate under a secret

constitution or violate the *Canadian Charter of Rights and Freedoms* or federal and provincial statutes.

UNB does not clarify whether security fees can be charged to students holding controversial events, nor does it have a policy expressly compelling the University to defend against disruption of events on controversial subject matter.

University practices

The authors are not aware of cases of UNBC administration censoring speech on campus, or discriminating against students or groups on the basis of the content of their expression.

Student union policies

The [Mission Statement of the Northern Undergraduate Student Society \(NUGSS\)](#) is “to enhance the social and academic life of UNBC students by providing services that address the diversity of student needs in a responsible and inclusive manner.” There is no policy compelling the NUGSS to uphold campus free speech rights and it does not take positions on issues outside its mandate.

[Policy 3.2, s.1.IV in the NUGSS Policy Manual](#) states that in order to be given official club status, student groups must “[n]ot be similar to a club that already exists under NUGSS” and that “[w]hat is deemed as a similar club is up to the discretion of the Vice President Student Affairs, the Internal Club Committee, and the Board of Directors.”

Policy 3.8, s.V.III restricts campaign spending in NUGSS elections to \$50 per candidate.

Section 14.1 of the *Policy Manual* states:

The University of Northern British Columbia Student Society shall follow and abide by the *Harassment and Discrimination Policy* of the University of Northern British Columbia.

With respect to use of on-campus bulletin boards, Policy 11.2 states “Authorization of a posting to be displayed shall be made at the discretion of the Board of Directors or NUGSS staff members.” Additionally, “The Society reserves the right to deny authorization of any posting it deems inappropriate.

Use of the campus area governed by NUGSS is administered by the Northern University Student Centre Committee, comprised of NUGSS Directors and employees. While no policy or bylaw imposes limits on how the space may be used by a person or group, the NUGSS is given broad discretion to decide how the available space can be utilized.

Student union practices:

In November of 2010, concerns were raised regarding the imagery used on posters put up by on-campus groups. Specifically, the Women’s Centre expressed concern at the use of women’s bodies being used in advertisements. NUGSS council [decided](#) that, as long as the club or organization claimed sole responsibility for content on the poster itself, no censorship was necessary.



University of Ontario Institute of Technology, Oshawa, ON

The University of the Ontario Institute of Technology (UOIT) earns a ‘D’ for its policies. It does not have policies that protect students’ right to freedom of expression with one exception being its policy prohibiting the censorship of student organizations, which normally are governed by student unions rather than universities.

UOIT receives a ‘C’ for its practices. Its commitment to free speech has not been tested but its policies only received a ‘D’ grade.

The Student Association of Durham College and UOIT earns a ‘D’ grade for its policies. UOIT itself prohibits the censorship of student groups, but the Student Association fails to have a commitment to free speech, its election rules could censor speech and its policies do not prohibit taking stances on issues unrelated to post-secondary education.

The Student Association receives a ‘C’ for its practices. Its commitment to free speech has not been tested but its policies only received a ‘D’ grade.

University policies

Free expression and academic freedom are not referenced in the [Mission, Vision and Values statements](#) of the University of the Ontario Institute of Technology (UOIT).

UOIT’s [Harassment and Discrimination Policy](#) defines “Discrimination” as:

The negative valuing, stereotyping, or discriminatory treatment of individuals and/or groups as defined by the provisions of the Ontario Human Rights Code. Discrimination directed at any individual or group is unacceptable. Discrimination can be detected by its effects, and can be manifested in both personal attacks and insults, and in the structure of social institutions. It may be intentional or unintentional, the result of activity or arrangements that set out to discriminate or harm, or of ignorance or inadvertence. Discrimination may include, but is not limited to, behaviour such as the dissemination of hate literature, graffiti, racial slurs and jokes, derogatory remarks and gestures, and physical attacks; bias in administrative decisions, employment and workplace practices, tenure, promotion, appointment, leave, and salary increases; bias in academic decisions such as marks, in the choice of scheduling of academic activities, and decisions related to the content of courses and course materials; behaviour which could reasonably be interpreted as offensive and patronizing, and as undermining self respect or adversely affecting performance or working conditions; discrimination in the provision of goods and services or access to premises, accommodation, and other facilities.

The Policy defines Negative Environment as:

One or a series of, offensive, hostile, or intimidating comment(s) or conduct violating provisions in the Ontario Human Rights Code that creates a “poisoned” environment for individuals or groups. A complainant does not have to be a direct target to be adversely affected by a negative environment. Examples include, but are not limited to, exposure to graffiti, signs, or cartoons, remarks, exclusion, or adverse treatment related to one or more of the provisions in the Code.

The [Technology Use Policy](#) states:

All members of the UOIT community, including employees, students, alumni and authorized guests, may be granted access to technology resources for use in their academic- and administrative-related activities. Users are expected to respect the university's good name in all electronic dealings with those outside the university and are responsible for familiarizing themselves and abiding by the university policies and regulations regarding the appropriate use of its technology resources. This includes, but is not limited to:

Respecting the rights of other members of the university community who study, work and live within it and refraining from transmitting or displaying on their devices images, sounds or messages that might create an atmosphere of discomfort, harassment or offense to others;

Refraining from conduct that may interfere with, access, or impair the activities of others;

Consequences for violating the Technology Use Policy include suspension, expulsion or termination from the university.

Section 5.3 of the [Policy on the Recognition of Student Organizations](#) states that:

The University is respectful of the autonomy of student organizations and will not attempt to censor, control or interfere with any Recognized Student Organization on the basis of its philosophy, beliefs, interests or opinions expressed unless and until these lead to activities which are illegal, discriminatory, infringe the rights and freedoms of others within the University community, or are in violation of UOIT policies and procedures.

UOIT's [Student Conduct Policy](#) states:

UOIT, as part of the broader community of scholars, is devoted to generating and appreciating ideas, building on and perpetuating knowledge, and seeking out and addressing the great questions of yesterday, today and tomorrow. The words and actions of all members of the UOIT community must therefore support and promote these broader scholarly goals, advance good citizenship and contribute to an environment conducive to the personal and intellectual growth of all who study, work and live within it.

UOIT strives to provide a safe environment free of discrimination, injustice and violence by instilling in its members the values of civility, responsibility and respect. As such the university depends on all members to promptly report on any activity or behaviour that may threaten or endanger the safety and security of the community and its members.

Students at UOIT enjoy many rights and privileges and also share the responsibilities associated with being members of the university community. Students have the freedom to pursue their intellectual and personal interests provided that their actions do not limit or infringe on the rights of other members of the university or the community in which it is situated.



Students have a responsibility to familiarize themselves with the university regulations and the conduct that is expected of them while studying at UOIT, which includes but is not limited to...

- b. Respecting the rights of other members of the university community who study, work and live within it and refraining from conduct that endangers the physical and mental well-being, health, safety, civil or human rights and property of self and/or others within the university community or visitors to the university;
- c. Refraining from conduct that may damage, destroy, or constitutes fraudulent use of university property;
- d. Refraining from conduct that jeopardizes the good order and proper functioning of the academic and non-academic programs and activities of the university and its faculties and offices;

Article 10 of UOIT's [Collective Agreement](#) with its faculty states:

The Parties agree that there shall be no discrimination, interference, restriction, or coercion exercised or practiced toward any Faculty Member in respect to their employment by reason of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability as these terms are defined by the Ontario Human Rights Code. The Parties further agree that there shall be no discrimination interference, restriction, or coercion exercised or practiced toward any Faculty Member in respect to their employment by reason of their membership or activity or non-activity in the Association, or any activity pursuant to the principles of academic freedom set out in Article 14.

Article 14 of the Collective Agreement states:

UOIT regards academic freedom as indispensable to the pursuit of knowledge. The freedom of Faculty Members to define research questions, to engage in research, to pursue the answers with rigor, and to disseminate knowledge according to their best judgment resides at the core of the University's mission. Accordingly, academic freedom is the right of every Faculty Member. The Employer expects its Faculty Members to exercise this freedom with integrity and with due regard for the rights and freedoms of others.

University practices

The authors are not aware of cases of UOIT limiting or restricting campus free speech rights, or discriminating against students or clubs on the basis of their opinion.

Student union policies

The Student Association of Durham College and UOIT is the student union for UOIT students. In its [Bylaws](#), the Students Association states as one of its Principles "[t]o articulate the desires of students to fulfill the duties and be accorded the rights of citizens in Ontario, in Canada, and in the international community."

Concerning elections and referenda, Bylaw 10.3 of the Student Association's Bylaws empowers the Chief Returning Officer to "[r]eview and approve all campaign material produced by Candidates," without specifying by what criteria the Chief Returning Officer may approve or deny materials. Section 10.9 d) further states that "it is the responsibility of the Candidates that all campaign materials and/or advertisements, conform to all policies and regulations of the [Student Association], and with all municipal, provincial, federal laws, as well as individual campus residences."

Section 10.9 (f) of the Bylaws states "[a]ll campaign materials, where feasible, are to contain the following phrase somewhere in plain sight on the material: 'Please recycle after the Election'." Section 10.10 of the Bylaws regulates campaign spending, stating "[c]ampaign expenses shall not exceed \$500 for each President candidate, \$400 for each Vice President and Associate Vice President candidate, and \$100 for each Director candidate."

Bylaw 15 (b) establishes "Issue Policies" as follows:

- i. Issue Policies are policies that the SA takes a stance on. It is policy that either opposes, supports and/or condones actions that the SA or third-party carries out.
- ii. To adopt, amend or rescind Issue Policies requires the support of a simple Board majority.

[Governance policies](#) regulate the behaviour of members of the Student Association. The Global Ends Policy states that "students will have...a voice. They will know their rights. They will be heard."

Student union practices

The authors are not aware of cases of the Student Association limiting or restricting campus free speech rights, or discriminating against students or clubs on the basis of their opinion.



University of Ottawa, ON

The University of Ottawa earns an ‘F’ for its policies. It lacks a commitment to free speech. Its policies could be used to censor politically incorrect speech. It does not have an anti-disruption policy. Finally, its policy concerning security fees does not prevent them from being used to censor controversial expression.

The University of Ottawa earns a ‘D’ for its practices, because it failed to defend free speech in the past.

The Student Federation of the University of Ottawa (SFUO) earns an ‘F’ for its policies. They fail to include a commitment to free speech. Policies could be used by the SFUO to discriminate against clubs on the basis of their views. They do not restrict election officials from censorship of election expression. Finally, they fail to limit SFUO to advocating on issue related to post secondary education.

SFUO earns a ‘D’ for its practices, because of its past actions contrary to free expression and its current failing policies.

University policies

The University of Ottawa’s (U of O) [Office for the Prevention of Discrimination and Harassment](#) (OPDH) defines “harassment” as follows:

Harassment is engaging in a course of vexatious comment or conduct which is known or ought reasonably to be known to be unwelcome. Individuals, who engage in harassment use comments or [actions](#) in an attempt to [intimidate](#), [humiliate](#), belittle, embarrass, [demean](#), undermine and dominate their targets. In general, harassment constitutes a repeated action, but if serious enough, one unwelcome incident can be considered as harassment.

The OPDH also provides a definition of discrimination. The definition applies to conduct of students, faculty, and employees, since the OPDH is empowered to “provide a respectful workplace and learning environment free from discrimination and harassment.” The definition states:

Discrimination means that a distinction has been made based on an individual’s personal characteristics. This distinction can be intentional or unintentional, direct or indirect. Personal characteristics include but are not limited to, a person’s race, ancestry, ethnic origin, creed, place of origin, colour of skin, citizenship, sex (including pregnancy), sexual orientation, sexual identity, age, marital status, family status, record of offences, political allegiance or disability.

The [OPDH lists](#) “Offensive remarks” and “Displays of discriminatory material” as “Examples of discriminatory acts based on prohibited grounds.”

U of O’s security fee policy, [Policy 28: Use of University of Ottawa Facilities and Services](#), section 17 gives the U of O discretion in setting security fees as it reserves to the U of O the “the right to determine the number of security guards required [for an event], with costs to be covered by the user.”

U of O’s Communications Services has [regulations](#) governing posting on its billboards. One regulations states: “Persons or groups of persons whose posters compromise the rights or the reputation of another person or group of persons will be denied posting privileges.”

University practices

On Friday, March 28, 2014, a lecture was held in the Colonel By Hall at the University of Ottawa. Its purpose was to support the creation of a men's issues awareness society at the University of Ottawa. The focus of the talk, entitled "What's Equality got to do with it?", was on how conversations about "rape culture" create unfounded fear in university women and an attitude of hostility towards university men. The lecturer was U of O English Professor Janice Fiamengo.

As Dr. Fiamengo was being introduced, a vuvuzela horn began to be blown and other kinds of noise, like chanting, drumming, banging on desks and singing, prevented the lecturer from being heard. The students involved in this disruption were part of a loosely organized (not ratified) student group, Revolutionary Students Movement (RSM).

U of O Protection Services personnel were called for and arrived promptly, but the University of Ottawa should have anticipated the need for security previous to the event starting, as similar events in Toronto have resulted in noisy disruptions, the pulling of fire alarms and protest. An appeal was made to the noisemakers to respect the ability of those interested in Fiamengo's talk to hear it, but they were allowed to stay in the room. Their noise continued unabated for about 30 minutes or more. The speaker and some of the audience relocated to another, smaller room, from which some but not all of those obstructing the talk were excluded. Interruption, taunting, and insults continued. After some of those causing the commotion were induced to leave the room, the fire alarm sounded and everyone was required to evacuate. After a long wait during which the fire alarm could not be resolved, the talk was cancelled. In all, Dr. Fiamengo was able to speak for only about 15 minutes while the audience was unable able to follow her presentation, given the constant interruptions and insults.

RSM [made comments](#) concerning Dr. Fiamengo's presentation that appeared in *The Fulcrum*, U of O's campus paper:

"We feel that these ideas have no place on our campus and refuse to legitimize them by allowing them space to organize," a representative for the RSM wrote. "As was demonstrated, campus security will not protect our community from events that are harmful to men, women, and trans people in the community, so we decided to stand up for what we feel is right....[Student's] have a right to decide what does and does not happen here....I [a protestor at the event] felt like at a time when we're really trying to make sure that everyone feels safe on campus, this was a very counterproductive speech that creates an *unsafe atmosphere* for many students and pushes back the progress that we've been trying to achieve."

U of O president Allan Rock made the [following comments](#) to the *Fulcrum* about the incident:

I don't know that we've gotten more flack than other universities...From what I know, what happened here happened at the University of Toronto. I don't know what happened, I don't know how the fire alarm got pulled, and I guess the matter is under investigation.

Meanwhile, I was happy to see that [Dr. Fiamengo] had a platform to speak from...She seems to have elicited interest from those in attendance, and the university is a great place for vigorous discussion of controversial views. I'm glad there was such a discussion.



On February 5th, 2014, the University of Ottawa Liberty Society *erected a free speech wall inside the University Centre of the U of O, sponsored by the JCCF.* One student of the RSM monopolized the entire wall by repeatedly writing “Hate Speech is Not Free Speech”, leaving no room for other students to write on the wall. Omar Benmedgoul, organizer of the U of O free speech wall event, said of the incident, “They covered the wall entirely in an effort to stop others from being able to write on the wall as well.”

In 2010, the International Free Press Society sponsored a tour for controversial Republican pundit and author Ann Coulter to speak at several university campuses across Canada. Prior to Ms. Coulter’s arrival, [a letter](#) signed by U of O academic vice-president François Houle offered Coulter a bleak warning:

...I would, however, like to inform you, or perhaps remind you, that our domestic laws, both provincial and federal, delineate freedom of expression (or “free speech”) in a manner that is somewhat different than the approach taken in the United States. I therefore encourage you to educate yourself, if need be, as to what is acceptable in Canada and to do so before your planned visit here. You will realize that Canadian law puts reasonable limits on the freedom of expression. For example, promoting hatred against any identifiable group would not only be considered inappropriate, but could in fact lead to criminal charges. Outside of the criminal realm, Canadian defamation laws also limit freedom of expression and may differ somewhat from those to which you are accustomed. I therefore ask you, while you are a guest on our campus, to weigh your words with respect and civility in mind. There is a strong tradition in Canada, including at this University, of restraint, respect and consideration in expressing even provocative and controversial opinions and urge you to respect that Canadian tradition while on our campus. Hopefully, you will understand and agree that what may, at first glance, seem like unnecessary restrictions to freedom of expression do, in fact, lead not only to a more civilized discussion, but to a more meaningful, reasoned and intelligent one as well.

Ms. Coulter’s speech, to be held in the U of O’s largest auditorium seating nearly 500, was cancelled due to protests and the risk of physical violence against Ms. Coulter. Ezra Levant, one of the event’s organizers, stated: “The police and the security have advised that it would be physically dangerous for Ann Coulter to proceed with this event and for others to come in.”

It is unresolved who was ultimately responsible for cancelling the event, though Coulter stated that the Ottawa Police shut down the event.

After [negative media publicity](#), the U of O released a statement declaring:

The University of Ottawa has always promoted and defended freedom of expression... For that reason, we did not at any time oppose Ann Coulter’s appearance. Whether it is Ann Coulter or any other speaker, diverse views have always been and continue to be welcome on our campus.

U of O President Allan Rock stated that the University is a “safe and democratic environment for the expression of views, and we will keep it that way.”

On February 20, 2009, the University of Ottawa [banned posters](#) associated with the national campus event, Israeli Apartheid Week. The Communications Office at the University sent the following statement to the student group organizing the event, Solidarity for Palestinian Human Rights:

A poster from the campus group Solidarity for Palestinian Human Rights has recently come to the attention of the Communications Office. All posters approved by the Communications Office must promote a campus culture where all members of the community can play a part in a declaration of human rights recognizing the inherent dignity and equal rights of all students. Consequently, we will not place this particular poster on our campus billboards.

Events scheduled during the week were able to proceed as planned. In 2010, 2011 and 2012 Israeli Apartheid Week was able to take place without interference by the University, and the administration has not banned posters promoting the event since 2009.

In the summer of 2008, the University of Ottawa informed a professor, Denis Rancourt, that his weekly film and discussion series on social justice issues, “Cinema Politica,” would not be permitted to continue in the 2008-2009 academic year. The series had been running (under varying names) since September 2005, involving a film on any number of issues followed by discussion. The University had always provided the venue and equipment for the event upon application by Rancourt, free of charge. Rancourt considered the event part of his “community service” as an employee of the University, and included accounts of the event’s activities in his yearly reports.

In a July 14, 2008, letter to Rancourt, [the U of O justified its decision](#) as follows:

As previously communicated to you, you are not entitled to request your academic unit to reserve a meeting room on behalf of Cinema Politica as its activities are unrelated to your workload. Even if such request is made directly through Housing and Convention Services, the University of Ottawa is unable to grant such a request since, by failing to provide interpretative services at its events as required by the Ontario Human Rights Code, Cinema Politica did not respect all applicable statutes, regulations and University of Ottawa policies in its use of the University’s facilities in 2007-2008.

The incident involving interpretive services occurred in the fall semester of 2007, when a deaf student, Genevieve Deguire, made a request to Access Services at the University of Ottawa to provide interpretive service at Cinema Politica so that she could attend. The University denied the application on the grounds that the Dean of Science refused to approve a statement showing that Cinema Politica was part of Rancourt’s workload.

