

Freedom of Speech on Campus
Annual Report to the Ontario Government
by the
Higher Education Quality Council of Ontario

Introduction

Since January 2019, the Ontario government has required that each of the province's colleges and universities implement a free speech policy that meets a minimum standard prescribed by the government.

Institutional policies are to be based on the [University of Chicago's Statement on Principles of Free Expression](#). Government asked that institutional policies include the following elements:

- A definition of freedom of speech
- That universities and colleges should be places for open discussion and free inquiry
- That the institution should not attempt to shield students from ideas or opinions that they disagree with or find offensive
- That members of the institution are free to criticize and contest views expressed on campus, but may not interfere with the freedom of others to express their views
- That speech that violates the law or constitutes harassment or threat is not allowed

The policies are also intended to address administrative mechanisms whereby members of the college or university community can raise and resolve free speech issues. Any complaint that remains unresolved through institutional processes can be referred to the Ontario Ombudsman.

To monitor implementation of the initiative, the Higher Education Quality Council of Ontario (HEQCO) has been tasked by government with an ongoing role to review implementation of the free speech policies. Institutions are instructed to develop, post and submit to HEQCO an annual report on implementation of their free speech policies by September 1 annually. Due to the exigencies of the COVID-19 pandemic, Ministry of Colleges and Universities (MCU) Deputy Minister, Shelley Tapp, extended the submission deadline to October 1 for the 2020 reporting year.

HEQCO's role in ensuring the success of the government's free speech initiative was summarized in a December 14, 2018 memo by then Deputy Minister George Zegarac of MCU:

A recent regulatory amendment to O. Reg. 336/06 made under the Higher Education Quality Council of Ontario Act, 2005 gives HEQCO the function to research and evaluate how free speech is addressed at each postsecondary institution and across the

postsecondary sector, as well as provide reports and recommendations to the Minister on the results of such research and evaluation.

This is our second annual report, based on the institutional implementation reports posted across the province.

Annual Implementation Reports

All publicly assisted colleges and universities submitted and posted their free speech annual reports in accordance with the revised deadline of October 1, 2020. Appendix A provides links to the 2020 annual reports on each institution's website.

As indicated in HEQCO's 2019 summary report, we developed a template to support institutions in their reporting efforts (see Appendix B). We asked institutions whether they had amended their free speech policy and where members of the institutional community with free speech related questions or complaints are directed. We also asked institutions about their respective policies on holding events where there are security concerns and to detail examples of events that did not proceed due to security-related issues/costs. Institutions were asked to summarize any free speech complaints and whether or not they were resolved. Institutions also reported on the number of non-curricular events held on campus.

Finally, we invited institutions to use the annual report to provide supporting or contextual information, such as institutional history and culture with regard to free speech policy and practice.

Highlights from the institutional implementation reports are as follows:

The policies after 21 months

No institution has reported having amended its free speech policy from that posted in January 2019 in accordance with the government's policy. The free speech policies, like all institutional policies, are subject to pre-scheduled policy review windows. We consider regular review to be a best practice, even if no issues have been raised. Appendix C provides links to each institution's policy, as posted on institutional websites.

Events on campus

We asked institutions to give us a sense of the volume of non-curricular (i.e., not directly attached to an academic program) events at colleges and universities. Collectively, the institutions reported in excess of 70,000 events, an estimate we know to be conservative due to pandemic-related campus closures that began in March 2020, as well as the fact that some institutions have noted the lack of robust centralized logging systems to capture all such activity across their campus(es). Clearly, Ontario's postsecondary institutions host a substantial volume of events aimed at fostering dialogue and discourse for both their internal and external communities.

We asked about cancellations of events due to concerns about safety or the costs of security. No events were cancelled due to security-related financial concerns. One event was rescheduled from a proposed time that would have incurred security costs to a time when additional security was not required.

Many institutions detailed the risk-management assessment processes they have in place in order to identify and address safety and security risks. We believe formal risk-assessment processes to be a best practice.