The event was able to continue despite U of O opposition, with another professor booking space on behalf of the group. The University fired Rancourt in December 2008 for assigning A+ grades to all students in his fourth-year physics course, and for allowing “unauthorized individuals” into his physics lab. In January 2009, Rancourt was [arrested for trespassing](#) at a scheduled screening of the renamed Cinema Academica on campus. The Prosecution dropped the charges in July 2009.

In 2007, the Student Federation of the University of Ottawa (SFUO) planned to host Burmese activist Ka Hsaw Wa on campus. While the event itself ultimately went ahead on the date scheduled with no reported interference, [documents obtained](#) by the Canadian Friends of Burma show that members of the University administration had been communicating to try and stop the event. Victor Simon, U of O Vice President for Resources emailed both President Gilles Patry and Vice President for External Relations Bruce Feldthusen to suggest that the University could block the event from taking place by claiming it was “libellous”:



Gilles, Bruce, I can't stop thinking that we should prohibit the use of our facilities for this event, on the grounds that the program material includes allegations and accusations that may be libellous... I know that this kind of action thinking flies in the face of many principles we hold dear in the University world, but I think we have others interests at stake here.

Bruce Feldthusen then emailed both Patry and Simon that he was concerned that the event posed unspecified "security issues."

Student union policies

The Student Federation of the University of Ottawa (SFUO) operates a Centre for Equity and Human Rights (CEHR), which processes and investigates discrimination complaints from students in accordance with the Ontario Human Rights Code.

The [Centre for Equity and Human Rights](#) defines "discrimination" and "harassment" as the following:

Discrimination means making a distinction between certain individuals or groups based on a prohibited ground of discrimination as defined by the Ontario Human Rights Code.

...

Harassment as defined by the Code is a form of discrimination based on protected grounds. It designates unwanted physical or verbal conduct reasonably understood as offensive or humiliating. This behaviour can create a negative or hostile living and learning environment ("poisoned environment"), which can interfere with your studies.

Harassment is generally a "course of conduct"; a pattern of behaviour involving more than one incident. A single incident may be categorized as harassment, though this is assessed on a case-by-case basis.

In the SFUO's [Constitution](#), Article 8.13.10 details the criteria for a club to be recognized by the SFUO, and therefore receive SFUO Clubs services, such as room and table bookings. Part k of that Article requires that "the Club applicant's constitution does not contain any discriminatory clauses and has no clauses that are contrary to any existing Canadian law." Part l requires that "the Club applicant's constitution does not contain any provision for its present or future affiliation with any organization that has discriminatory policies or practices."

For club events, the SFUO *Club Manual* Posting Procedures states that "[p]osters may not be sexist, racist, ableist, homophobic, transphobic, or any other wording and imagery deemed offensive by the SFUO."

The SFUO [Club Manual](#) explains the process for getting table materials approved: "Before materials, visuals, etc. can be displayed at a table in the University Centre by a Club, they must be approved by Community Life Services (following Policy 28 of UCU)."

According to the *Club Manual*, "[b]efore materials, visuals, etc. can be displayed at a table in the University Centre, they must be approved by Community Life Services (following Policy 28 of UCU)."

The SFUO claims the following as part of its mandate:

Recognizing our role as agents of social progress, assisting students in understanding and acting against oppression and injustice and emphasizing the rights and responsibilities of the student. To further this end, we will act against the oppression of women, lesbians, gays, bisexuals, transgendered, the disabled, native people, ethnic, religious and linguistics and other disadvantaged groups and causes including our environment on the University of Ottawa campus.

Student union practices

In June of 2010, SFUO [used student funds](#) to send students to protest the G20 at the Toronto G20 summit. According to the University of Ottawa's student newspaper *The Fulcrum*, "[a]t least four SFUO services—the Student Appeal Centre, the Women's Resource Centre, the Pride Centre, and Foot Patrol—combined finances from their budgets to rent a bus which took students to Toronto." These actions are funded through mandatory student fees paid to the SFUO. On March 22, 2012, The SFUO sent a bus with forty-five student protesters to join in the Montreal student protest against tuition hikes.

During the March 2010 SFUO elections, Tristan Dénomée was elected VP Finance with a majority of the votes over opponent and incumbent Sarah Jayne King. He won by 114 votes, which given the extremely low voter turnout, was a very wide margin. However, he was disqualified by the SFUO Board of Administration (BOA) "based on accusations of publishing false statements in relation to the personal character or conduct of a candidate; posting in unauthorized locations; and failure to comply [sic] with minor and major penalties."

After a meeting where Tristan's appeals were denied, the President of the SFUO, Tyler Steeves, [declared](#): "[I am] disappointed with the decision of the BOA tonight. I was hoping for some sort of acknowledgement that elected candidates are elected and it's not fair to unelect them," he said. After intensive protests organized by Tristan's friends, Tristan was suspended for two weeks from his job as an employee at the SFUO-owned Pivik grocery store. In the words of the blog, Campus Accountability, "....regarding the actions taken by the SFUO to silence dissent...These activities are completely unacceptable, and continue to undermine the democratic rights of the students of the University of Ottawa."



University of Prince Edward Island, Charlottetown, PE

The University of Prince Edward Island's (UPEI) earns a 'C' for its policies, because some of its policies could be used to censor speech and its policies do not prevent security fees being used to censor controversial speech.

UPEI earns a 'C' for its practices, since its commitment to free speech has not recently been tested and its current policies earn a 'C.'

The University of Prince Edward Island Student Union (UPEISU) earns a 'F' for its practices. They fail to include a commitment to free speech. They could be used by the UPEISU to discriminate against clubs on the basis of their views. They do not restrict election officials from censorship of election expression. Finally, they fail to limit UPEISU to advocating on issue related to post secondary education.

UPEISU earns a 'D' for its practices on account of its prior censorship and current failing policies.

University policies

Section 1.1 of the University of Prince Edward Island's (UPEI) [*Code of Conduct*](#) states that the school is "committed to creating a scholarly community characterized by honesty, civility, diversity, free inquiry, freedom from harassment, mutual respect and individual safety."

Section 1.3 of the *Code* states "[t]he Code shall not be construed to prohibit peaceful assemblies, demonstrations, lawful picketing, or to unreasonably restrict freedom of speech or expression."

Section 2.3.2.2. of the *Code* prohibits conduct if:

the alleged conduct would be viewed by a reasonable person to have, or might reasonably be seen to have an adverse effect on the proper functioning of the University, or the rights of a member of the University community to use and enjoy the University's learning and working environment

Section 5 addresses disruption:

Disruptive or Dangerous Behaviours

5.1.1.1 Students are prohibited from conduct that:

5.1.1.1.1 infringes on the rights of others to participate in University activities;

5.1.1.1.2 creates a situation which endangers or threatens the health, safety or well-being of another individual, including conduct that involves an invasion of privacy through electronic communication or other methods; or

5.1.1.1.3 harms, injures or threatens the safety of any person, including where such conduct occurs within the classroom and including conduct that involves an invasion of privacy through electronic communication or other methods.

The [*UPEI Residence Handbook*](#) states as follows in its “Commitment to Diversity”:

Bigotry has no place within our community, nor does the right to disrespect or degrade another human being on the basis of age, national origin, physical challenge, race, gender, sexual orientation, or religious affiliation.

The *Handbook* also states that the UPEI will not tolerate any of the following:

...verbal or written abuse, threats, intimidation, violence, or other forms of harassment against any member of its community. Harassment is defined as any attention or conduct (oral, written, graphic, or physical) by an individual or group who knows, or ought reasonably to know, that such attention or conduct is unwelcome/unwanted, offensive, or intimidating.

UPEI’s [*Fair Treatment Policy*](#) replaces UPEI’s previous *Sexual Harassment Policy*. The reason given for replacing this change was to include “other definitions of sexual harassment” as well as “to enable full investigations within the University.”

The *Fair Treatment Policy* states:

The University defines “harassment” within any University-related context as an incident or series of vexatious or disrespectful comments, displays or behaviors that demean, belittle, humiliate, embarrass, degrade or attempt to exclude; that is known or ought reasonably to be known to be unwelcome and/or offensive; and which adversely affects the employment or academic status of the individual.

Section 6.5 further defines the sub-category “personal harassment” as follows:

...behavior, whether deliberate or negligent, which denies individuals their dignity and respect, is offensive, embarrassing or humiliating to the individual, isolates an individual or group and adversely affects the working or learning environment. In most cases this behavior will have manifested itself through a number of incidents. This does not preclude consideration of a single incident as constituting harassment.

The *Policy* also defines discrimination, in Section 6.6, to mirror the Supreme Court of Canada definition of the term and incorporates the grounds of discrimination found in the *Human Rights Act of Prince Edward Island*. The *Policy* then proceeds further and includes “transphobia and heterosexism”, as additional grounds of discrimination.

To enforce the *Fair Treatment Policy*, the UPEI installed a Fair Treatment Advocate. Section 8.10 empowers the Advocate to “investigate and attempt to resolve cases of harassment.” Section 10 empowers the Advocate to bypass the informal processes of resolving cases (i.e. mediation, informal resolution counseling) and commence a formal investigation. The Advocate is not empowered to impose sanctions or remedial action, but is expected to recommend sanctions or remedial action to the UPEI President in a formal investigative report. Means of discipline/remediation are not listed in the *Policy*, except to say that it will be “appropriate to the offense and relevant circumstances of the case.”

Section 5.1.3 of the *Policy* asserts that the *Policy* should not be applied to detract from academic freedom, or freedom of expression and association:

The University community is committed to academic freedom and to freedom of expression and association. There should be an environment in which students and teaching and non-teaching staff can engage in free enquiry and open discussion of all issues. Neither this policy in general, nor its definitions in par-



ticular, is to be applied in such a way as to detract from the right of employees and students to engage in the frank discussion of potentially controversial matters, such as age, race, politics, religion, sex and sexual orientation. The Fair Treatment Advocate is obliged to uphold academic freedom, and freedom of expression and association. An academic and free community must also include freedom of movement and freedom of access to facilities and resources without fear of harassment, discrimination or violence.

UPEI's *Advertising Policy* includes a measure of censorship:

Temporary advertising associated with individual events and their sponsors is permitted as long as such advertising meets the University's concerns regarding taste of presentation and suitability of subject.

Though the *Policy* does not state what the University deems to be "suitable", in Section 1.4, it does state that, "among those subjects which would be considered unsuitable for advertising, at this time the University names cigarettes and other products (or services) judged harmful to health or the environment." However, Section 1.4 also states that "the general principle that will be followed in judging the suitability of advertising is whether or not it is consonant with the image of the University that the Board of Governors and the Senate wish to portray."

The *Space Planning and Administration Policy* states, in Section 5.4.2.:

All classrooms, conference rooms, teaching labs, public computer labs, and public study spaces may be booked by any user group conducting University business. Under some circumstances, the availability may be limited by Facilities Management control (i.e. construction schedules, security requirements or staffing capabilities), or University prioritization (i.e. Teaching).

Controversial speakers and presentations often involve "security requirements" and their bookings could therefore be limited by Facilities management under this policy.

University practices

There has been [controversy](#) surrounding the University's decision to censor one issue of *The Cadre*, which is UPEI's student-run newspaper that is now only available online.

In 2006, *The Cadre*'s February 8 issue was removed from distribution stands on UPEI campus, on orders from the UPEI administration. This decision to remove the paper was later endorsed by the Student Union (more on the Student Union's actions can be found in section 4 below). The administration was concerned about cartoons contained in the issue of the prophet Muhammed. UPEI President Wade MacLaughlan ordered security personnel to collect any copies of *The Cadre* and remove them from campus. According to MacLaughlan, "fewer than 100 copies were gathered up." The remaining copies were confiscated by the Student Union and some remained with *The Cadre*.

President MacLaughlan [stated](#) that publishing cartoons is "an invitation to trouble", and that, "we're not in the business of deliberately inviting people to be insulted to the point of causing an outrage."

Clive Seligman, President of the Society for Academic Freedom and Scholarship, condemned the University's actions, saying:

UPEI has given the impression that vigorous debate is to be avoided whenever offence may be taken, or at the very least that such debate is to occur only on terms decided by the university administration. Surely, this is not the image of UPEI that you want to promote.

It appears that UPEI assumed the issue would be found offensive by the student body. But UPEI Muslim Association head, Mian Ali, [said](#) he is “not particularly upset and would not have asked to have the paper removed from campus.” He also said, “To me it’s just a cartoon. People are free to express their opinions. I can’t control what people print, but freedom comes with a responsibility. If people want to abuse that responsibility and freedom it’s up to them.”

Student union policies

The University of Prince Edward Island Student Union (UPEISU) states in its [Policy Manual](#) the following pertaining to the University’s student-run newspaper, *The Cadre*:

Board of Directors will meet prior to each issue going to print. At that time they will approve the content of the upcoming issue.

As well, the *Policy Manual* gives UPEI Integrated Promotions the “right to refuse or impose time limits on event postings for reasons including, but not limited to, the nature of the event and the number of ads currently running,” for its campus video screens.

The *Policy Manual* also states that:

All information posted from the UPEI SU Campus Screens account will be reviewed by the Administrative Assistant to ensure it is appropriate for University-wide distribution. In the event that content is questionable, it will either be rejected or the Manager of Integrated Promotions will be contacted for approval.

Not defined are the terms “appropriate”, “questionable”, or, “in good taste”, which is a restriction used for advertisements in the campus bar:

Advertisements for The Wave [campus pub] will be permitted, provided they are in good taste and follow the regulations set out by the PEILCC and the University Liquor Control Policy.

In regard posters, the [Policy Manual](#) requires that posters be “sponsored” by the UPEI or the UPEISU:

Only UPEI or UPEI SU recognized groups, organizations, departments or administration, as well as any active UPEI students are permitted to post on the Student Centre bulletin boards. Any outside groups, corporations, or organizations of any kind may have their posters removed unless they are sponsored by either the UPEI or UPEI SU and comply with the two guidelines listed above. The onus is on all outside organizations to seek sponsorship in regards to their posters. Posters must receive a dated UPEI SU stamp prior to being posted.



Student union practices

The UPEISU supported the confiscation and censorship of one issue of UPEI's student-run newspaper, *The Cadre*. The February 8, 2006 issue of the paper, which contained cartoons of the prophet Mohammed, was banned from campus by UPEI. In the days following, UPEISU ordered that all remaining issues be returned to UPEISU, with the following justification:

While the Student Union supports the freedom of the press, there is also a sense that with that freedom comes the responsibility to balance freedom and responsibility effectively, a consideration that we feel was not accommodated in this case. While these cartoons were reproduced in *The Cadre* to inform students of the issues at hand and were in no way meant to inflict any further injury, it is now apparent that we must take into account the overwhelming reaction that these cartoons have caused worldwide and therefore we must react accordingly. It is also to be noted that there is a great deal of sensitivity involved with this contentious issue, a fact personified by the recent outrage and riots that were sparked in direct result of the publication of these cartoons. In consideration of this, in respect to those significantly affected, and for the overall well being of the UPEI community, it is felt that this action was essential. We reaffirm that despite this action, no further insult was ever intended by the publication of these cartoons in *The Cadre*.

[According to CBC News](#), the UPEISU had initially taken a stance in favor of *The Cadre*'s editorial autonomy. However, UPEISU President Ryan Gallant stated that "as the day went on" the Union changed its mind on the matter. Gallant reported that he had met with President MacLaughlan four times on February 8.

University of Regina, Saskatchewan

The University of Regina earns a ‘C’ for its policies. They could be used to censor unpopular or politically incorrect speech. Further, the policies do not prevent security fees from being used to censor controversial speech.

The University of Regina earns a ‘D,’ because it requested the removal and arrest of two individuals peacefully expressing their unpopular views in 2014.

The University of Regina Students’ Union’s (URSU) earns a ‘C’ for its policies. Its policies do not prevent the student union from discriminating against clubs on the basis of their views or beliefs. Further, the elections policy could be used to censor speech.

URSU earns a ‘C’ for its practices, as it reversed its prior decision to take a stance on the Israeli/Palestinian conflict and its current policies earn a ‘C.’

University policies

The University of Regina’s (U of R) [*Vision, Mission Values*](#) webpage states that, “[w]e balance our duty to academic integrity with our commitment to academic freedom in our work and interaction.”

The U of R’s [*Code of Conduct*](#) states that “[t]he University will not tolerate harassment, discrimination, unsafe work practices, [fraud](#), or other [unethical conduct](#). Members are expected to align their behaviour with the University’s Code of Conduct.”

The University’s [*Respectful University*](#) policy states:

Harassment and discrimination are, fundamentally, a selective denial of the basic human right to be treated with dignity and respect. The University will not tolerate or condone harassment or discrimination, and will take all reasonably practicable steps to ensure employees or students are not subjected to harassment and discrimination and will take all reasonable steps to prevent this type of behaviour and to stop it if it occurs.

In order to constitute harassment, conduct, comment, display, action or gesture does not need to be directed at a specific individual. For example, display of any inappropriate material such as a poster or screen-saver, or inappropriate comments, i.e. racial, religious, sexist or homophobic slurs overheard by another employee may also constitute harassment.

Third parties invited to the University could engage or participate in the harassment of an employee and/or student. The University may have limited ability to investigate or control their conduct. However, the University shall take reasonably practicable action to stop or reduce the risk to its employee/students of being harassed by third parties.

“Harassment Based on Prohibited Grounds” includes “[u]nwelcome remarks, jokes, innuendoes, propositions or taunting about a person’s body, attire, sex or sexual orientation.” Included as “Personal Harassment” in the policy is “[i]nsulting, derogatory or degrading comments, jokes or gestures.”



The *Respectful University* policy protects the academic freedom of faculty:

This policy shall not be interpreted, administered, or applied to infringe the academic freedom for academic staff members. When academic staff members engage in teaching, research and dissemination of knowledge, they are, therefore, entitled to the freedom to carry out such activities without arbitrary interference. The frank discussion of ideas, the pursuit and publication of research and the study and teaching of material with controversial content may not constitute harassment.

The U of R's [Academic Calendar](#) contains policies governing student behaviour. Section 5.13.3.1 states the U of R's commitment to upholding academic freedom and free expression when governing student conduct:

A primary responsibility of the University is to provide its students with the opportunity for inquiry and the freedom to discuss and express one's views openly without fear of retaliation, or abuse of person or property. These attributes are the foundation of good citizenship.

Section 5.13.3.3 of the *Calendar* prohibits the following as academic misconduct:

- disruption of instructional activities (being any conduct which makes it difficult to proceed with scheduled lectures, seminars, discussion group meetings and related activities, or with examinations, tests, or use of library, laboratory or research facilities);
-
- any conduct which harms or threatens to harm the proper functioning of University programs or activities, the rights of members or guests of the University, the safety or well-being of members or guests of the University, or the property of the University, its members and guests;

U of R's *Publications Distribution Policy* states "[t]his policy is not intended to censor people bringing publications on campus.

University practices

On Monday, April 14, 2014, at the U of R's request, [two individuals were arrested](#), hand-cuffed, and removed from campus for peacefully expressing highly unpopular views against homosexuality, and refusing to leave. They were later charged with mischief. The men had signs with slogans like "sodomy is a sin". In December of 2014, the two individuals were found not guilty of mischief and [stated](#) to the media that they would be returning to the University in the future. The University has not responded to the court ruling.

In June of 2011, [controversy erupted](#) in the context of a scheduled lecture series, 'Profs in the Park,' organized by the U of R and the Regina Downtown Business Improvement District (RDBID) of the City of Regina. A lecture by Emily Eaton, a professor of human geography, was entitled "Solidarity with Palestine: The case for Boycotts, Divestment and Sanctions against Israel." RDBID insisted that professor Eaton change the topic of her lecture in order for the event to proceed on June 14.

The U of R chose to withdraw from the partnership and hold lectures on its own. The U of R regarded RDBID's decision to cancel as censorship, and defended the right of professors and citizens to express unpopular views:

“We’re not happy with (RDBID’s) decision. It’s not consistent with the traditions of universities across the country and we’d rather withdraw from the series than passively accept that decision,” said Faculty of Arts Dean Richard Kleer.”

Student union policies

The University of Regina Students’ Union’s (URSU) [*Policy on Student Groups*](#) governs the ratification and operation of student groups on campus. Sections F(i) and F(ii) impose criteria for Campus Club ratification that potentially restrict campus free speech:

- i. The club must intend to carry out activities which do not infringe any federal, provincial, municipal or university laws and which will not interfere with the ordinary course of business at the university, nor infringe on the rights and privileges of others, which include the right to privacy and freedom of expression.
- ii. The club must not share the same mandate as any other club ratified by the URSU.

-

URSU’s [*Constitution*](#) provides that membership in the URSU expires on the following grounds:

- (2) Membership ceases upon expulsion, require to discontinue, transfer, graduation, failure to pay the required Students’ Union membership fees, or engages in any activity which **undermines the integrity** of the Students’ Union as decided by a two-thirds majority quorum vote of the Board of Directors.

Section 3.2 of URSU’s [*Poster Policy*](#) states that “URSU wishes to ensure that the promotion of events is done in a safe, equitable, respectful, and non-discriminatory manner.” It further states:

Posters, which may be perceived as being discriminatory, offensive, or exploitative on the basis of gender, sexual orientation, age, race, class, religion, creed, ancestry, country of origin, ethnicity, or other grounds shall be deemed to be in violation of this policy, and therefore will not be permitted to be posted in or around URSU space.

The [*Campus Groups Policy*](#) mandates that student groups:

2. intend to carry out activities which are legal (according to federal, provincial, and municipal laws) and respect university policies and the URSU Constitution (ie: groups may not promote hate). These activities may not interfere with the ordinary course of business at the university, and may not infringe on the rights of others
3. not share the same mandate as another club ratified by the URSU

Section 3(7) of URSU’s [*Elections Bylaw*](#) is the governing document for URSU elections. The *Bylaw* gives significant discretion to the Chief Returning Officer (CRO) to censor literature and other campaign materials:



The Chief Returning Officer (CRO) has the power to disqualify candidates, materials, representatives or members who, in the opinion of the Chief Returning Officer, have contravened the provisions of this By-Law or the Policies and Resolutions of the Students' Union.

Student union practices

During a Special General Meeting of URSU on April 10, 2013, [a motion was passed](#) reversing the 2012 Boycott, Divestment, and Sanctions motion (see below) and instead committing to “continue to stimulate critical thought and discussion through full access to resources for students wishing to discuss/debate contemporary issues shaping our collective experience.”

In February of 2012, the University of Regina Students' Union (URSU) resolved at its Annual General Meeting to:

Join student organizations around the globe by endorsing the 2005 call for Boycott, Divestment and Sanctions from Palestinian civil society; and Commit to identifying and divesting from companies that support or profit from Israeli war crimes, occupation and oppression; and Affirm that students have a vital role in supporting struggles for social justice, and stand in solidarity with Palestinians' struggle for self determination and freedom.

University of Saskatchewan, Saskatoon

The University of Saskatchewan earns a ‘C’ for its policies, as its policies could be used to censor politically incorrect speech and its policies do not prevent security fees from being used to censor controversial speech.

The University of Saskatchewan earns a ‘C’ for its practices, as its commitment to free speech has not been noticeably tested and its current policies earn a ‘C.’

The University of Saskatchewan Students Union (USSU) earns a ‘B’ for its policies. Some of its policies however, could be used to discriminate against clubs with unpopular or controversial expression.

USSU earns a ‘C’ for its practices, as its commitment to free speech has not been recently tested, though it did impose restrictions on one of its student groups in the past.

University policies

The [stated mission](#) of the University of Saskatchewan is “to achieve excellence in the scholarly activities of teaching, discovering, preserving and applying knowledge.”

The University also states that it “value[s] the freedom and independence to engage in the open pursuit of knowledge.”

The University lists “freedom of expression” as one of its six “Guiding Principles” in the [*Standard of Student Conduct in Non-Academic Matters*](#):

Freedom of Expression: The University of Saskatchewan is committed to free speech as a fundamental right. Students have the right to express their views and to test and challenge ideas, provided they do so within the law and in a peaceful and non-threatening manner that does not disrupt the welfare and proper functioning of the University. The University encourages civic participation and open debate on issues of local, national and international importance. One person’s strongly held view does not take precedence over another’s right to hold and express the opposite opinion in a lawful manner.

Also listed as one of the “Guiding Principles” is “mutual respect and diversity” which includes “the rights and freedoms of all members of the University community to work and study free from discrimination and harassment”.

The University of Saskatchewan has a [*Gender Neutral Language*](#) policy requiring that “all official documents, publications and presentations are written in gender neutral and/or gender inclusive language.” This policy applies to “all University constituencies” including faculty and staff, but there is no specific reference to students. The Arts and Science Faculty, however, prohibits using the word “he” to refer to a person of either sex, requiring “he or she” instead. Similarly, words like “police man” must be replaced by “police officer”.

The University of Saskatchewan has a [*Discrimination and Harassment Prevention Services Coordinator*](#), whose purpose is “[t]o provide students and employees with a positive environment for working and learning that is free of discrimination and harassment.” The Coordinator acts as a liaison for University officials, senior administrators, Student and Enrolment Services Division (SESD), and Human Resources (HR) by offering advice to those deliberating on matters involving employees or students of the University.

University practices



The authors are unaware of the University of Saskatchewan censoring speech, or discriminating against students or student clubs on the basis of the content of their expression.

Student union policies

The University of Saskatchewan Students Union (USSU) passed a new policy in 2013 that states unequivocally that the USSU upholds the free expression rights of students on campus. This [Free Speech Policy](#), developed with input and advice from the JCCF, commits the USSU to refrain from content-based censorship against students and student groups. The *Free Speech Policy* reads:

...the Student Union will support and protect the free speech of all parties under its jurisdiction. The Student Union will not endeavor to limit or prevent the exercise of free speech on campus and will work to aid those parties whose free speech rights are threatened. The Union further recognizes the fair and reasonable limitations on free expression as stated in the Canadian Charter of Rights and Freedoms and the Criminal Code of Canada and pledges not to exercise censorship outside of these legal limits. When members of the Union use speech as a direct attack that has the effect of preventing the lawful exercise of speech by members or invited guests, or interfering with the conduct of authorized University business, the Student Union may intervene...

...The right to free speech is complemented by the right of freedom of association. The right to free speech extends to individuals cooperating in groups. All members have the freedom to communicate in any reasonable way, to hold and advertise meetings, to debate and to engage in peaceful assemblies and demonstrations, to organize groups for any lawful activities and to make reasonable use of Student Union facilities.

The [USSU Campus Group Policy](#) states in Article IV, Section 1:

In the event that a campus group engages in behaviour that is considered to be in violation of federal or provincial human rights laws, university policy, or is otherwise deemed to be unfit for an inclusive, welcoming, and open learning environment, the Union reserves the right to take action against said group. In particular, each student has the right not to be harassed or otherwise made to feel discomfort by another.

Section 3.1 of the USSU Campus Group Policy, governing club ratification, states:

The Club must intend to carry out activities that do not infringe any federal, provincial, municipal or university regulations and which will not interfere with the ordinary course of business at the university, nor infringe on the rights and privileges of others. This includes the rights of privacy and of freedom of expression.

USSU's [Space Rental Policy](#) states that "[t]he USSU reserves the right to decide any point not covered in the above rules and further reserves the right to refuse any booking." The *Policy* also requires that "offensive materials" will not be allowed on group table displays but does not qualify what is considered "offensive." It further states "[r]espect for divergent points of view is expected at all times."

The [*Poster Policy*](#) bans posters that contain “offensive language”.

Student union practices

The University of Saskatchewan Students for Life (USSL) was temporarily denied club status by the USSU in the fall of 2009, and reinstated only subject to conditions and restrictions not imposed on any other campus group. An [article](#) written on the incident discusses “mediation” meetings that the club executive had to attend with the Union before their club would be ratified:

The trio discussed complaints that had been lodged against the USSL during the 2008-2009 academic year. One complainant alleged that a USSL club member manning an information table “applauded” a woman who walked by with a child; another complainant alleged that the USSL (and other groups on campus) approached people who did not wish to be approached. Another complaint (brought forward by the Women’s Centre on behalf of an individual female) accused the pro-life group of making women feel “unsafe” by displaying “disturbing” graphic images without giving any prior warning to students. (The images were photographs of healthy, living babies, ‘in utero’ and up to two years old.)

The USSU allowed the USSL club to retain its official status on the condition that it inform the campus Women’s Centre of every public event it intended to put on, and refrain from using “offensive” or “graphic” pictures – a condition not imposed on any other campus club. Further, the club’s expression is required not to “incite anger” or “provoke” anyone. In April, 2011, USSL was able to host a lecture successfully, with Dr. Clement Persaud presenting to students on the subject of embryonic stem cells. Since 2011, USSL continues to be active on campus, hosting marches, documentaries and other events.

Source: http://www.prairiemessenger.ca/04_06_2011/stem_04_06_11.html



University of the Fraser Valley, Abbotsford, BC

The University of the Fraser Valley (UFV) earns a 'D' for its policies, since they could be used to censor unpopular or politically incorrect speech, they fail to specifically prohibit the disruption of events or displays, and they fail to prevent security fees from being used to censor controversial speech.

UFV earns a 'D' for its practices, on account of its past censorship of UFV Life Link and since its current policies earn a 'D.'

UFV's *Student Union Society* (SUS) earns a 'C' for its policies, as it lacks a commitment to free speech and its elections policies could be used to censor campaign speech.

SUS earns a 'C' for its practices, since its commitment to free speech has not been recently tested and its policies earn a 'C.'

University policies

In regard to academic freedom, the University of the Fraser Valley's (UFV) [*Statement of Institutional Ethics* \(22\)](#) states:

Members of UFV have academic and artistic freedom, which includes the freedom to investigate controversial views, to hold unpopular positions on controversial issues, and to present in class and in the wider community one's controversial views.

Concerning the pursuit of truth, the *Statement* declares:

Members of UFV have a positive duty to ensure that our institution encourages students, faculty, staff and administrators to use their own best judgement in choosing what to investigate and in the pursuit of truth within their investigations. Students, in particular, have a right to be free from indoctrination and other forms of miseducation that fail to respect the autonomy of the student.

. Concerning non-maleficence, the *Statement* says:

At UFV every effort is taken to avoid actions and policies that cause unnecessary harm to others...We strive to maintain an institution that is free of the harmful effects of racism, sexism and other forms of bigotry. If undue suffering has occurred, wherever possible we attempt to redress the harm. Further, we look very unfavourably on exploitation in all its forms.

UFV's [*Board Policy on Academic Freedom*](#) reiterates the University's commitment to free speech, albeit with some restrictions:

The university is committed to the belief that the exchange of knowledge and ideas in an environment of intellectual freedom is an indispensable foundation of quality education. Academic freedom is one means to ensure that an environment of intellectual freedom is sustained. Academic freedom includes the right of all members of the university community to inquire, discuss, speak and express themselves, study, conduct research, teach, publish, associate, create and exhibit their work without hindrance or restriction by the university or any of its representatives.

Notwithstanding the above, academic freedom does not entitle anyone from the university community to

promote hatred or contempt for any social, national, or ethnic group; display incompetence in teaching or scholarship; or violate the human rights of others.

The [*Student Non-Academic Misconduct Policy \(204\)*](#) states:

Students shall not engage in activity that violates the Harassment Prevention policy; or engage in conduct that, although not based on the grounds specified by the Harassment Prevention policy, is abusive, demeaning, threatening, intimidating, racist, or involves the misuse of authority or power.

The University approved a *Harassment Prevention Policy* in September of 2012. The *Policy* simply obligates the University to create policies and procedures designed to prevent and resolve cases of harassment on campus. The administrative office that enforces the *Policy* is the Human Rights and Conflict Resolution Office (HRCRO).

Examples of personal harassment, according to the HRCRO, include “disparaging remarks about an individual,” and “excessively critical or disrespectful comments, actions or gestures. There is no statement in the *Harassment Prevention Policy* reiterating the University’s commitment to free speech above any interpretation of this document.

On the HRCRO’s website, the Office includes academic freedom in its definition of what is *not* considered harassment, stating “intellectual disagreements related to academic freedom are also not considered harassment.”

The HRCRO is only empowered to provide services and advice to complainants, to investigate claims, and to inform the Vice President (Employee Services) if action is required against the alleged harasser. Therefore, the HRCRO does not have the administrative power necessary to endanger free speech on campus. Nevertheless, the Office’s ambiguous definition of harassment vis-à-vis academic freedom and free expression should be corrected to better protect campus speech.

University practices

On March 20, 2013, the University of the Fraser Valley approved an event organized by the campus club UFV Life Link, featuring as speaker Mike Schouten of WeNeedaLaw, who planned to address the topic of “sex-selection” abortion that is widely practiced in some cultures. This event was scheduled to take place on Wednesday, April 10, at 7:30 p.m. on the UFV Abbotsford campus.

On Friday, April 5, 2013, Jill Harrison, Manager of Student Life, informed UFV Life Link President Ashley Bulthuis that this event would be cancelled due to “security concerns” arising from the possible presence of protesters.

Leslie Courchesne, director of marketing and communications at UFV, said the event was not cancelled, but was postponed due to several reasons. She said Life Link had not disclosed that the event included an outside speaker and advertising. Courchesne added UFV administration was informed that a protest was planned in opposition to Schouten’s speech.

“Due to the short notice, UFV did not have enough time to do a fulsome risk assessment to ensure the safety and security of our campus community and external visitors,” stated Courchesne.

UFV Life Link proceeded to hold a private club meeting to take place with Schouten, held inside a room rather than a prominent location. Around 13 people attended, including UFV Student Union Society president Shane Potter.



UFV also threatened Life Link with censorship of the content of this event: UFV Life Link President Ashley Bulthuis was told that Student Life had “concerns” about the content of the literature that was to be placed on tables and distributed outside the room where the event was being held. Due to UFV’s attempted cancellation of this April 10 event, these censorship concerns were never settled.

In March, 2013, UFV’s Student Life office also prohibited Life Link from distributing the club’s materials in the hallways, a practice called “tabling”. Instead, the club was [restricted](#) to distributing its materials inside a room only – a restriction not placed on any other campus club. Due to UFV’s discriminatory restriction, Life Link cancelled its planned literature distribution in March.

Student union policies

UFV’s *Student Union Society* (SUS) says in its [Mission Statement](#):

The mission of the SUS is to create a strong, unified student voice and to provide innovative and valuable services to its members by advocating on behalf of and collaborating with the Student Body, UFV and the community.

General operating policies are outlined in the [SUS Governing Manual](#). Regarding elections for SUS Board and Council, the *Elections Policy* limits election speech by enforcing a \$75 limit on campaign spending. Such spending includes printing, paper, poster materials, pamphlets, and other means of communication that end up restricting the number of people to which a candidate can spread his or her message.

Additionally, the quantity of certain campaign materials is directly restricted by the *Elections Policy*:

There shall be a limit on the number of posters which may be displayed by the Candidates on each campus. For the Abbotsford campus, there is a limit of 30 posters per Candidate. For the Chilliwack North campus, there is a limit of 20 posters per Candidate. For the Mission and Trades and Technology campuses, there is a limit of 15 posters per Candidate. For all other campuses or centres, there is a limit of 5 posters per Candidate and must adhere to UFV’s poster policies.

The *Elections Policy* also regulates that campaign materials “must not bear defaming or inflammatory images or text,” and empowers the Electoral Committee to prohibit campaign material according to arbitrary criteria:

The Electoral Committee must approve all physical and non-physical campaign materials prior to their use during the Campaign Period. The Electoral Committee shall be able to approve and forbid both categories of materials and particular materials themselves, notwithstanding the list of acceptable categories of physical and non-physical campaign materials set out in this policy.

Student union practices

The authors are not aware of the Student Union Society discriminating against students or student groups on the basis of their expression.

However, when the student group UFV Life Link had their March 2013 film screening event cancelled and literature censored by UFV Student Life, SUS failed to condemn the University for these blatant violations of its members’ right to free expression.

University of Toronto, ON

The University of Toronto earns a ‘A’ for its policies. It policies do not however, prevent security fees from being used to indirectly censor controversial speech.

The University of Toronto earns a ‘B’ for its practices, because in regard to a controversial lecture in February 2015, it respected the free speech rights of both the lecturers and the silent protestors and refused calls to cancel the lecture. It does not earn an ‘A’ because of charging security fees for a lecture on men’s issues in the 2013-2014 year, and for its past censorship of a pro-life display.

The University of Toronto Student Union (UTSU) earns a ‘D’ for its policies. It lacks a commitment to free speech. Its policies could be used by the UTSU to discriminate against campus groups on the basis of their views. Further, its elections policies could be used to censor campaign speech.

UTSU earns a ‘D’ for its practices on account of its past censorship of campaign speech in 2014.

University policies

Under the heading “Purpose of the University,” the University of Toronto (U of T) sets out its commitment to free speech:

Within the unique University context, the most crucial of all human rights are the rights of freedom of speech, academic freedom, and freedom of research. And we affirm that these rights are meaningless unless they entail the right to raise deeply disturbing questions and provocative challenges to the cherished beliefs of society at large and of the University itself.

It is this human right to radical, critical teaching and research with which the University has a duty above all to be concerned; for there is no one else, no other institution and no other office, in our modern liberal democracy, which is the custodian of this most precious and vulnerable right of the liberated human spirit.

The Office of the Governing Council of the U of T’s *Statement on Freedom of Speech* states:

...all members of the University must have as a prerequisite freedom of speech and expression, which means the right to examine, question, investigate, speculate, and comment on any issue without reference to prescribed doctrine, as well as the right to criticize the University and society at large. The purpose of the University also 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.

The existence of an institution where unorthodox ideas, alternative modes of thinking and living, and radical prescriptions for social ills can be debated contributes immensely to social and political change and the advancement of human rights both inside and outside the University. Often this debate may generate controversy and disputes among members of the University and of the wider community. In such cases, the University’s primary obligation is to protect the free speech of all involved. The University must allow the fullest range of debate. It should not limit that debate by preordaining conclusions, or punishing or inhibiting the reasonable exercise of free speech.