Complaints and issues

Each institutional free speech policy has associated procedures regarding the lodging and resolution of a free speech related complaint. Twenty-six formal complaints were reported across the system during the 2019–20 reporting cycle. All of these were, to the involved institutions' knowledge and understanding, resolved internally.

The Premier's August 30, 2018 announcement stated that any complaint against an institution that remained unresolved may be reported to the Ontario Ombudsman. No institution reported knowledge of a referral of a free speech complaint to the Ombudsman during the 2019–20 reporting period. It should be noted, that under the Ombudsman Act, Ombudsman investigations are conducted in private (s. 18(2)). Furthermore, the Ombudsman is obligated to inform the institution only in the event that he or she decides to proceed with an investigation (s. 18 (1)). On its website, the Ombudsman's office further states, "Complaints are often resolved without need to contact the relevant organization." It is, therefore, highly likely that an institution would not know if a complaint has been lodged against it with the Ombudsman.

Housekeeping tips

Any reporting process inevitably reveals room for improvement. We note with interest that despite our effort to provide examples, the institutions are very likely defining and counting various components of the reporting template in different ways. We know, for example, that data about the number of non-curriculum events held on campus is unevenly collected.

We also received helpful feedback we can use to improve the reporting template for future cycles. One institution noted that the way in which some questions were framed does not capture the treatment of the complaints. Asking institutions to report the number of "complaints reviewed that were dismissed," for example, could mislead the reader. All complaints were reviewed, although some did not proceed for various reasons (e.g., the complainant withdrew, or the allegation could not be proven true, etc.). We appreciate this comment from the institutions.

Before the next iteration of this report, we will re-engage with the sector to review the reporting template with the dual goals of straightforwardness and consistency. We are mindful, for example, that questions of free speech on campus look different in the COVID environment and we appreciate the expertise of institutional partners as we think through how best to capture this activity.

Concluding Observation

It is our conclusion that the ongoing implementation of the free speech initiative across Ontario colleges and universities continues to meet government objectives.

Appendix A – 2020 Freedom of Speech Annual Reports

UNIVERSITIES

Algoma	https://www.algomau.ca/wp-content/uploads/2020/09/Algoma-U-Annual-Report-Freedom-of-Expr-2020.pdf
Brock	https://brocku.ca/free-speech/wp-content/uploads/sites/195/Brock-University-2019-20-Free-Speech-Annual-Report-HEQCO-template-final.pdf
Carleton	https://carleton.ca/senate/wp-content/uploads/Free-Speech-Annual-Report-2020-10-01.pdf
Guelph	https://www.uoguelph.ca/freedom-of-expression/doc/Freedom-Of-Expression-Annual-Report-2020.pdf
Hearst	http://www.uhearst.ca/sites/default/files/downloads/rapport-udeh-sur-la-politique-concernant-la-liberte-dexpression-2020.pdf
Lakehead	https://www.lakeheadu.ca/sites/default/files/uploads/108/documents/HEQCO%20%20Free%20Speech%20Annual%20Report%20Aug%2024%202020.pdf
Laurentian	https://laurentian.ca/assets/files/Freedom-of-Speech-2020.pdf
McMaster	https://president.mcmaster.ca/app/uploads/2020/09/FoE-Annual-Report_McMaster_25Aug20.pdf
Nipissing	https://www.nipissingu.ca/sites/default/files/2020-09/Free%20Speech%20Annual%20Report%20-%20HEQCO%202020.pdf
OCADU	https://www.ocadu.ca/sites/default/files/legacy_assets/documents/Free%20Speech%20Annual%20Report%202020_OCAD%20U%20(092420)(final).pdf
Ottawa	https://www.uottawa.ca/vice-recteur-etudes/sites/www.uottawa.ca.vice-recteur-etudes/files/university_of_ottawa_-_free_speech_annual_report_francais_3_septembre_2020.pdf
Ontario Tech U	https://shared.ontariotechu.ca/shared/uoit/documents/uoit-publications/freedom_of_expression_2020_report_2020.pdf
Queen's	https://www.queensu.ca/secretariat/sites/webpublish.queensu.ca.uslclwww/files/files/DRAFT%20-%20HEQCO%20Template%20-%20Free%20Speech%20Annual%20Report%202020.pdf
Ryerson	https://www.ryerson.ca/content/dam/freedom-of-speech/HEQCOfreeSpeechReport2020NEW.pdf
Toronto	https://freespeech.utoronto.ca/wp-content/uploads/2020-U-of-T-Free-Speech-Report-October-2020.pdf
Trent	https://www.trentu.ca/president/sites/trentu.ca.president/files/documents/Free%20Speech%20Annual%20Report%20Trent%20University%202020.docx
Waterloo	https://uwaterloo.ca/secretariat/clone-annual-report-re-policy-8-freedom-speech-2020
Western	https://provost.uwo.ca/pdf/Higher%20Education%20Quality%20Council%20of%20Ontario%20letter.pdf
Wilfrid Laurier	https://www.wlu.ca/about/discover-laurier/freedom-of-expression/assets/resources/annual-report-on-free-speech-policy-2020.html
Windsor	https://www.uwindsor.ca/provost/sites/uwindsor.ca.provost/files/uwindsor_free_speech_policy_annual_report_for_2019-2020.pdf
York	https://secretariat.info.yorku.ca/files/2020-Annual-Report-to-HEQCO-on-Freedom-of-Speech-Final.pdf?x72264