Of necessity, there are limits to the right of free speech, for example, when members of the University use speech as a direct attack that has the effect of preventing the lawful exercise of speech by members or invited guests, or interfering with the conduct of authorized University business, the University may intervene...

The right to free speech is complemented by the right of freedom of association. The right to free speech extends to individuals cooperating in groups. All members have the freedom to communicate in any reasonable way, to hold and advertise meetings, to debate and to engage in peaceful assemblies and demonstrations, to organize groups for any lawful activities and to make reasonable use of University facilities, in accordance with its policies as they are defined from time to time and subject to the University's rights and responsibilities.

In 2006, then-president David Naylor stated:

Rhetoric is part of debate. We accept highly evocative modes of speech that aim to raise awareness. On occasion such words may be hurtful to some. However, in keeping with the laws of Canada, the University is not prepared to tolerate maliciously provocative speech that aims to incite hatred against identifiable groups.

While the University allows expressions of views that some may consider extreme, our provision of a forum for such self-expression in no way constitutes an institutional endorsement. We shall not censor or suppress debate, but we do ask that those with strong views recognize the power of their rhetoric to alienate or wound members of our community.

U of T's *Code of Student Conduct* states:

No person shall... whether on the premises of the University or away from the premises of the University, cause another person or persons to fear for their safety or the safety of another person known to them while on the premises of the University of Toronto or in the course of activities sponsored by the University of Toronto or by any of its divisions, or cause another person or persons to be impeded in exercising the freedom to participate reasonably in the programs of the University and in activities in or on the University's premises, knowing that their conduct will cause such fear, or recklessly as to whether their conduct causes such fear.

The U of T is one of the few universities in Canada which has an explicit anti-disruption policy, set out in Section 2 of the *Code*, to protect campus free speech from physical blocking and other forms of disruption:

No person shall cause by action, threat or otherwise, a disturbance that the member knows obstructs any activity organized by the University of Toronto or by any of its divisions, or the right of another member or members to carry on their legitimate activities, to speak or to associate with others.

For example, peaceful picketing or other activity outside a class or meeting that does not substantially interfere with the communication inside, or impede access to the meeting, is an acceptable expression of dissent. And silent or symbolic protest is not to be considered disruption

under this Code. But noise that obstructs the conduct of a meeting or forcible blocking of access to an activity constitutes disruption.

U of T's [*Policy on the Recognition of Campus Groups*](#) states that:

The objectives and activities of groups seeking recognition should be seen as attempting to contribute to the educational, recreational, social or cultural values of the University. These values are intended to be interpreted in the broadest sense. However, the essential “value” of the University must remain that of preservation of freedom of enquiry and association.

The University's [*Temporary Use of Space Policy*](#) allows for security fees to be charged to student groups holding events at its discretion:

1. The University may, as a condition of booking, require that authorized security be made available during the use of the space, including but not limited to where the building would normally be closed at the time of the event. The University may require such security to be provided at the cost of the user and to be arranged by the University.
2. The University at its discretion may assess additional security requirements and require that the Campus Police be present at any event. These costs are normally the responsibility of the group booking the event.

The U of T has a [*formal policy*](#) to prevent the disruption of events, for the express purpose of protecting free speech. The policy against the disruption of meetings states:

If there is reason to believe that a meeting sponsored by the University or one of its divisions or departments, a student society or a recognized group at the University of Toronto will be disrupted, the University will take reasonable steps to avert disruption.

University practices

On February 27, 2015, a lecture titled “WWI 100th Anniversary: Human Suffering in Eastern Anatolia” was hosted at the University of Toronto's St. George campus. The event, which was sponsored by the Canadian Federation of Turkish Associations, featured two speakers, University of Louisville professor Justin McCarthy and lawyer Bruce Fein.

Some groups including the registered student group Armenian Students Association, and the Armenian Youth Federation, protested the event because they believed the lecturers denied the existence of the Armenian Genocide. These groups circulated a petition demanding that the University cancel the event. The event proceeded as scheduled with campus security present, however a “silent protest” occurred after the opening remarks. The *Armenian Weekly* [reports](#):

More than 70 human rights activists from the university community, who made up the majority of those in attendance, held the silent protest by standing in unison and turning their backs to the lecturers.



Protesters allowed the speakers to deliver their opening remarks. However, when it became apparent that the speakers would deny and misconstrue the facts of the Armenian Genocide, the group stood up and turned their backs to the podium as a silent protest against genocide denial.

Several racial slurs and discriminatory comments were directed at the protesters as they stood in silence.

The lecture organizers briefly stopped the talk, but after campus police made it clear that the form of protest did not interfere with the event, they were asked to continue.

The protesters continued to stand with their backs to the podium as Fein spoke, then marched out in an organized walk-out, leaving the remaining 20 or so attendees to listen to the lecture.

The University made [statements](#) after the incident defending free expression:

“Events that such external organizations host are not University activities; the University does not affirm or condemn any assertions made at such events,” [U of T Director of media relations] Blackburn-Evans says.

She adds that such events are governed by the university’s policies.

“There is a clear statement that all reservations for use of university space are subject to the university’s policy concerning freedom of speech,” she says. “The university upholds the principles of freedom of speech and of the freedom of individuals and groups from physical intimidation and harassment.”

The University of Toronto Men’s Issues Awareness Society (UTMIA), an unregistered student group at U of T which has been denied ratification by the University of Toronto Student Union (UTSU), organized a lecture to be held on campus September 27, 2013. The event, “Caring About University Men: Why We Need Campus Men’s Centres in a Time of Crisis,” featured a lecture by American psychologist Miles Groth. On September 23, 2013, U of T charged UTMIA with a \$964 security fee to cover the cost of police attendance at the event, which the U of T deemed necessary. UTMIA was able to raise the necessary funds to proceed with the event, since the U of T refused to obligate itself to ensure the rule of law was followed at the event.

Incidents in 2012-2013 involving the disruption of lectures organized by UTMIA prompted U of T to [re-iterate its support](#) for freedom of speech on campus in a statement release in November 2012. U of T went further by sending senior administrators to at least one of the lectures organized, to promote the U of T’s written policies in support of academic freedom and free expression.

The University of Toronto placed signs outside of lectures held by the University of Toronto’s pro-life club, in November 2013 and March 2014, wherein the University reminded attendees that its anti-disruption policy was in force during the events, which went ahead uninterrupted.

In November 2011, an Islamic Scholar at U of T who was known for making divisive remarks [was invited to lecture](#) an 18-week seminar series sponsored by the Muslim Student Association. Despite demands to cancel the lecture series by many Jewish groups, U of T [chose](#) to uphold academic freedom:

The University of Toronto on occasion receives [requests](#) to bar individuals from speaking on campus. While, on some of these occasions, the administration is as offended as are those who would wish the speaker to be denied a voice... we will continue to encourage progress through open discussion and an exchange of views, no matter how difficult that may be in certain situations.

The University of Toronto Students for Life (UTSFL) has conducted a pro-life campaign for several years. In the spring of 2008, Jim Delaney (Director, Office of the Vice Provost, Students) told the pro-life students that the graphic images disturb too many students, and that UTSFL should instead set up their display inside a classroom in the Sidney Smith building. Alternatively, U of T demanded that the “horse shoe” was to face the wall, rather than the walkway, with the same objective: to reduce visibility of the students’ expression. U of T rejected UTSFL’s argument that they were tuition-paying students entitled to express their opinions on campus, on par with all other students, without discrimination based on the content of their opinion, expression or viewpoint. The UTSFL were not prepared to comply, and since that time have conducted their campaign on the streets of Toronto next to U of T, rather than on U of T property.

In 2007, the Ontario Public Interest Research Group (OPIRG) hosted an event connected to Israeli Apartheid Week, for which the Office of Space Management [charged a security fee](#) of over \$400. Groups with “non-controversial” or “non-offensive” expression are not charged security fees.

Student union policies

U of T has several student unions, the largest of which is the University of Toronto Student Union (UTSU) which comprises full-time undergraduate students, as well as some graduate students. UTSU grants or withholds official club status, makes club funding decisions, and monitors and manages club activities.

UTSU’s [Clubs Policy](#) includes the following criteria for ratification:

1. The objectives and activities of groups seeking recognition should be seen as attempting to contribute to the educational, recreational, social or cultural values of the University of Toronto community.
2. Recognized clubs must uphold the Canadian *Human Rights Code*. This includes policies that uphold discrimination for race, national or ethnic origin, colour, status, creed religion, sex, sexuality, gender identity, age, class, mental or physical ability or political orientation.
9. The Union will not recognize a club that replicates the function, principle, or name of another recognized club as determined by the Clubs Committee. A proposed club that bears similarities to another recognized club, but can provide proof of difference for the purpose of recognition, may appeal to the Clubs Committee as to why the proposed club should be recognized and be considered to receive funding.

UTSU *Operational Policy* states: “All administrative decisions to grant, deny, or withdraw recognition will be reported regularly to the Union’s Board of Directors for ratification.” UTSU reserves the right to review club status on an annual basis.



UTSU's *Discrimination on Campus* policy states that "[t]he UTSU will not allocate resources, space, recognition or funding to any student group who seeks to promote [racism, sexism, xenophobia, ableism, ageism, queerphobia, transphobia and discrimination based on status]," and "UTSU will not fund, rent or loan any space on campus to an event involving a group or a person representing the aforementioned beliefs."

UTSU maintains a "Social Justice Equity Commission" (Commission) which calls for "social justice, diversity, and anti-oppression" and is headed by one of UTSU's Vice-Presidents. The Commission "advocates on issues of ableism, ageism, racism, sexism, queerphobia, transphobia, islamophobia, classism, and eurocentrism; advocates for the rights of marginalized members of our community; and ensures the University addresses discrimination and oppression in their overt, subvert, systemic and individual forms." Commission-supported groups receive funding and office space from UTSU, which in turn is supported by mandatory dues from students.

UTSU has a detailed *Elections Code Procedure* which places several restrictions on candidates. For example, "[a]ll campaign tactics, material and advertisements need approval by the CRO in advance of posting or distribution."

Student union practices

On Monday, March 3, 2014 the UTSU-appointed Chief Returning Officer (CRO) prohibited Team Unite, a slate of candidates running for Executive positions in the UTSU election, from hanging posters, launching its website, and sharing its platform, effectively blocking all forms of campaigning.

The pretext for this decision was a disagreement about the amount of tuition fees paid by U of T students. CRO Alex Flor claimed that the dues are \$17 per year paid to the union, while Team Unite quoted \$345 in its election platform. Team Unite's quote included mandatory contributions of \$124.34 for dental insurance, \$14.90 for the student commons, \$68.24 for a fee labeled "UTSU," and \$138 for health insurance — for a total of \$345.48. The CRO requested a change to the phrasing of this platform item before it would be approved. Further delays resulted in Team Unite's platform not being approved until March 5.

When Team Unite representatives informed *The Varsity* campus newspaper about its disqualification by those currently holding power, the CRO issued a total of 29 demerit points to five members of Team Unite: ten for "failure to follow grievance procedure," nine for "intentional misrepresentation of facts," five for "misrepresentation of fact," and five for "unapproved material." Any candidate receiving more than 35 demerit points in a campaign is disqualified according to UTSU's *Elections Procedure Code*.

Team Unite's candidate for Vice President (Internal and Services), Anna Yin, received three of these demerits and, during the rest of the campaign, an additional 60 demerit points for various infractions including allegedly claiming "that the UTSU membership fee was \$345," "that the UTSU has no report indicating where funds are spent," "that UTSU's largest expense is executive salaries," "that the UTSU allowed the University of Toronto Mississauga to leave the organization in the past and divert fees to UTM," "that the UTSU is preventing autonomous organizations from 'leaving' the UTSU by citing UTSU bylaws," and "that a Student Society [sic] Summit was created to investigate undemocratic UTSU bylaws." According to UTSU Elections rules, Yin will face a \$795 financial penalty for these infractions (\$15 for each demerit point received).

In a campaign that's less than two weeks long, on a campus with 67,128 undergraduates, the two-day gag order put Team Unite at a grave disadvantage. The incumbent slate, "U of T Voice", won four out of five of the top UTSU executive positions in the election.

On August 30, 2013, UTSU informed the campus newspaper *The Varsity* that it would not include its August 12 issue nor its 2013 Student Handbook in UTSU's 2013 frosh/orientation kits. According to a [statement](#) from *The Varsity*, UTSU disputed the accuracy and objectivity of certain articles of the August 12 issue, including its cover, "Whose frosh week is it, anyway?" which reported on disputes between UTSU and several U of T colleges over the planning of frosh week. On August 31, UTSU made a formal request for the retraction of parts of several articles in the two publications, and *The Varsity* requested the return of its publications. *The Varsity* sent the publications directly to other student organizations and divisions for distribution during frosh week.

At a UTMIA lecture in April 2013 by two McGill scholars, protestors attempted to shout down the lecturers so that the audience would be unable to hear the presentation but they were unsuccessful in forcing the organizers to cancel.

On March 7, 2013, another lecture organized by UTMIA was held at the George Ignatieff Theatre on campus. The lecturer, Dr. Janice Fiamengo, an English teacher at the University of Ottawa, was [interrupted](#) when a student pulled the fire alarm, in order to shut down the event. After firefighters inspected the lecture hall, the presentation was able to continue.

On December 20, 2012, UTSU [rejected the ratification](#) of the Men's Issues Awareness Society (UTMIA). The letter sent by then-UTSU president Shaun Shepherd states that the rejection was made because the UTSU believed the student group had violated UTSU's *Discrimination on Campus Policy* and the *Ontario Human Rights Code*, for "perpetuating harassment towards women." UTSU also noted that the student group did not have enough members to constitute a club under the *Clubs Policy*, but UTMIA contests this notion, and asserts that the UTSU is responsible for low turnout at club events through their direct involvement at protests organized to undermine the student group at its organized events. The final decision took four months to reach, or one-half of the academic year.

The UTMIA hosted a lecture on campus earlier in 2012, despite its pending-ratification status. Dr. Warren Farrell, a *Financial Times Top 100 Thought Leader* and Board member for the National Organization for Women (New York branch) was invited to speak on the declining success and well-being of boys.

On the day of the event, November 16, 2012, protestors began to block entry and exit to the lecture venue while other opponents of Dr. Farrell's views set up an information picket. The blockade was eventually stopped when campus police requested Toronto Police to the scene of the blockade. The UTSU issued a [statement](#) supporting the protestors and condemning Dr. Farrell as a "rape apologist" and "misogynist". The UTSU did not condemn the actions of the protestors who blocked the doors to prevent other students from hearing the lecture.



University of Victoria, BC

The University of Victoria's (UVic) earns a 'B' for its policies, since its policies do not make it clear that security fees cannot be used to indirectly censor controversial or unpopular speech.

UVic earns a 'F' for its practices, since it is continuing to arguing against student free expression rights in a case now before the B.C. Court of Appeal.

The University of Victoria Students Society (UVSS) earns a 'F' for its policies. It fails to have a commitment to free speech. Its policies could be used to discriminate against clubs on the basis of their views. Its elections policies could be used to censor campaign speech. Further, it takes positions on issues unrelated to post-secondary education.

UVic earns a 'F' for its practices, as it is continuing to arguing against student free expression rights in a case now before the B.C. Court of Appeal.

University policies

The University of Victoria's (UVic) *Strategic Plan* has three "Fundamental values": "intellectual and ethical integrity, freedom of speech and freedom of inquiry, and equal rights and dignity of all persons." These are meant to "inform all [the University's] actions and are a prerequisite to fulfilling the purpose of the university."

The purpose of the UVic's *Discrimination and Harassment Policy* is "to prevent Discrimination and Harassment from taking place, and to act upon complaints of such behaviour promptly, fairly, judiciously and with due regard to confidentiality for all parties concerned." UVic's Equity and Human Rights office processes complaints, and works with students and staff, and their responsibilities include offering Confidential Consultations, providing all parties in the complaint with guidance and advice, and processing complaints fairly. Personal Harassment is defined as follows:

Personal Harassment: behaviour directed towards members of the University Community that would be characterized by a reasonable person as:

- a. abusive and demeaning; and
- b. threatening or intimidating; and
- c. either interfering with the targeted person's participation in a University Related Activity or creating an intimidating, humiliating or hostile environment.

...

Personal Harassment is not:

- a. interpersonal conflict or disagreement;
- b. the use of appropriate evaluation or discipline; or
- c. action where the harm by any objective standard is fleeting.

The *Discrimination and Harassment Policy* does provide the following protection to academic freedom:

The university recognizes academic freedom as a fundamental value, and this policy shall not be interpreted or applied to impose on the legitimate academic freedom of any

Member of the University Community....In exercising academic freedom, Members of the University Community must act in a responsible and reasonable manner and respect the rights of other Members of the University Community.

In May 2011, UVic passed a *Student Non-Academic Misconduct Policy*. Misconduct is defined as including but not limited to “disruptive or dangerous behaviours”. Under “Implementation” the *Policy* says it will not be used in a way that:

- limits the President’s authority to deal summarily with any matter of Student discipline in accordance with the University Act;
- unreasonably limits demonstrations or assemblies that are safe, non-violent and non- destructive;
- unreasonably limits the free expression of ideas; or
- prevents any member of the University Community or member of the public from proceeding with criminal or civil actions independent of any action(s) taken by the University.

University practices

In the fall of 2012, the campus pro-life group Youth Protecting Youth (YPY) asked UVic administration for assistance in dealing with the censorship that YPY was being subjected to by the University of Victoria Students Society (UVSS) (see third and fourth sections of this report). YPY applied to book space on campus for a peaceful protest with signs, submitting a formal booking request. YPY’s protest is called “Choice Chain” and involves students holding signs with photos of abortion, and distributing literature. As part of its application, YPY explained to the UVic administration that UVSS had passed a motion denying YPY the right to organize “Choice Chain” on campus for the remainder of the 2012 calendar year. UVic denied YPY’s request for space on grounds that it had been submitted nine business days prior to the planned event, rather than ten business days as required by regulations. However, UVic administration told YPY that it supported YPY’s free speech rights on campus, and that YPY’s failure to submit its formal booking request ten days prior to the event was the only reason for the denial.

In January of 2013, YPY submitted another formal booking request to the UVic administration, to conduct the same “Choice Chain” peaceful demonstration with signs and literature distribution on February 1, 2013. The request was submitted at least ten business days prior to the event. YPY club leaders met with UVic officials, did a full walk around of the approved location, and discussed various issues. UVic approved the event to go ahead on February 1, 2013, and YPY planned accordingly.

At approximately 4:30 p.m. on January 31, 2013, the day before this approved event was scheduled to take place, Jim Dunsdon, Vice-President of UVic Student Affairs and one of the representatives that YPY had met with in the planning of the event, phoned the president of YPY and informed him that their peaceful demonstration could not proceed because the UVSS had informed him that YPY, as a UVSS club, had been banned from hosting “Choice Chain” on campus. But UVSS’s purported “ban” (see fourth section of this report) had already expired.



Nevertheless, Mr. Dunsdon insisted that YPY's approved event could not proceed unless the UVSS's now-expired ban was "reversed".

On February 1, 2013, eight members of YPY proceeded to do "Choice Chain" at the campus location approved by UVic, and conducted the event exactly as it had been planned and discussed.

On March 1, 2013, the YPY club president received a letter from the UVic administration stating that because YPY had held an unapproved public event, UVic was taking away YPY's public booking privileges for one year.

These events culminated in YPY [launching a court action](#) against the University. This matter is now before the B.C. Court of Appeal, where the JCCF has intervened in support of these students' expression rights.

In the fall of 2010, the pro-life club Youth Protecting Youth (YPY) hosted a controversial presentation entitled "Echoes of the Holocaust." The UVic administration rejected calls to cancel the event. In November of 2011, the University allowed YPY to book space in the Quad for their "Choice Chain" demonstration, rejecting the request of UVSS which asked UVic to deny space to YPY.

In February 2010, UVic's Senate Committee on Awards [rejected](#) YPY's attempt to establish a bursary for single mothers (funded by YPY, not by UVic) due to the "controversial" nature of the club. UVic's Secretary asked a student member of this Committee to refrain from speaking to media about anything which happens in UVic committees.

After YPY sued UVSS and had their club status and funding reinstated in the summer of 2010 (see fourth section of this report) they resubmitted their bursary application to UVic, and the [application was approved](#).

Student union policies

After Youth Protecting Youth (YPY) sued the UVSS in 2010 and was reinstated as an official club (see more on this in Section 4), the UVSS continued to receive complaints from pro-choice students about YPY's posters (which did not feature graphic content) and the "Choice Chain" demonstration held in November, 2011.

In response to complaints about the posters, the UVSS passed the following [poster policy](#) on February 20, 2012:

All poster in the SUB and on UVSS poster boards located in the University must be in compliance with University Policy BP3105 Building Usage.

Posters which have the effect or purpose of unreasonably creating a hostile, intimidating, threatening, or humiliating environment will not be approved for posting. In the instance that UVSS Info Booth staff are uncertain whether a poster meets this criteria, they shall consult with the Executive Committee for clarification.

Posters where the content discriminates against a person or group of persons on the basis of race, colour, ancestry, place of origin, nationality, religion, family or marital status, physical or mental disability, pregnancy, age, sex, sexuality, gender, gender identity, appearance or conviction for a criminal charge will not be approved for posting...

In instances where posters that violate the terms of this policy are stamped for approval, they may be removed at the discretion of the Executive Committee. If a poster is removed, the Executive Committee must inform the Board of Directors and the group or individual who put the poster up. The decision of the Executive Committee may be appealed to the Board of Directors.

UVSS has a *Clubs Policy*, the purpose of which includes supporting “ideological diversity” and promoting “an environment within which all members of the University Community can fully participate in respectful debate and the sharing of ideas.” The UVSS *Clubs Policy* defines Harassment as:

the abusive, unfair, or demeaning treatment of a person or group of persons that has the effect or purpose of unreasonably creating a hostile, intimidating, threatening, or humiliating environment. It is not necessary for the club or club representative to intend for the conduct to produce feelings of fear or intimidation, only that the club or club representative reasonably ought to have known that the conduct would cause such feelings.

Part F of the *Clubs Policy* prohibits clubs from engaging in harassment, defined as “the abusive, unfair, or demeaning treatment of a person or group of persons that has the effect or purpose of unreasonably creating a hostile, intimidating, threatening, or humiliating environment.”

The UVSS *Issues Policy* sets out positions that the UVSS takes on public policy issues. For example, the UVSS opposes “the implementation of any new abortion law,” supports Canada’s withdrawal from the North Atlantic Treaty Organization and the Northern Radar Air Defence,” and opposes “the militarization of Canadian Society”.

UVSS’s *Electoral Policy* limits the number of banners and posters a candidate can have and requires that candidates comply with the *Poster Policy* above. Candidates are also limited in the amount of money they can spend on their campaigns.

Student union practices

In December 2012, the UVSS Board passed a motion finding that the Catholic Students’ Association (CSA), a UVSS club, had violated the UVSS *Clubs Policy* by distributing three leaflets during Clubs Days, entitled “Pure Manhood,” “Pure Womanhood” and “Pure Love.”

The ruling came after complaints about the pamphlet were submitted to Megan Quigley, the UVSS Director of Student Affairs. The complaints were discussed by the UVSS Complaints Committee *in camera*, but the motion implies that the club’s leaflets were considered “harassment” by UVSS. UVSS mandated that the CSA write a formal apology to the student population for distributing the leaflets, and has also requested that the CSA “engage in a conversation facilitated by an external party regarding oppressive language, systemic violence and consent,” to which CSA club members did not comply. CSA members planned to appeal the decision at an October 17, 2013, Annual General Meeting of the UVSS, but the meeting failed to reach quorum. Further attempts were made by UVSS to hold a meeting to discuss the appeal, but quorum was not reached on either occasion.

After UVSS Board of Directors elections in 2014, the new Board voted to rescind the December 2012 motion against the CSA.

In February of 2012, the UVSS Board, on recommendation from its Complaints Committee, passed a motion of censure against Youth Protecting Youth (YPY), removing their booking privileges for public spaces (the club is still able to book rooms in the SUB) and removing their ability to put up posters until the Board passed a new



policy on the content of posters. This decision was made after the Complaints Committee found that YPY's November 2011 "Choice Chain" demonstration constituted "harassment". The UVSS claims in a November 2013 affidavit that it received 24 "major complaints" from students about the November 2011 Choice Chain. YPY's poster privileges were reinstated when the Board passed their new policy, which applies to all clubs, restricting the content of posters.

UVSS intervened against YPY in January of 2013, when YPY tried to reserve space through the UVic Student Affairs for its "Choice Chain" event. UVSS Executives sent a letter to the UVic's Vice President Student Affairs, Jim Dunsdon, informing him that providing YPY with space would violate the prohibitions UVSS had passed against YPY in February 2012. UVic ultimately sided with UVSS and withdrew its approval of space for YPY's "Choice Chain."

On October 24, 2011, the UVSS Board of Directors voted to prevent Greek Letter Organizations (GLOs, referring to fraternities and sororities) from booking tables in the Student Union Building. The motion reads:

Motion 2011/10/24: 14 – Orser/Hamdon

Whereas a directive was passed at the October 2010 Annual General Meeting during which 64.5 percent of students voted against the recognition of sororities and fraternities; and

Whereas fraternities and sororities are exclusive organizations that are not inclusive of all students; therefore

BIRT the UVSS not enter into any contractual agreements with Greek Letter Organizations including, but not limited to, table bookings, room bookings, and advertising on UVSS premises;

A [letter](#) written by UVic Pride, one of the UVSS advocacy groups, that was circulated at the Board meeting, stated that simply seeing Greek letters displayed made some Pride members feel unsafe. The UVSS had previously voted to not recognize GLOs as campus clubs at an Annual General Meeting in October 2010.

At its May 16, 2011 meeting, the UVic Students' Society Board of Directors [passed a motion](#) asking the University to include a declaration of students' rights in its new *Non-Academic Misconduct Policy*. The UVSS requested that the *Policy* include the following:

Every student has the right to a University experience free from assault, harassment, intimidation, threats, bullying, hazing and coercion

Every student has the right to freedom from discrimination and harassment...

Every student enjoys within the University the freedoms of opinion, expression, belief and political association

Every student has the right to belong to any association of their choice and shall not be subjected to any prejudicial action by any member of the University community for so belonging

Every student has the right to assemble and participate in demonstrations

Every student has the right to enter or to refuse entering into an area that is undergoing a picket at the University directly or indirectly.

In November of 2010, the UVSS banned the sale of *Macleans Magazine* within the Student Union Building when the magazine refused to apologize for an article entitled “Too Asian.”

In the fall of 2010, responding to yet another complaint of “harassment” filed against YPY for having held a pro-life event on campus, the UVSS voted to “censure” YPY. This resolution carries no legal weight or practical consequences.

In September, 2008 the UVSS voted to deny funding to YPY because it was alleged that the group had contravened the UVSS *Issues Policy* on Gender, and some students claimed their activism constituted harassment. Funding was denied again in both winter and fall semesters of 2009. Funding was denied in the fall of 2009 because YPY had hosted a debate on abortion, another event that was alleged to “harass” students.

With the help of *pro bono* legal representation from Joseph Arvey, Q.C. and the B.C. Civil Liberties Association, the club commenced a court action against the UVSS in May 2010. The UVSS settled out of court in July, agreeing to return official club status to YPY, along with retroactive club funding, and the removal of policies within the *Clubs Policy* that specifically limited the speech of pro-life groups. The out-of-court settlement contains a clause that the court action against the UVSS will recommence if the UVSS removes club status or funding from YPY.



University of Waterloo, ON

The University of Waterloo earns a ‘D’ for its policies. Its policies could be used to censor politically incorrect speech. It does not have an anti-disruption policy. Further, its policies do not prevent security fees from being used to indirectly censor controversial speech.

The University of Waterloo earns a ‘C’ for its practices, on account of supply sufficient security to MP Stephen Woodworth’s reschedule lecture in November 2014.

The Federation of Students (FedS) earns a ‘B’ for its policies, because its election policy could be used to censor campaign speech.

FedS earns a ‘D’ for its practices on account of its recent eviction of the *Imprint* newspaper from its offices.

University policies

In Policy 33: Ethical Behaviour, the University of Waterloo (UW) states that “the right of individuals to advance their views openly must be upheld throughout the University.”

Policy 33 states that “free debate may from time to time include the presentation or discussion of unpopular opinions or controversial material”, however this must be done as “openly, respectfully and sensitively as possible”.

Policy 33 defines discrimination as any violation of the *Ontario Human Rights Code* and harassment as “engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome.” Further, Policy 33 is violated by creating a “poisoned environment,” defined as one that is “intimidating, hostile or offensive”.

The Guidelines on use of Computer and Networking Services states “Waterloo values and strives to provide its members with an environment of free inquiry and expression. Freedom of expression and academic freedom in electronic format have the same latitude as in printed or oral communication.”

University practices

Conservative MP Stephen Woodworth was invited to speak at the University of Waterloo on March 13, 2013, about his Motion 312 in Parliament, calling for a re-examination of the 400-year-old definition of a human being in the *Criminal Code of Canada*. He only got through a third of his presentation before loud chanting and yelling, some by characters in costumes, prevented him from being heard any further.

UW campus security was present but refused to take any kind of action to uphold the rights Mr. Woodworth to express his views, and allowed protesters to shut down the event. Source: <http://news.nationalpost.com/2013/03/14/anti-abortion-conservative-mp-shouted-down-by-protesters-at-university-of-waterloo/>

Stephen Woodworth returned to Waterloo campus on November 14, 2013, and his lecture was able to proceed without disruption, thanks in part to the large presence of campus security, and the requirement that attendees to the event be pre-listed for entry.

Source: <http://www.thecord.ca/conservative-mps-talk-screens-questions-bans-protesters-at-uw/>

On International Women's Day on March 8, 2012, author Inga Muscio was invited to speak by the Waterloo Public Interest Research Group (WPIRG), a student-run organization paid for by all students through an opt-out fee attached to tuition (more information on this can be found at <http://wpirg.org/about/>). Several days before March 8th, WPIRG had reserved a place for a workshop. Upon arrival of the speaker and guests, the room was discovered to be locked. A UW staff member explained that another group had reserved the room, although the room was empty and a booking by WPIRG had been made in advance. The same staff member stated that the speaker "should be 'embarrassed' by her book", entitled *Cunt: A Declaration of Independence*. Moreover, promotional posters were removed beforehand by UW staff because of the use of the word "cunt."

Source: <http://www.thecord.ca/?p=4507>

On November 12, 2010, author and (then) *Globe and Mail* columnist Christie Blatchford was to speak at a UW public lecture hall about her book, "Helpless," regarding a Six Nations reserve in Caledonia, Ontario, its occupation of a construction site, and the government's inaction.

Students picketed at the lecture hall prior to Blatchford's arrival, and then several protesters [occupied the stage](#) to prevent Ms. Blatchford from speaking, resulting in cancellation of the talk that night. Campus Security stood by and watched the disruption and forced cancellation of a University event, failing to remove the protesters.

A rescheduled event a month later went on [unhindered](#) and drew ten times the original crowd of listeners.

Student union policies

UW's student union, the Federation of Students (FedS), passed a [Freedom of Expression](#) policy on April 7, 2013. The policy states:

Whereas the Federation of Students supports freedom of expression and an environment conducive to student discussion on all issues; and

Whereas the Federation of Students feels that students should not be unreasonably restricted in what they may wear;

Be It Resolved That: The Federation of Students opposes the censorship of the freedom to express oneself, unless such an expression is contrary to government established human rights codes.

The FedS maintains a [Clubs](#) policy which affirms the following principles:

1. The university has historically been one of the bastions of academic and philosophical freedom where new ideas emerge and old ideas are debated. This freedom and diversity gives universities a special place in society.
2. Although the views expressed by members of our community are diverse and sometimes diametrically opposed, we respect the opinions of all those who respect the rights of others.
3. The Federation of Students strives to aid in the social and cultural development of students on campus by providing forums for social, political, spiritual and cultural exploration and communication.



The [Student Discipline Policy](#) states that, “the Federation of Students opposes the regulation and discipline of any non-academic off-campus conduct when an individual is not completing duties or responsibilities required of them by the University of Waterloo.”

FedS maintains an [Elections By-Law and Procedure](#) for student council and executive elections. Article G(1) requires all campaign materials to be approved by the Chief Electoral Officer (CEO), but does not specify the criteria for which campaign materials can be approved. The lack of criteria empowers the Chief Electoral Officer (CEO) to censor materials at his/her discretion, based on the content of the materials. Article K of the *By-Law* enforces spending limits on candidates of \$300 for Executive positions, \$200 for “at-large” seats and \$75 for council positions.

The Poster Policy requires all clubs to adhere to the UW Regulations, including Policy 33.

Student union practices

In July of 2015, FedS announced the [eviction](#) of the *Imprint* from its offices in the Student Life Centre, which the student newspaper had rented for more than three decades. The editor of the paper claimed that the decision was in part an attempt to “silence” editorial coverage which had been negative to the FedS. FedS offered the *Imprint* new office space in the basement of the Student Life Centre.

As discussed in Section 2 of this report, in the case of women’s rights speaker Inga Muscio, the FedS [Poster Policy](#) affected the ability of organizers to promote the event. Specifically, under the *Poster Policy* all posters must adhere to UW and FedS policies and regulations, which is vague enough to empower UW administrators to remove posters simply because complaints are received, as was the case with the promotional posters for Muscio’s talk.

University of Windsor, Ontario

The University of Windsor earns a ‘C’ for its policies, because some of its policies could be used to censor unpopular or politically incorrect speech and it fails to have a policy to prevent security fees from being imposed to censor controversial speech.

The University of Windsor earns a ‘D’ for its investigation of the University of Windsor Students’ Alliance (UWSA), which since it was not accompanied by a statement supporting the right to free speech could have a chilling effect on student free speech.

The University of Windsor Students’ Association (UWSA) earns a ‘D’ for its policies. Its policies could be used to discriminate against groups on the basis of their views. Its elections rules empower censorship by election officials. Further, UWSA takes (or at least attempts to take) positions on issues unrelated to post-secondary education.

UWSA earns a ‘C’ for its policies, as its commitment to free speech has not been recently tested and its policies earn a ‘D.’

University policies

The University of Windsor Senate *Bylaw 33: Student Rights and Freedoms* affirms its Recognition of Fundamental Freedoms:

The University acknowledges that the mutual respect of student and teacher is fundamental to the learning process. It accepts as first principles the rights of freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication, as interpreted under the Canadian Charter of Rights and Freedoms. These are rights which must be respected and protected if a University is to function and flourish....

The Canadian Charter of Rights and Freedoms also guarantees to everyone the freedom of peaceful assembly and the freedom of association. The University affirms the right of public peaceful assembly and the open expression of ideas and opinions. While the protection of the Charter is afforded to all, this does not diminish the obligation to observe the law and not to interfere with the rights and privileges of others or the continuity of the educational process.

Section 1 of the University of Windsor’s *Student Code of Conduct* states:

The University of Windsor is a community of scholars committed to the motto of: Goodness, Discipline, and Knowledge. As in any community, integrity is the foundation upon which all else is built. Fundamentally, a university is a place where those eager to learn gather to advance knowledge in an open, accepting and friendly manner with a goal to making important contributions to society.

- It is a place where freedom of expression is protected vigorously and uncompromisingly and where civility of expression in word and deed is the code of conduct.
- It is a place where all people are treated fairly without concern to religion, race, colour, national origin, sex, sexual orientation, disability or age.



The *Code* prohibits “Intentional obstruction or disruption of teaching, research, administration, disciplinary proceedings, or other University activities, including public service functions, and other authorized activities on University premises.”

The *Code* also prohibits “Knowingly creating a situation that endangers or threatens the health, safety or well-being of any person or that threatens to damage or destroy property, while on campus or while off-campus and representing, or acting as a representative of, the University or a student group/organization.”

The *Human Rights Policy* of the University of Windsor prohibits harassment comprising four “behaviours”. The two categories relevant to speech are Verbal Behaviour and Written Materials:

Prohibited behaviours include but are not limited to:

Verbal Behaviour

Using stereotypes to describe a particular group; name calling; insults; threats; slurs; degrading or unwelcoming remarks; jokes or innuendos about a person/persons in relation to the prohibited grounds in the Ontario Human Rights Code.

Written Materials

Displaying or distributing racist/sexist derogatory or otherwise offensive materials or graffiti; displaying or distributing derogatory pictures or cartoons.

The University of Windsor has a *Language Equity Policy* which states:

It is the policy of the University of Windsor that in all its documents, publications and communications there shall be respect for individual worth, dignity, integrity and capacity. The University of Windsor is committed to language equity which avoids stereotyping and labeling, and which promotes an environment in which learning and working are enhanced by the equitable treatment of all persons no matter what their race, creed, colour, sex, national origin, age, disability, or sexual orientation, in accordance with applicable national and provincial laws.

While this *Policy* appears only to apply to the University of Windsor administration in its internal documents, publications and communications, the University’s *Poster Policy* includes the *Language Equity Policy* in its criteria for approved posters:

Posters may only be placed on poster boards, cork strips or other similar materials installed for such purposes. All posters/banners must adhere to the University of Windsor Language Equity Policy, particularly, “there shall be respect for individual worth, dignity, integrity and capacity.”

The *Language Equity Guide* was created to further explain the University of Windsor’s *Language Equity Policy*. The *Guide* calls itself “a guide to inclusive language.” The *Guide* further states:

As an employer and as an education provider, the University of Windsor is legally obliged to ensure that people can work and study in an environment that is free from harassment and discrimination, and which is not hostile or demeaning.

The *Guide* gives examples of unacceptable/non-inclusive language and suggests replacements. For example, students are encouraged to refrain from saying “the office girls” and instead say “the administrative staff.” Instead of saying “manning the booths” the *Guide* suggests saying “staffing the booths.” A “Woman lawyer” should be referred to as a “lawyer” and instead of using “hermaphrodite” the *Guide* suggests the term “intersex.”