COLLEGES	
Algonquin	https://www.algonquincollege.com/reports/files/2020/09/HEQCO-Report-2020.pdf
Boréal	https://www.collegeboreal.ca/static/uploaded/Files/Liberte%20d'expression/College-Boreal---Rapport-annuel-sur-la-liberte-d'expression-2019-20.pdf
Cambrian	https://cambriancollege.ca/wp-content/uploads/2020/09/Cambrian-College-Freedom-of-Speech-Annual-Report-2020.pdf
Canadore	https://cdn.agilitycms.com/canadore-college/Attachments/about-us/policies/Free%20Speech%20Annual%20Report%202019-2020.pdf
Centennial	https://centennialcollege.widen.net/s/5md7dw5jz6
Conestoga	https://cms.conestogac.on.ca/sites/corporate-websites/about/College%20Reports/Conestoga%20College%20Free%20Speech%20Report%202020.pdf
Confederation	https://www.confederationcollege.ca/sites/default/files/uploads/department/ch1-s1-17_heqco_confederationcollege-free_speech_annual_report2020.pdf
Durham	https://durhamcollege.ca/wp-content/uploads/free-speech-policy-annual-Report.pdf
Fanshawe	https://www.fanshawec.ca/sites/default/files/2020-09/free_speech_annual_report_2020.pdf
George Brown	https://www.georgebrown.ca/about/policies/freedom-of-expression-policy
Georgian	https://www.georgiancollege.ca/wp-content/uploads/campus-safety-services-2020-free-speech-annual-report-georgian-college-2020-08-27.pdf
Humber	https://humber.ca/legal-and-risk-management/assets/files/pdfs/policy-general-administration-pdfs/Annual%20Report%20on%20Freedom%20of%20Speech-2020-FINAL.pdf
La Cité	https://www.collegelacite.ca/documents/10315/14318779/la_cite_rapport_annuel_liberte_expression_2020.pdf
Lambton	https://www.lambtoncollege.ca/uploadedFiles/LambtonCollege/Content/About_Us/Our_College/College_Reports_and_Plans/Free%20Speech%20Annual%20Report.pdf
Loyalist	https://www.loyalistcollege.com/wp-content/uploads/2020/10/Loyalist-College-Free-Speech-Annual-Report-Sept-3-2020-Final-1.pdf
Mohawk	https://www.mohawkcollege.ca/sites/default/files/Corporate%20Policies%20and%20Procedures/Freedom-of-Speech-Report-Back-to-Government-2020.pdf
Niagara	https://www.niagaracollege.ca/wp-content/uploads/Niagara-College-Free-Speech-Annual-Report-to-HEQCO-2020.pdf
Northern	http://www.northern.on.ca/wp-content/uploads/2020/09/FreeSpeech_OnePager.pdf
Sault	https://www.saultcollege.ca/AboutUs/PDF/Policies/Sault%20College%20Free%20Speech%20Report.pdf
Seneca	https://www.senecacollege.ca/about/reports/free-speech/Free-Speech-Annual-Report-2020.pdf
Sheridan	https://www.sheridancollege.ca/-/media/files/www/about/administration-and-governance/freedom-of-speech/free-speech-report-august-2020.ashx?la=en&hash=00A06ED6E0493BA32F8C51A6C8A4ACFD8A1FB56A
S. S. Fleming	https://flemingcollege.ca/PDF/Fleming-College-Free-Speech-Annual-Report-2020.pdf