While the *Guide* itself is meant to be suggestive rather than mandatory, the inclusion of the *Language Equity Policy* in the *Poster Policy* enables censorship of the content of student literature and posters.

University practices

Responding to a referendum passed by the University of Windsor Students’ Alliance (UWSA) in support of an anti-Israel boycott (see section 4), in March of 2014, University of Windsor president Alan Wilderman launched an investigation into alleged violations of UWSA’s constitution and by-laws. Wilderman told media that he was concerned about students who felt unsafe and may not return to the University because of the referendum. In April of 2014, Wilderman [temporarily suspended funding](#) of UWSA until he was sure there was a “properly governed organization” in place. Notably, Wilderman did not reference free expression in his remarks.

The investigation found “the petition to hold the referendum did not meet the standard of 500 valid signatures; changes to the structure of the UWSA executive violated its bylaws; some members of the executive and council have not met the constitutional criteria for membership; the motion approving the referendum lacked quorum; the referendum question was unclear and ambiguous.” Wilderman sent a [letter](#) to UWSA informing them that the referendum had thus failed.

In April of 2008, the University of Windsor’s Muslim Students Association (MSA) organized a film-screening and lecture intended to shed light on the “crisis in Palestine” and the Israel-Palestine conflict. The event was cancelled (by the MSA) after a university administrator, the international students advisor, informed the MSA president that the event had the potential to incite anti-Jewish and anti-Israel bigotry.

The film, titled “Occupation 101: Voices of the Silenced Majority,” depicts Palestinians recounting abuse by Israeli soldiers. Osama Iqbal, then-president of the MSA, decided to cancel the event because the group’s intention was not to incite hatred but rather, to increase awareness about the humanitarian situation in Palestine.

It is not clear whether the University of Windsor’s international students advisor said that the event ought to be cancelled, or that the event must be cancelled. [Source](#)

In September of 2006, the University of Windsor’s campus pub, The Thirsty Scholar Pub, imposed a dress code that banned items of clothing deemed to endorse “gang culture,” including bandanas, long chains, ripped or baggy clothing, and doo rags.

The Thirsty Scholar Pub reversed its dress code after protests by students who viewed the clothing ban to be racist against black people. An open forum was held to discuss the matter, which was attended by 400 students. An independent investigation commissioned by the University of Windsor deemed the dress code to be “racist” and the pub, which is operated by the University of Windsor Students’ Association (UWSA), argued that the dress code was a “safety precaution” against gang violence. [Source](#)



Student union policies

The preamble to the University of Windsor Students' Association (UWSA) *Constitution* states:

Our common values include those entrenched in the Canadian Charter of Rights and Freedoms; goodness, discipline and knowledge as unfurled on our university crest; preferences for peace, understanding, compassion, co-operation, excellence, hope, justice, and respect; and, the spirit of community with purpose that underlines our choice to unite through this Alliance.

UWSA's *Student Group Policy* requires all student groups to uphold freedom of expression rights:

7.2.2 Intends to carry on activities that do not violate any federal or provincial laws, municipal by-laws, or university regulations; and which do not infringe upon the rights and privileges of others. These rights include, but are not limited to, the right to privacy and freedom of expression and association.

The *Student Group Policy* mandates that UWSA not recognize any student group which:

7.3: ...practices any form of coercive (persistent mental, social, and emotional pressure to join the group) techniques of their membership or potential membership, nor any student group who are found to be association with an outside body which practices coercion, or knowingly violates any of the procedures contained herein.

Section 11 of the *Student Group Policy* states:

11.2 The following are not acceptable means of recruiting:

11.2.1 Repeated individual solicitation either in writing or in person

11.2.2 Deliberate misrepresentation of the group's mandate or goals

11.2.3 Solicitation of membership with the intention of garnering total adherence to cultural values and religious beliefs

11.3 Anything not in the 'accepted' list above is not an acceptable means of recruiting unless approved by the VPA and the Student Group Coordinator.

The *Club Funding Policy* empowers UWSA's Vice President – Administration (VPA) to impose “any conditions on the event it deems prudent” and that “UWSA will only sponsor events that are consistent with our mandate.” UWSA's *Special Event Funding Policy* and the *Club Relief Policy* include identical statements in this regard. Therefore, all UWSA policies governing club funding bestow blanket censorship powers upon the VPA in the distribution of UWSA resources. The “Funding Request Form” states the criteria by which the Board of Directors may determine suitability for funding:

1. Campus benefit- What is the benefit to the overall undergraduate experience at Windsor campus? The more benefit to students per dollar, the more funding may be justified.
2. Openness/Exclusivity- Is the event open to all students or exclusive? The more open the event, the more payment may be justified; the more closed the event, the less payment may be justified.
3. Student Support- Would a reasonable fee paying student supports his/her money paying for this? This is essential, for each dollar given is a dollar taken from the student body.
4. Alternatives- How does UWSA funding rank in appropriateness compared with alternative sources of funding? If there are more appropriate sources of funding, the UWSA should not grant payment.

UWSA's [*Elections Policy*](#) empowers elections officials to penalize elections candidates if media coverage received by one candidate exceeds the media coverage received by another candidate:

6.3.4 Any media coverage of a candidate that exceeds the media coverage of another candidate may be counted as a campaign expenditure by the CRO and, in addition, may subject the candidate to a penalty.

Section 6.6 of the [*Elections Policy*](#) prohibits campaign materials that discuss other candidates, among other requirements:

6.6 All Campaign Materials must be:

- a) Personally approved by the CRO or DRO;
- b) Approved by the professor or teaching aid where the campaign material is used in a class setting.

Section 80.07 of the Policy states that campaign materials must not:

- i. be created or distributed in the UWSA head office;
- ii. be hung or posted in University classrooms, lecture halls and seminar rooms;
- iii. overlap or be attached to any hung or posted campaign material of another candidate;
- iv. be hung, posted, handed out, discarded or otherwise distributed in areas set out for polling stations locations;
- v. have any direct or indirect reference to an opposing candidate; Elections Policy UWSA Elections Policy October 2014 17
- vi. include or incorporate the UWSA or University of Windsor logo;
- vii. have any content that denigrates the spirit of a fair and peaceful democratic election;
- viii. disparage the spirit of a fair and peaceful democratic election.



- b) Alcohol, drugs and illegal substances may not be used as campaign materials.
- c) All campaigning via email or social media communication sent to a managed list of more than one (1) person must be approved in advance by the list administrator (and by the CRO in accordance with Section 80.
- d) Online campaigning is considered equivalent to campaigning on campus. Therefore campaigning on social media is subject to the same restraint as campaigning on campus.
- e) Before you campaign on social media, you must add the CRO as a friend.
- f) Poster Material:
 - i. Laminated posters are not permitted
 - ii. Any form of non-recyclable poster material is not permitted

The UWSA operates a [*Student Centre Poster and Bulletin Policy*](#) which states:

All posters/banners must adhere to the University of Windsor Language Equity Policy, particularly,” there shall be respect for individual worth, dignity, integrity and capacity”.

On March 1, 2014, the UWSA student body passed a referendum to endorse the The Boycott, Divestments and Sanctions (BDS) movement, a global political campaign that asks companies, individuals and governments to halt economic and cultural relationships with companies that produce or grow products in Israel or the “illegal settlement” of the West Bank.

The question was put on a ballot after the Palestinian Solidarity Group at the University claimed to have gathered 500 signatures on a petition.

The referendum was thrown out, however, after University of Windsor president Alan Wilderman found several violations of UWSA by-laws and procedures, including that “the petition to hold the referendum did not meet the standard of 500 valid signatures; changes to the structure of the UWSA executive violated its bylaws; some members of the executive and council have not met the constitutional criteria for membership; the motion approving the referendum lacked quorum; the referendum question was unclear and ambiguous.”

Student union practices

The authors are not aware of the University of Windsor Students’ Association (UWSA) censoring students because of their views, or of the UWSA censoring student groups and events on campus.

University of Winnipeg, Manitoba

The University of Winnipeg earns a ‘C’ for its policies, as its policies could be used censor “offensive” speech and they fail to prohibit security fees from being imposed on groups simply on account of their controversial or unpopular message.

The University of Winnipeg earns a ‘C’ for its policies as there has been no noted challenge to its commitment to free speech and its current policies earn a ‘C.’

The University of Winnipeg Students’ Association (UWSA) earns a ‘D’ for its policies. Its policies give the UWSA the ability to discriminate against student groups on the basis of the views and purpose. Further, elections rules permit some censorship of campaign speech. Finally, UWSA has taken at least one position on an issue unrelated to post-secondary education.

UWSA earns a ‘C’ for its practices as there has been no noted challenge to its commitment to free speech and its current policies earn a ‘C.’

University policies

The University of Winnipeg’s *[Respectful Learning and Working Environment Policy](#)* states that the University “continues to be committed to academic freedom and freedom of thought, inquiry, and expression among its members.”

The University of Winnipeg’s policy for *[Non-Academic Conduct and Discipline](#)* states:

In order to accomplish its stated mission, the University must be a community in which there is freedom to learn, to teach, to create and to engage in research without fear of retaliation or intimidation and without threat to person or property. Students have a responsibility to act in a fair and reasonable manner in their interactions with their peers, faculty, staff and administration and in their use of campus property. The intent of this policy is to encourage appropriate student conduct and to identify and regulate student nonacademic misconduct which infringes on the above mentioned freedoms and thereby jeopardizes the essential values of our academic community: mutual respect, dignity and civility.

This statement indicates that it is misconduct to interfere with a scheduled event, since disruption of a lecture or display would violate the freedom of the presenter and his or her audience to learn, teach, create and engage.

Section 3.1 of the University of Winnipeg’s *[Poster Policy](#)* states:

Poster, banners, and/or notices presented for approval must not in any form promote or encourage discrimination, racism, hatred, and/or bigotry.

The *[Respectful Learning and Working Environment Policy](#)* defines “personal harassment” as:

repeated, non-constructive, intentional and offensive comments or actions designed to offend, abuse or humiliate a person, when such conduct has the purpose or effect of substantially or unreasonably interfering with an individual’s performance, or which create an intimidating, hostile or offensive learning or working environment.



University practices

The authors are not aware of any cases of the University of Winnipeg censoring speech, or discriminating against students or student groups on the basis of the content of the group's expression, or of cases of residence assistants censoring speech in residence.

Student union policies

The University of Winnipeg Students' Association (UWSA) includes the following statement in its [Mission Statement](#):

Our efforts include promoting the exchange of ideas and information among students, and within the greater University community. In aid of this, we support and encourage the development of student groups and societies on campus.

The UWSA has a [Policy Manual](#) which governs the operations of students and student groups within the UWSA. The UWSA divides student groups into three tiers: Affiliated Student Groups, Recognized Student Groups and Student Service Groups. Classification in one of these groups is made by UWSA depending on the membership, purpose, and other characteristics of student clubs.

Section 11 of the *Policy Manual* outlines the criteria by which UWSA officials can approve or deny "Affiliated Student Group" status. This title is used to define student groups which have membership that is not entirely restricted to students at the University of Winnipeg. Affiliated Student Groups do not have the same access to resources or facilities as other clubs whose membership is 100% based at the University:

In order to attain Affiliated Student Group status, a group must:

- Benefit the University of Winnipeg and it's [sic] students;
- Submit and abide by a constitution or statement of principles;
- Designate a liaison that is a University of Winnipeg student. The liaison must submit contact information;
- Maintain membership lists throughout the year. Membership lists must be provided upon request of the VPSS [Vice President for Student Services]. Lists must include member names, telephone numbers, and e-mail addresses

Similar criteria are used to attain "Recognized Group Status," requiring the student group to explain how it is of "benefit" to the University community.

Determining what groups, values or viewpoints "benefit the University of Winnipeg and it's [sic] students" is dependent on the interpretation of UWSA officials as to what constitutes a "benefit."

Section 3 of the *Policy Manual* governs elections. Section 3 imposes spending limits on candidates seeking UWSA office to \$50 for uncontested candidates, \$100 for contested candidates and \$200 for Executive Director candidates.

The UWSA [endorsed](#) the Divest UW campaign, a movement of students seeking to pressure the University to divest of any funding going to fossil fuel companies.

Student union practices

The authors are not aware of any cases of the University of Winnipeg Students' Association censoring speech, or discriminating against students or student groups on the basis of the content of the group's expression.



Vancouver Island University, Nanaimo, BC

Vancouver Island University (VIU) earns a ‘C’ for its policies, as some of its policies could be used to censor merely “offensive” speech and its policies do not prohibit security fees from being used to censor controversial or unpopular speech.

VIU earns a ‘C’ for its practices, as its commitment to free speech has not been recently tested and its current policies earn a ‘C.’

The Vancouver Island University Students’ Union (VIUSU) earns a ‘B’ for its policies as it lacks a commitment to free speech.

VIUSU earns a ‘B’ for its practices, as its commitment to free speech has not been recently tested and its current policies earn a ‘B.’

University policies

In its *Mission*, Vancouver Island University (VIU) describes itself as “a dynamic and diverse educational organization, dedicated to excellence in teaching and learning, service and research. VIU fosters student success, strong community connections and international collaboration...”

VIU lists among its *Core Values* a commitment to the following:

Learning: we support student success, access to education, appropriate use of technology, development of literacies, communication and exchange of ideas across disciplines and locations, exploration and application of new thought and pursuit of lifelong learning

Discovery: through the pursuit of free enquiry we promote an enduring learning community

Diversity: we value human diversity in all its dimensions and are committed to maintaining learning and working environments which are equitable, diverse and inclusive

The *Values Statement* states that VIU supports a “collegial, respectful, and supportive working environment. We encourage continuing opportunities for the learning and growth of our employees. We honour the open exchange of ideas, academic freedom, and collaboration across departments and disciplines.”

VIU’s *Student Conduct Code* includes the following under examples of misconduct:

3. Personal harassment: Abusive and/or demeaning treatment that creates an intimidating, hostile, or offensive learning or working environment for others.
4. Disruption of the learning and working environment: Conduct disruptive of the University learning and working environment. The University environment includes instructional and non-instructional activity sponsored by the University on or off campus.
9. Obscene, libelous and copyright material: The publication, posting or distribution of material violating the laws of libel, copyright, obscenity, or human rights.

The Human Rights Policy states that “[i]t is recognized that academic freedom is an important value of the University. This policy will be interpreted in light of our commitment to this value.” It also states “all members of the University community are responsible for treating each other with respect and dignity.”

VIU’s document entitled Responding to Complaints of Personal Harassment defines personal harassment:

- i. Behaviour that generally involves a course of conduct directed towards a specific person or persons which serves no legitimate educational or work related purpose; and,
- ii. is known, or ought reasonably to be known, to have the effect of creating an intimidating, humiliating, offensive or hostile educational or work environment.

This document further states that “[a] single incident, when sufficiently serious, may be considered personal harassment.” Examples of personal harassment listed include “yelling, name calling, or swearing,” “demeaning comments or jokes regarding a person’s character, body, or other personal aspects,” “spreading malicious rumors, gossip or innuendo” and “persistent unwarranted criticism.”

VIU defines disruptive behaviour in its Disruption Free Learning and Working Environment policy as “[any] interruption to the learning environment that serves to obstruct, bring disorder, or break the flow of continuity of the activity.” It further states:

Vancouver Island University recognizes the right of students and employees to have a positive learning and working environment that is free of disruptive and intimidating behaviour. This environment includes all locations on and off campus where any activity may be scheduled under the auspices of Vancouver Island University.

The Presentations on Campus policy states that VIU “will encourage the imparting and exchange of views and opinions on all matters, subject only to restrictions imposed by law.”

The Rental of University Facilities policy states that use is “subject to the understanding that [VIU] does not necessarily support the goals, beliefs or behaviour of the individual or organization.”

On Flyers and Handbills, the Bulletin Boards, Posters and Flyers policy states:

The dissemination of flyers and handbills is restricted to hand-to-hand distribution and placement on tables in general student lounge spaces and the cafeterias, and other public spaces as determined appropriate by the Faculty, department, or campus organization... The distribution of hand-to-hand materials must be conducted in a respectful manner consistent with the policies, procedures and values of the University.



University Practices

In March of 2013, Vancouver Island University cancelled all advertising with the Nanaimo Daily News and its parent-company Glacier Media after the paper published a letter to the editor which many deemed “racist.” The letter entitled “Educate First Nations to be modern citizens” questioned the accomplishments of First Nations communities and depicted them as chronic underachievers.

VIU issued the following [statement](#) on the matter:

“The Board of Governors and administration of Vancouver Island University strongly condemn the letter to the editor published in the Nanaimo Daily News on Wednesday, March 27, 2013, entitled “Educate First Nations to be modern citizens.”

“The Board of Governors passed a unanimous motion to this effect at its meeting today at VIU’s Cowichan campus.

This letter can only be described as misinformed, derogatory and racist. As a university, we are proud of the fact that we embrace and celebrate our partnerships with First Nations communities. We are equally proud to welcome more than 2,000 self-identified Aboriginal students – many of whom come from communities outside of our region – to our campuses where they will find a supportive learning environment to help achieve their dreams.

It is for these reasons that we feel the opinions expressed in this letter have no place in civilized debate or on the pages of an established newspaper. It not only goes against the values of respectful dialogue and human rights which are at the core of our institution; it does not reflect the values of openness, tolerance and respect which are hallmarks of the Nanaimo community.

We wish to express our profound disappointment with the Nanaimo Daily News and the Glacier Media Group for allowing this letter to be published. While we acknowledge that Glacier Media has issued an apology, VIU has nevertheless decided to suspend all activities with Glacier Media until further notice.

Furthermore, we invite the Glacier Media leadership to meet with representatives of the VIU community – students, faculty and staff – to further enhance their understanding of how respect for and understanding of traditional Aboriginal knowledge and culture is integral to education, not only for Aboriginal peoples but for all citizens. The University will be pleased to offer space to the community to host a dialogue on the importance of Aboriginal education, mutual respect and reconciliation.

After all, providing education for modern citizens is what universities help to do.

Student Union Policies

The Vancouver Island University Students’ Union (VIUSU) states as its [Mission](#):

- Provide quality services to save students money and enhance the educational experience;
- Promote campus life through events, activities and clubs; and
- Mobilize local, provincial and national advocacy to forward student issues and gather support for a more affordable and accessible system of high quality, public education.

VIUSU categorizes clubs differently according to their purpose:

- General Interest Clubs: listing of clubs with a general interest focus
- Activist Clubs: listings of clubs seeking to make social change
- Religious and Partisan Clubs: clubs affiliated with a religious belief or political party
- Course Unions: clubs that represent students in a particular department, program or faculty

“Activist Clubs” are defined as follows:

Activist clubs are organized to achieve a political goal and are not affiliated with a political party. They provide an opportunity [sic] for Students’ Union members to organize on issues important to them and make change in their community. Examples of past such clubs are Students for a Free Tibet, the Popular Participation Movement and Solutions.

In the “Religious and Partisan Clubs” section of the VIUSU website it is stated:

Although the Students’ Union is non-partisan and non-religious, it is important to provide members with an accessible and respectful outlet for their spiritual and political beliefs within the campus community.

Student Union Practices

The authors are not aware of the VIUSU discriminating against students because of their views, nor of VIUSU denying access to resources on campus to students or student groups with unpopular messages.



Western University, London, ON

Western University earns a ‘B’ for its policies. It lacks a policy that prohibits security fees from being used to censor unpopular or controversial speech.

Western University earns a ‘D’ for failing to unequivocally stand up for free speech and freedom of the press in regards to an article published in Western’s student newspaper, *The Gazette*.

The Western University Student Council’s (USC) earns a ‘C’ for its policies. Some of its policies could be used to discriminate against clubs on the basis of their views or expression. The student elections rules could enable censorship of campaign speech.

USC earns a ‘C’ for its practices as its commitment to free speech has not been recently tested and its current policies earn a ‘C.’

University policies

Western University, formerly the University of Western Ontario, states in its policy *Rights and Responsibilities of Academic Freedoms*:

Academics frequently express ideas that are at odds with other views within the University, and sometimes with the views of society or government. Academic freedom ensures that such ideas can be expressed without fear of interference or repression from University administrators, politicians, or others....

The University must remain the centre of such free intellectual inquiry and interchange.

The *Code of Student Conduct* at Western states that “nothing in the Code shall be construed to prohibit peaceful assemblies and demonstrations, lawful picketing, or to inhibit free speech as guaranteed by law.” Misconduct is defined to include a disruption of an activity as well as the contravention of Western’s *Non-discrimination / Harassment Policy*, which defines harassment as “a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.”

Western’s policy, *Picketing, Distribution of Literature and Related Activities*, states that Western University will permit expressions of viewpoints on campus providing that such actions:

(a) cause no interference with the orderly functioning of the University nor infringement on the rights or privileges of others, which rights include the right to peaceful pursuit of campus activities and to enjoy the rule of law; and

(b) do not contravene existing Senate or Board of Governors policies.

University practices

On August 19, 2014 Western’s student newspaper, *The Gazette*, published a satirical article “So you want to date a teaching assistant?” that prompted the union representing teaching assistants at Western to publish a response condemning the decision to publish the article. Western’s Provost and Vice-President (Academic), Janice Deakin, published this response in the *Gazette*:

As with other media, the *Gazette* has the right to run provocative articles but I find it objectionable that your paper would publish a column promoting the idea that students should attempt to have inappropriate relationships with graduate teaching assistants.

Not only does the spirit of the article run contrary to Western's efforts to have a workplace and learning environment that is free from sexual harassment, it is disrespectful of the essential contribution graduate teaching assistants make to Western's academic mission.

Graduate teaching assistants put a great deal of effort into ensuring the content they provide in class is educational, intellectually challenging and engaging. They deserve to be treated professionally and respectfully.

The time is long past when these kinds of articles can be defended as being either satire or humorous. It is my hope that *The Gazette* leadership will learn from the negative reaction to this particular column and, in future, show more consideration and respect for graduate teaching assistants and others....

The event "Israel Day" was organized by the student group, Israel on Campus, and held on February 1, 2012. The event included a display promoting Israel, including pamphlets discussing Israel's record on upholding human rights for its citizens, gender equality, and acceptance of homosexual lifestyles. The event was held at the University Community Centre's (UCC) "concrete beach," a large flat area outside the UCC.

News of Israel Day attracted the attention of participants in the Occupy London movement and the UWO student group, Solidarity for Palestinian Human Rights, who organized a counter-protest involving the formation of a "human chain" blocking the Israel on Campus display with signs that were held by the protestors. Solidarity for Palestinian Human Rights did not request permission from the University Students Council (USC) to hold its own event, making this an informal, spontaneous protest. The formation of the "human chain" prevented access to the pro-Israel display for many students coming from one direction of the UCC. Volunteers coordinating the "Israel Day" display also reported that they ceased promoting their activities once the chain was formed, out of confusion and worry about what the protestors would do next. Campus Community Police (CCP) were called to monitor the event, but did not stop the physical obstruction of the display. CCP is an administrative unit of Western University.

In October of 2011, a pro-life student group called Western Lifeline organized a chalking event by which members would draw about 200 hearts on concrete (on-campus), with each heart including text that read, "this heart represents a baby who died from abortion." The club was told by University administrators (Department of Student Life) that the event would not be approved, stating that they were "not willing to allow you to do this chalking this year because it is unclear who is responsible for the message being presented and they are concerned people would feel it is the USC presenting the message."

The club then promised to write the club's name around the display, so that students would not be confused about which organization was sponsoring the event. The University still delayed approval of the event until much later in the fall term, by which time the weather rendered this event practically difficult or impossible.

Also in the fall of 2011, Western Lifeline was denied equal access to prominent space on campus, The Atrium, when it sought to organize an event called "Silent No More," which features women who speak about their own experiences with abortion. Western's role in the incident is limited, since space bookings are administered by the University Students Council (USC). However, one Western staff member who was assigned to work with the USC, Mark Wellington, claimed that this Western Lifeline event would violate the USC *Community Standards Policy*, but provided no explanation as to how or why it would have violated the *Policy*. Aside from a reference to vague and undefined "community standards," the University and USC have not provided Western Lifeline with any reason or rationale for the denial of space.



In March of 2010, when some students wanted to prevent controversial American author and pundit Ann Coulter from speaking at the UWO, University President Amit Chamka stated, “I support free speech and tolerance in our community. These are the cornerstones of our democratic process. But more importantly, they are fundamental to our teaching and research mission. It’s our role to provide a venue for people to express their views.” Ann Coulter’s speech went ahead as planned.

Student union policies

The Western University Student Council’s (USC) *Community Standards Policy* states in its Preamble:

The University Students’ Council seeks to create a community that welcomes creative expression and constructive discussion, while recognizing that reasonable limits must be put in place. In attempting to reach these goals, this policy is twofold. First, the Policy is to ensure that community space within the University Community Centre (UCC) is safe for all members of the University community. Second, the Policy is to ensure that designates of the USC, or student organizations recognized by the USC respect the rights of all members of the University and surrounding community to live and work in an environment that is free from harassment and discrimination. This Policy; therefore, applies to students involved in the USC and affiliated organizations and persons booking space through the USC Reservations Office.

This *Policy* bans “acts of expression” (words, graphics, demonstrations, displays) that are deemed “objectionable” or “cause a disruption,” including disruption of students “speaking or associating with others”. It also bans “[c]onduct that threatens or endangers the health or safety of any person or group,” and “[a]ny other act that has, or might reasonably be seen to have, an adverse effect on the reputation or the proper functioning of the USC, or the health, safety or rights of other persons or groups.”

The USC has a *Poster Policy*, the Preamble to which states:

Everyone has the fundamental freedom of thought, belief, opinion and expression, including freedom of the press and other mediums of communication. The University Students’ Council (USC) recognizes the importance of embracing and embarking on such freedoms at the University of Western Ontario (University). The University provides an educational forum where individuals come together to participate in a process of shared inquiry and where the success of that endeavour depends on an atmosphere of openness, intellectual honesty and tolerance for the ideas and opinions of others. The USC encourages students to engage in meaningful and intellectual debate regarding a host of issues, and understands the necessity to avoid limiting such expression as much as possible.

This *Policy* prohibits “potentially libelous language or statements” or “statements made to damage a person’s or group’s reputation.” The Student Life office of the USC enforces the *Poster Policy*, which prohibits posters that violate the *Community Standards Policy* and that “demean others on the basis of their race, ancestry, place of origin, colour, ethnic origin, religion, disability, citizenship, creed...” etc.

The facilities which are owned or managed by the USC, such as the University Community Centre (UCC) and “concrete beach,” a large flat area outside the UCC, can only be used for events by clubs that are ratified by the USC. The space is large enough to accommodate large groups of people without disrupting the flow of traffic.

If the USC or the Clubs Policy Committee finds a club to have violated the policy, it can place sanctions on the club, which give the USC carte blanche to apply an arbitrary punishment in the form of “[r]estricting or banning access to use UCC space for acts of expression for a period of time to be determined by the Board,” or “[i]mposing conditions to access UCC community space, such as requiring consultation with the Board prior to usage of such space for acts of expression, or public or private apologies.”

USC’s *Elections Procedures* bylaw does place some restrictions on speech. For instance, it requires that “[a]ll emails or mass communications . . . sent for the purpose of campaigning to a managed list of more than one person must be approved in advance by the list administrator.” Section 12.01(14). There are also spending limits placed on candidates. Section 12.02

Student union practices

The student group Israel on Campus organized an event called “Israel Day” to take place on February 1, 2012, including a display promoting awareness of the state of Israel, from a positive point of view (more on the display in Section 2, above). The event attracted the attention of the UWO student group, Solidarity for Palestinian Human Rights, which organized a counter-protest involving the formation of a human chain blocking the Israel on Campus display.

Solidarity for Palestinian Human Rights did not inform USC of their plans to block the display. Members of Solidarity for Palestinian Human Rights stated in reports of the incident that their actions were peaceful and silent, and denied that they physically blocked the display. Israel Day coordinators, however, insisted in the same report that the “human chain” and signs held in the chain resulted in the blocking of their display.

As a result of holding an unregistered protest, the USC warned Solidarity for Palestinian Human Rights that if it repeated the act of holding events and protests without going through the appropriate USC event channels, it would face penalties “ranging from probation to deregistration.” According to Campus Community Police, policies and procedures require a minimum of 10 business days notice for any event deemed “controversial” to be held, so that the USC and the University can make the appropriate preparations such as ensuring a security presence.

USC denied equal access to prominent space on campus, the Atrium, to Western Lifeline in 2011 when it sought to organize an event called “Silent No More,” which features women who speak about their personal experiences with abortion. The Atrium is a high-traffic area in which a high volume of students pass through during the day. Events, demonstrations, and displays are often and routinely planned there, some of which are considered to be controversial, such as displays during “Israeli Apartheid Week.”

However, the pro-life club--which had initially been given permission to hold their event in the Atrium in years previous--was told by USC executives that they would not be permitted to hold their event in the space, but would have to relocate to more secluded, enclosed area with no through traffic, the Mustang Lounge. Incidentally, the exact same event had been held in the Atrium before without incident. No explanation was provided as to how the students’ expression would violate the *Community Standards Policy*, which was claimed as the basis for the denial.

When the first stop of Ann Coulter’s Canadian tour in March 2010 was being planned for the University of Western Ontario, organizers were faced with continually growing “security” concerns, with various demands issued on short notice. The USC ordered the Campus Coalition for Democracy (the official host club of the Ann Coulter event) to purchase security through the University’s pre-selected vendor, along with two off-duty police officers. The Campus Coalition for Democracy was told that the security requirements were non-negotiable, and that the event would not proceed if the demand were not followed. The total cost was approximately \$800.



In November 2004, the USC sanctioned the club Solidarity for Palestinian Human Rights after it created a mock wall in the USC premises as a representation of the wall dividing Israel from the Palestinian territories. Included in the display was a map of historical Palestine with the word Palestine in Arabic. The symbol was deemed offensive to Jewish and Israeli students and was considered speech that harassed and targeted students by USC officials. The club was subsequently banned from all student council facilities for two years. It now operates as a fully registered club, although it received a warning in February of 2012 that its club status could be jeopardized.

Wilfrid Laurier University, Waterloo, ON

Wilfrid Laurier University (WLU) earns a ‘C’ for its policies. They could be used to censor unpopular or politically incorrect speech. There is an anti-disruption policy, but it should be clarified to apply to all University-approved events. Further, they fail to prohibit specifically security fees from being used to censor speech.

WLU earns a ‘D’ for past censorship of a student group’s posters.

Wilfrid Laurier University Students’ Union (WLUSU) earns a ‘C’ for its policies. It lacks a commitment to free speech and its policies could be used to discriminate against groups which share views differing from those of the WLUSU.

WLUSU earns ‘C’ for its practices, as its commitment to free speech has not been tested recently and its current policies earn a ‘C.’

University policies

Wilfrid Laurier University (WLU) states on its “[Values, Vision, Mission and Guiding Principles](#)” webpage that it is committed to the teaching and learning of “scholarly exploration and the application of new ideas”. WLU’s mission statement reads:

Wilfrid Laurier University is devoted to excellence in learning, research, scholarship and creativity. It challenges people to become engaged and aware citizens of an increasingly complex world. It fulfills its mission by advancing knowledge, supporting and enhancing high-quality undergraduate, graduate and professional education, and emphasizing co-curricular development of the whole student.

Laurier’s *Guiding Principles* also focus on building community citizenship, “learning and advancing knowledge across boundaries”, and an “openness to change”.

The preamble of the WLU *Student Code of Conduct and Discipline* (Section 12.2.I) states that students are allowed to pursue their learning through “free enquiry and free expression” and any intellectual and personal interests without interference. The University “recognizes academic freedom...acknowledging that the common good of society depends upon the search for knowledge.”

The *Code*’s Introduction lays the groundwork for how the administration at WLU views freedom on campus, and describes it as being free from interference, providing one’s actions do not limit the rights of others:

Members of the Laurier community enjoy the freedom to pursue their intellectual and personal interests without interference, provided that their actions do not limit the rights of other members of the University or the community in which it is situated. The objects of the University are the pursuit of learning through scholarship, teaching, and research within a spirit of free enquiry and expression. The University recognizes academic freedom and the right to peaceful protest, acknowledging that the common good of society depends upon the search for knowledge, and its free expression.

The *Student Code of Conduct and Discipline* states in Section 6.1:

Wilfrid Laurier University is devoted to learning, research, scholarship, creativity, professional expertise, and personal development in a student-centred environment. The University is committed to providing an environment for study, teaching, research work and recreation for all members of the University community that is supportive of professional and personal development and free from all forms of harassment and/or discrimination as outlined in the Occupational Health and Safety Act and the Ontario Human Rights Code.

Section 6.1 of the *Student Code of Conduct and Discipline* seeks to eradicate a “negative environment”, in addition to discrimination and harassment. “Negative Environment” is defined as follows:

One or a series of comments or conduct that creates a negative environment for individuals or groups and are related to the prohibited grounds. The comments or conduct must be of a significant nature or degree and have the effect of “poisoning” the work or study environment. A complainant does not have to be a direct target to be adversely affected by a negative environment. It includes conduct or comments that create and maintain an offensive, hostile, or intimidating climate for study or work. Examples include but are not limited to exposure to graffiti, signs, cartoons, remarks, exclusion, or adverse treatment related to one or more of the prohibited grounds.

Section A.1 of Section 4.10 in the WLU *Student Code of Conduct* states:

1. Academic and General University Users

There will be no charges to University departments and student organizations for the use of space. There will be charges, however, for deploying of staff for duties outside of normal responsibilities; services such as food, refreshments, and equipment rental; and for special set-up and unusual maintenance costs.

University practices

On March 21, 2012, WLU administration forced the Laurier Students’ Public Interest Research Group (LSPIRG) to take down posters regarding “Israel Apartheid Week”. WLU enforced its decision by sending a Special Constable Supervisor to ask the LSPIRG sub-committee, Laurier 4 Palestine, to take down three posters deemed “offensive.” The officer justified WLU’s request on the grounds that the posters “incited hate”. The posters in question had been displayed as part of a gallery event hosted by Laurier 4 Palestine in the Solarium, an area on campus for students to use as they please, which can be booked by student groups for various functions.

Source: *The Cord*, March 21, 2012



“Laurier’s 100 Words Drabble Contest” was launched in February of 2011, one of several events held in conjunction with WLU’s 100th anniversary. This contest provided the following caveat when explaining the rules for acceptable content:

Laurier values free speech and freedom of expression and will accept entries containing a wide variety of content. However, entries will be deemed ineligible if they contain content that is threatening, abusive, contains commercial solicitations, is erroneous/libelous, sexist, racist, homophobic or is for any reason deemed inappropriate, as bound by Wilfrid Laurier University privacy policies and the Wilfrid Laurier University *Discrimination and Harassment Policy*, Section 6.1. We reserve the right to remove ineligible entries from the contest without notice.

Source: <http://www.laurier100.ca/drabble/rules/>

In the fall of 2009, Dr. Tom Flanagan spoke to the WLU Political Science Association (PSA). The organizers raised significant concerns about protesters trying to prevent him from speaking. The administration made the effort to ensure Dr. Flanagan could give his lecture, and was willing to provide security free of charge if any incidents arose. PSA Treasurer Rico Vipari made arrangements for additional security, but “[i]t ended up that they were not needed and protesters allowed the event to proceed without incident”.

Source: Interview with Rico Vipari, July 26, 2012

Student union policies

Wilfred Laurier University Students’ Union (WLUSU) has a “Diversity and Equity Office” (DEO) to foster inclusiveness and promote equality on campus through many avenues, including seminars on topics including LGBT and inclusive language issues. The front page of the DEO’s website provides its mission statement and purpose:

We promote empowerment and education as means of creating an open and accepting quality of life for all students, staff, faculty, and community members. We believe in eradicating the barriers that inhibit access to equal opportunities, and we advocate for the inclusion and equal treatment of everyone, regardless of gender, race, ethnicity, culture, sexuality, religion, age, ability, or socio-economic background.

It is unclear what powers the DEO can exercise in order to promote “empowerment and education,” or whether these powers can be used to silence or censor the speech of people with a different vision.

In conjunction with the DEO, WLUSU also promotes “inclusive language” on campus and throughout its subsidiaries and services, defined as:

...language that does not exclude, insult, trivialize or stereotype on the basis of gender, disability, and race. It means avoiding any language that could offend, demean, or promote stereotypes about a particular group. It is not ‘political correctness’ but merely choosing language that is welcoming and acceptable to people of all genders, races, and disabilities.

While there is no “ban” on a particular topic, there is an expectation that everyone will adhere to the “inclusive language” concept. This means refraining from using phrases that *could* be misconstrued as racist, “homopho-

bic,” or discriminatory. Commonly used “un-inclusive” words or phrases, according to WLUSU, include...

- “That’s so gay”
- “That’s what she said”
- “You’re so retarded”
- “That test raped me”
- “Gypped” or “Jewed”
- Boyfriend or Girlfriend (use “partner” instead)

Student union practices

It’s not entirely clear whether WLUSU condoned the university administration’s actions when it ordered the removal of posters regarding Israeli Apartheid Week (see second section) – its apparent silence suggests that WLUSU was ok with censorship. During the 2011-2012 school year, WLUSU President Gibson commented on the role of WLUSU during the incident, saying “...administration and the Student Union kept an eye on it to ensure there were no incidents of people inciting violence, etc.” Gibson’s remarks demonstrate that WLUSU was aware of the actions taken by the administration, but that WLUSU itself was not a catalyst in removing the posters. This indicates that, although WLUSU was consulted by WLU on how they handled Israel Apartheid Week, it was WLU that made the decision to violate students’ freedom of expression by taking down their posters in the on campus Solarium.

In 2008, a group called “Laurier Free-thought Alliance” (LFA) was registered as a student club. The vision of the club was “to promote a fulfilling life without religion and superstition”. WLUSU denied the club official certification and equal access to resources “due to the need to respect and tolerate the views of others”. However, after many protests and angry letters/emails to the administration, Campus Clubs (the subsidiary of WLUSU that approves campus clubs and their funding) eventually allowed the LFA to be approved for club status provided they change the wording in their vision statement. A compromise was reached on this matter and the LFA was ultimately approved by Campus Clubs.