St. Clair	https://www.stclaircollege.ca/sites/default/files/inline-files/board-staff/corporate-docs/Free-Speech-Annual-Report-2020.pdf
St. Lawrence	https://www.stlawrencecollege.ca/-/media/files/documents/about/college-reports-and-policies/free-speech-policy/slc-free-speech-annual-report-2020.pdf?la=en&hash=C8F10BC7975E465B4FD18D918B278699
All links up to date as of December 17, 2020	

Appendix B – Free Speech Annual Reporting Template 2020

As indicated in the December 14, 2018 and September 12, 2018 memos from the Ministry of Colleges and Universities, each of Ontario’s publicly assisted colleges and universities is to prepare an annual report on the implementation of a free speech policy. Please use this template; you may append additional documents or institution-specific information as you see fit.

This report will be a public document and should respect privacy obligations. Please report on events or incidents that took place between **August 1, 2019** and **July 31, 2020**.

The reports are to be posted on the institution’s website and submitted to the Higher Education Quality Council of Ontario by **October 1, 2020**. We recognize that this is a particularly unusual year given the demands placed on institutions by COVID-19. Please reach out to Amy Kaufman, Director of Policy, Research and System Improvement, at HEQCO with any questions.

Please submit your institution’s annual report via email to Amy Kaufman (akaufman@heqco.ca).

Section A: Institutional Policy

You may append additional documentation or institution-specific information as you see fit.

Has your institution amended its free speech policy (or policy framework) since the time of your 2019 report? If so, please explain the reason for the change and provide the link to its location on your institutional website.

Where are members of the institutional community (or guests) directed when there is a free speech related question or complaint about an event on campus? Please provide contact information.

What is your institution's policy on holding events where there are security concerns? To your knowledge, were there any instances where a non-curricular event did not proceed due to security concerns or their related costs?

Section B: Complaints

You may append additional documentation or institution-specific information as you see fit.

Between **August 1, 2019** and **July 31, 2020**, did any member of the institutional community (or guests) make an official complaint about free speech on campus? If yes, please describe.

If there has been an official complaint (or more than one):

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

How did the institution manage the free speech complaint(s)? Was the complaint addressed using the procedures set out in the policy? How were issues resolved?

Section C: Summary Data

Please provide the following summary data for free-speech-related official complaints received by the institution:

Number of official complaints received under the free speech policy relating to curricular and non-curricular events.	
Number of official complaints reviewed that were dismissed.	
Number of official complaints where the institution determined that the free speech policy was not followed appropriately.	
Number of official complaints under the free speech policy that resulted in the institution applying disciplinary or other institutional measures.	
To your knowledge, were any free speech complaints forwarded to the Ontario Ombudsman?	

To the best of your ability, please provide an estimate of the number of **non-curricular events** held at the institution between **August 1, 2019 and July 31, 2020**. Non-curricular events include, for example, invited speakers, sporting events, rallies, conferences, etc., as opposed to regular events held as part of an academic program or course.