Source: <http://theframeproblem.wordpress.com/2008/02/01/waterloo-ontarios-Wilfrid-laurier-University-denies-recognition-to-campus-freethought-group/>



York University, Toronto, ON

York University earns a ‘D’ for its policies. Its policies could be used to censor unpopular speech and security fees are permitted to be imposed on groups sharing a controversial message. Further, it lacks a broad anti-disruption policy that would prohibit the disruption of all student events and expression.

York University earns a ‘C’ for its practices, as its commitment to free speech has not been recently tested and its current policies earn a ‘D.’

York Federation of Students (YFS) earns a ‘F’ for its policies. It fails to have a commitment to free speech. Its policies could be used to discriminate against groups on the basis of their views or expression. Its election rules could be used to censor campaign speech. Further, it takes policies on issues unrelated to post-secondary education.

YFS’s commitment to free speech has not been recently tested, but it earns a ‘D’ for its practices on account of its currently failing policies.

University policies

York University’s *Academic Plan 2010-2015* includes the University’s “unswerving commitment to academic freedom and collegial self-governance.” York also values “a commitment to critical and free inquiry which requires the willingness to challenge but also to tolerate and respect ideas that may differ from our own.”

York’s *Code of Student Rights and Responsibilities* lists the rights possessed by students on campus, including “[t]he right to freedom of inquiry, expression and assembly on campus.” Additionally, students have the right “to engage and participate in dialogue and to examine diverse views and ideas.”

The *Code of Student Rights and Responsibilities* states in its preamble that the right to freedom of expression will be balanced by other listed rights:

The identified rights and responsibilities listed are interdependent and interconnected. For example, “The right to freedom of inquiry, expression and assembly on campus” and “The right to engage and participate in dialogue and to examine diverse views and ideas” are not separate from “The right to respect for one’s person and property” and “The responsibility to behave in a way that does not harm or threaten to harm another person’s physical or mental wellbeing.” Where there is a tension between rights and responsibilities that are linked, those involved must recognize the need to achieve an appropriate balance.

In the “Responsibilities” section of the *Code*, students are expected, among other things, to adhere to “the responsibility to uphold an atmosphere of civility, honesty, equity and respect for others which values the inherent diversity in our community.”

York University’s *Policy Concerning Racism* states:

4. Anyone in the York community who infringes a right protected by the Ontario Human Rights Code shall be subject to complaint procedures, remedies and sanctions in the University’s policies, codes,

regulations and collective agreements as they exist from time to time, and to such discipline (including rustication or discharge) as may be appropriate in the circumstances.

The *Policy*'s effect on free speech on campus is minimal; while many provincial Human Rights Codes have been interpreted to justify severe restrictions on free speech, Ontario's *Human Rights Code* does not carry the same effect.

York's Student Community & Leadership Development website includes an anti-disruption clause to protect student groups tabling or promoting their cause:

13. Organizations must respect the fact that there will be groups tabling around them and therefore cannot disturb or otherwise take away from what other groups are promoting by their actions. The aim of all groups tabling must be to create a peaceful atmosphere for everyone and not interfere with what another group is doing, so long as it does not violate any policies or procedures.

The Guideline on Acceptance and Display of Commemorative Art Work outlines the procedures by which York may accept pieces of art that commemorate a historical figure or event. In determining whether to accept a piece of work, the policy states that administrators must consider "[w]hether the work or the individual or event it commemorates is so controversial as to engender activity which would compromise the work, the facilities or the activities of the University."

York's Procedures and Regulations regarding Temporary Use of University Space applies to student groups hosting an event on campus "with a high profile or controversial external speaker or group." Section 2.2.2 of the *Procedures and Regulations* states:

The organizer of an Event involving a High Profile or Controversial External Speaker shall notify the Office of Temporary Use of University Space (TUUS) as early as possible. TUUS will arrange a consultation meeting with the organizer, Security Services and any other relevant service areas.

Section 5.2 of the *Procedures and Regulations* gives the University administration discretion to decide whether an event mandates a security presence:

The University may assess the potential risks associated with the temporary use of its space by an Eligible User on the basis of safety of participants and other individuals on campus, protection of property, and continuity of academic programs, services, scheduled activities/events, and other University operations.

The University may stipulate that certain physical, security, and/or other requirements, including insurance, be put in place in order for the event to proceed and may also require a security and/or damage deposit.



Sections 5.2 and 5.3 of the *Procedures and Regulations* discriminate against student groups advocating messages considered controversial or offensive by some members of the campus community. Section 5.3 burdens student groups (the Eligible User) hosting an event with the cost of providing security:

The Eligible User is responsible for the costs associated with these requirements as well as municipal fines for false alarms or misuse of fire equipment arising out of its use of the premises.

Section 7.1.4 of the *Postering Guideline* prohibits placing posters considered to “disseminate hate propaganda, discriminates or appears to differentiate on the basis of any of the grounds of the Ontario Human Rights Code or York’s human rights policies.”

York University’s [Centre for Human Rights](#) exists to “assist individuals and groups to address and resolve allegations of discrimination and harassment as defined by the Code and University policy.” The Centre does not appear to be empowered to censor speech, nor to enforce penalties and punishments on violators. Rather, the Centre focuses on educational workshops and promotes dialogue and appeasement between complainants and defendants.

York’s [Hate Propoganda Guidelines](#) define hate propaganda as follows:

Hate propaganda is the public promotion or incitement of hatred against an identifiable group. Hate propaganda targets persons and/or property, based on such factors as colour, race, religion, or ethnic origin (Section 318 (4) of the *Criminal Code* of Canada). York University identifies sex, sexual orientation and gender identification as additional factors.

The University Senate also maintains a policy on [Gender Free Language](#) which states:

It is the policy of Senate to refrain from the use of gendered language in its official documents. Gendered language shall be removed from documents as they are updated from time to time.

University practices

On May 3, 2013, York University administrators [revoked the club status of the student group “Students Against Israeli Apartheid” \(SAIA\)](#) and banned it from applying for official club status until January, 2014. The ban was the result of a rally organized by SAIA on March 27, 2013, which the University deemed to have disrupted academic activities near Vari Hall rotunda due to the noise and extent of the demonstration. York also sent warning letters to the Black Students’ Alliance and the Middle Eastern Students’ Alliance because of their involvement in the event.

Joanne Rider, director of media relations at York, told student media at the time that the decision was made after SAIA was found to have repeatedly disrupted campus activities, despite being given warnings from the Univer-

sity to cease disruptive protests. “We followed due process, including warning SAIA a number of times before we made the decision to sanction them.”

In a post on SAIA’s Facebook page, the group writes that the University’s decision to revoke their status is an “unprecedented attack on academic freedom and freedom of speech on the York University campus.”

SAIA organized a protest on November 5, 2013, in Vari Hall, which was intended to be a counter-rally to the “York is U” spirit rally which was being held at the same location that day. SAIA wanted to raise awareness about York University’s discrimination in allowing space bookings at Vari Hall for only some student events. The spirit rally was cancelled for unknown reasons, but the SAIA protest went ahead with protesters throwing pamphlets into the main lobby and chanting loudly enough to warrant campus security to investigate. Security informed one member of the SAIA protest that he should leave campus after the individual disclosed he was no longer a York student.

After the one-year ban, in January of 2014, SAIA applied for club status and was ratified.

In February 2010, the Jewish Students Federation at York invited Middle East affairs commentator Daniel Pipes to give a lecture on campus. During their application for venue space, the University mandated that the group cover the costs of security at the event given their view that Pipes would incite anger and controversy on campus. The student group was forced to cancel the event because they couldn’t cover the security costs.

In June 2009, faculty members at York University organized a conference, “Israel/Palestine: Mapping Models of Statehood and Paths to Peace”, which was held in various venues at the University. The organizers of the conference accused University administration of violating the principle of academic freedom by putting “undue pressure” on them to change the content of the conference. Specifically, organizers accused then Dean of the Osgoode Hall Law School and the Associate Vice President of Research and Innovation of attempting to cancel controversial topics for discussion and un-inviting some of the academics slated to speak.

Through the Freedom of Information and Privacy Protection Act, records of email exchanges that occurred during the months leading up to the conference were obtained and showed that numerous members of the University leadership had discussed methods of avoiding negative press about the University. One article on the documents states:

Those e-mails, obtained by The Globe and Mail, discuss how the University might avoid “a disaster,” by paying for the event to be moved off campus, putting forward speakers to balance the program and planting participants in the audience to moderate debate. The aim was to avoid the type of controversy experienced at Montreal’s Concordia University, where clashes between Muslim and Jewish students in 2002 badly damaged its reputation and led to the cancellation of a speech by former Israeli prime minister Benjamin Netanyahu.

In response to allegations of suppressing academic freedom, York University asked Supreme Court Justice Iacobucci to review the issue. The Review concluded that there was no need for further investigation of the conference and that the University did not act in opposition to academic freedom. The report has been criticized by many faculty members at York, including the Osgoode Hall Faculty Association.

On February 11, 2009, approximately 100 pro-Palestinian students reportedly initiated a near-riot against a group of Jewish students during a news conference where speakers called for the impeachment of the York Federation of Students (YFS) executive.



According to witnesses, the demonstrators, which reportedly consisted of members of the YFS and Students Against Israeli Apartheid (SAIA), shouted “Zionism equals racism!” and “Racists off campus!” One witness stated, “[YFS supporters] started banging the door and windows, intimidating Jewish students and screaming antisemitic slurs.”

The students barricaded themselves inside the Hillel offices, where protesters reportedly banged on the windows and attempted to force their way in. Eventually police were called to escort Jewish students through the protesters.

In May 2009, York adjudicator Janet Mosher, who was an associate dean at York’s Osgoode Hall Law School, ruled that two York students, Krisna Saravanamuttu and Jesse Zimmerman, had violated the *Student Code of Conduct* due to their behaviour at the protest, which she described as “exclusionary and offensive” and which promoted an atmosphere of “hostility, incivility and intimidation.” Mosher noted that both students participated in the protest, which pursued a group of Jewish students to Hillel’s lounge in York’s Student Centre, and swarmed outside shouting taunts. On a video of the incident, Saravanamuttu was shown clapping and apparently leading a chant of “Whose campus? Our campus!” as well as participating in a chant of “Racists off campus.” Saravanamuttu was fined \$150 and both he and Zimmerman were given an official reprimand and human rights training.

York University stood up for the free speech rights of students after the York Federation of Students (YFS), York’s student union, cancelled a scheduled debate on abortion in February 2008. The event, which was hosted and moderated by two student societies at York, was cancelled by YFS executives because they felt abortion was not a topic for debate. York University intervened by offering the student group an alternative space at Curtis Lecture Hall on York’s Keele campus. Commenting on the University’s decision, spokesperson Richard Fisher stated, “Any debate that is legal and protected by free speech needs to occur. If it can’t happen at a...liberal arts University, where can it happen?”

When YFS Executives voted in 2008 to restrict union resources to pro-life clubs on campus, York University pledged to provide pro-life clubs with replacement resources in compensation for the YFS decision.

In January 2003, Daniel Pipes was invited by York’s Centre for International and Security Studies to give a lecture. Facing complaints from the Middle East Students Association and the York University Faculty Association, the Centre cancelled his talk. Then-president Lorna Marsden re-invited Pipes after she was informed of the controversy, and his lecture was held at a different venue on campus.

Student union policies

Article 2, Section 4 of the York Federation of Students (YFS) Constitution enables the Union to take stances on political/policy issues on behalf of its members:

To bring together undergraduate students from across the campus to discuss and take common, democratic positions on questions affecting students;

Section 5.6.e of the YFS Bylaws outlines the duties of the Vice President, Equity (an elected YFS executive position). One of the duties listed appears to empower the officer to take stances for or against issues related to “discrimination” and “equity”.

Section 10.3 of the *Bylaws* outlines the responsibilities of the Chief Returning Officer (CRO) who is responsible for the overall administration of YFS elections. Subsection “h” of the bylaw empowers the CRO to determine which campaign materials (posters, communiqués, pamphlets, etc.) are acceptable. Sections “d” through “h” of Section 10.13 (Campaigning) give some indication of the criteria established for approval of campaign materials:

e. All campaign material and/or advertisement need approval by the CRO in advance of posting or distribution. All submissions made to the CRO shall be returned with or without approval within two (2) business days. Though not an exhaustive list, campaign material can include: posters, leaflets, banners, websites, new media (i.e. Facebook, Twitter, and MySpace), clothing, buttons, stickers, logos, audio & video recordings, etc. Publications like opinion pieces and advertisements created and/or provided by a candidate or campaign volunteer. Tactics for the distribution of campaign materials, such as but not limited to, the distribution of student newspapers, are not subject to approval and are permitted.

The CRO is also empowered to restrict the quantity of posters one candidate can post during an election. Sections 10.13.g and 10.13.h of the *Bylaws* restrict the quantity of messages a candidate can communicate to voters during the election.

Section 10.13.k restricts the location of campaign messages on campus:

k. Restrictions regulating campaigning, that are unique to the following, shall be followed. It is the responsibility of the candidates to familiarize themselves with the different rules that govern each of the aforementioned entities such as:

I. No campaigning of any form is permitted in the Union offices, or any area that can be perceived to be under the jurisdiction of the Union unless otherwise stated by the CRO.

II. Campaigning within a classroom is forbidden without the expressed permission of its presiding faculty member(s). To campaign in a classroom, a candidate must obtain consent from the professor/lecturer before the start of class.

III. Campaigning is not allowed within Student Residence.

IV. Campaigning is not allowed within the Library.

III. Campaigning is not allowed within [sp] computer labs.

Subsection I is particularly restrictive since it empowers the CRO to determine any number of Union-operated spaces out of bounds for campaigning.

Section 10.13.c of the *Bylaws* gives significant discretion to the CRO and YFS officials to censor speech during elections due to vague language (e.g. “generally accepted community standards”) contained in the text:

c. Candidates shall campaign in accordance with the rules of fair play. Breaking the rules of fair play include, but are not limited to, breaching generally accepted community standards, libel, slander, general sabotage of the campaigns of other candidates, malicious and/or intentional breach of elections policy, any attempt to undermine the electoral process and misrepresentation of fact.



Furthermore, Section 10.15 gives the CRO power to set rules and enforce penalties not covered in the Bylaws:

The CRO reserves the right to make rulings on issues and events not otherwise covered in this code, or to add in such rulings to supplement existing sections.

Section 10.15 further outlines the penalties that the CRO may employ against violators of its rulings, which includes ruling an election or candidate void in the election process.

By-law 11 governs the procedures related to referenda during YFS elections. Section 11.4 of the By-law severely restricts the ability of students to participate in a referendum campaign as they themselves see fit by allowing only one “advocating committee” to officially represent and campaign on behalf of each of the “yes” and “no” options:

No one other than a registered advocating committee shall advertise in any medium, or post or distribute any material, for the purpose of supporting or opposing a referendum question.

Bylaws 10 and 11 limit free speech through the governing of campaign finance and resource access. Spending limits are set by the CRO and the Referendum Committee for candidates and referendum advocating committees, and candidates/advocates are not allowed to raise funds on their own above and beyond the expenditure limits.

YFS’ *Club Ratification Policy* states:

1.6 The YFS does not support, promote or fund activities that are discriminatory as defined by the Ontario Human Rights Code and YFS policies.

1.7 The YFS will not ratify any groups that practice any form of coercive (persistent mental, social and emotional pressure to join the group) techniques of their membership or potential membership, nor any student groups who are found to be associated with an outside body who practices coercion, or knowingly violates any of the procedures listed above.

1.8 The YFS will not ratify any clubs who threaten, are rude or antagonizing to YFS Staff, Board or Executive Members.

The ratification process for clubs is explained on the YFS website, www.yfs.ca. Clubs seeking ratification must adhere to the above-mentioned conditions, but also must outline in detail their planned events and activities for the coming year. YFS justifies the requirement by saying that it is intended to give a better idea of “how active” clubs will be. That said, such a requirement means that clubs may be denied ratification based on the composition and content of events they are planning to hold even before they’ve applied for space.

Section 1.5 of the *Club Funding Operations Policy* states, “The YFS does not support, promote, or fund activities that are discriminatory as defined by the Ontario Human Rights Code and YFS policies.”

In June 2008, the York Federation of Students (YFS) passed a motion to ban pro-life groups from access to YFS resources, recognition and campus space. YFS delegates first introduced the motion at an annual meeting of the Canadian Federation of Students in January 2008. The motion (which passed successfully) requires all member unions to ban pro-life clubs from access to union recognition and resources.

Article 2, Section 4 of the York Federation of Students (YFS) *Constitution* enables the Union to take stances on political/policy issues on behalf of its members (see Section 3). This policy has been used to justify taking political stances on national and international issues not directly relation to students' interests. For example, YFS co-sponsored an event in opposition to the 2010 G20 meetings which occurred in Toronto. An article in "Maclean's on campus" describes the incidences as follows:

York student Gregory Kay was also irked by his student union's support for G20 protests. The YFS and the student union at the University of Toronto co-sponsored "Toronto vs. the G20: a teach-in." Class included Black Bloc tactics, which ended up seeing storefronts and public property smashed during the summit in downtown Toronto. "That's something most students don't believe in at all," says Kay, who is the business representative for the YFS board of directors. "Most students aren't anti-capitalist. They're not interested in civil disobedience."

YFS endorsed striking faculty members at York during contract disputes that occurred in 2008. YFS closed its offices in solidarity with the protestors, denying access to YFS services in doing so. Additional controversy erupted when it was discovered that YFS executives used the opportunity to work for the CFS, the national student umbrella group which YFS belongs, in Ottawa. The decision prompted a signature campaign to impeach the YFS Executive which collected more than 5,000 signatures.

Students union practices

On February 29, 2008, the York University Society for Bio-Ethical Awareness planned to host an event titled "Abortion: A woman's right or moral wrong?" The event was to feature Jose Ruba of the Canadian Centre for Bio-Ethical Awareness debating Michael Payton, member of the student group FreeSAY. It was to take place in the Student Centre, a hall operated by the YFS. The event was cancelled by YFS merely hours before it was set to begin. YFS Executives justified the action, saying "abortion is not an issue to debate" and that the debate was comparable to "debating whether a man can beat his wife." The event was rescheduled to take place at Curtis Lecture Hall on York's Keele campus, a space operated by York University, rather than the YFS. The debate took place successfully on March 18.

In February 2008, the York Federation of Students led a delegation of students to McMaster University to protest the University's decision to censor a controversial promotional poster for the campus's annual Israeli Apartheid Week event. The decision to send students to protest at McMaster indicates apparent inconsistencies in YFS' position on free speech. As one article wrote:

The YFS joined other Toronto students unions in condemning McMaster University and the McMaster Students Union for censoring a poster featuring the controversial phrase "Israeli Apartheid" and a graphic, violent image. At the rally, the Toronto unions accused the University and students union of shutting down free speech at McMaster. They called on McMaster University and students union to allow for absolute free political speech on the campus.

[YFS VP for Equity] Massa doesn't see the connection between the two incidents. She said that the censorship at McMaster was about a political issue while the York [abortion] debate would have amounted to "hate speech."