Institutional Comments (if any):

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Appendix C – Institutional Free Speech Policies

UNIVERSITIES	
Algoma	https://employees.algomau.ca/services/wsDocuments/4158
Brock	https://brocku.ca/policies/wp-content/uploads/sites/94/Freedom-of-Expression-Policy.pdf
Carleton	https://carleton.ca/secretariat/wp-content/uploads/Freedom-of-Speech.pdf
Guelph	https://www.uoguelph.ca/secretariat/policy/1.2
Lakehead	https://www.lakeheadu.ca/sites/default/files/policies_procedures/Free%20Expression%20Policy.pdf
Laurentian	https://laurentian.ca/policy-freedom-of-speech
McMaster	https://president.mcmaster.ca/app/uploads/2020/09/Guidance-for-Event-Organizers_FINAL_8Jun18.pdf
Nipissing	https://nipissingu.ca/sites/default/files/2018-12/Free%20Speech%20Policy%20-%20Dec%202018.pdf
OCADU	https://www2.ocadu.ca/internal-update/ocad-university-freedom-of-expression-statement-and-policies
Ottawa	https://www.uottawa.ca/administration-et-gouvernance/reglement-121-politique-liberte-dexpression
Ontario Tech U	https://usgc.uoit.ca/policy/freedom-of-expression-policy.php
Queen's	https://www.queensu.ca/secretariat/policies/administration-and-operations/free-expression-queens-university-policy
Ryerson	https://www.ryerson.ca/freedom-of-speech/
Toronto	http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Policies/PDF/ppmay281992.pdf
Trent	https://www.trentu.ca/governance/sites/trentu.ca.governance/files/documents/Free%20Speech%20Policy%20-%20ACCESSIBLE.pdf
Waterloo	https://uwaterloo.ca/secretariat/policies-procedures-guidelines/policies/policy-8-freedom-speech-0
Western	https://www.uwo.ca/univsec/pdf/policies_procedures/section1/mapp154.pdf
Wilfrid Laurier	https://www.wlu.ca/about/discover-laurier/freedom-of-expression/index.html
Windsor	https://www.uwindsor.ca/provost/expression
York	https://secretariat-policies.info.yorku.ca/policies/free-speech-statement-of-policy/
Hearst	http://www.uhearst.ca/docs/politique-sur-la-liberte-dexpression.pdf

COLLEGES	
Algonquin	https://www.algonquincollege.com/policies/files/2019/12/AD07.pdf
Boréal	https://www.collegeboreal.ca/static/uploaded/Files/Politiques-directives/Finances/B-09-Maintien-du-droit-a-la-liberte-dexpression.pdf
Cambrian	https://cambriancollege.ca/wp-content/directory/policies/Corporate%20Policies/General%20Administration/General%20Operations/Cambrian%20Statement%20on%20Upholding%20Free%20Speech.pdf
Canadore	https://cdn.agilitycms.com/canadore-college/Attachments/about-us/policies/Free%20speech%20policy%20statement%202018.pdf
Centennial	https://p.widencdn.net/ajx9gc/ac100-25-free-speech-policy
Confederation	http://www.confederationcollege.ca/sites/default/files/uploads/department/ch1-s1-17_free_speech_0.pdf
Conestoga	https://cms.conestogac.on.ca/sites/corporate-websites/policies/PDFDocuments/Presidents%20Office/Free%20speech%20policy%20-%20English%20version.pdf
Durham	https://durhamcollege.ca/wp-content/uploads/322-upholding-free-speech.pdf
Fanshawe	https://www.fanshawec.ca/sites/default/files/legacy/oldfanshawe/sites/default/files/assets/policies/pdf/c305.pdf
Georgian	https://www.georgiancollege.ca/wp-content/uploads/CS-001-Free-Speech-policy-and-procedure.pdf
George Brown	https://www.georgebrown.ca/media/5571/view
Humber	http://humber.ca/policies/policy-statement-upholding-free-speech
La Cité	https://www.collegelacite.ca/directives/humaines/rh-13
Lambton	https://www.lambtoncollege.ca/custom/Pages/Policies/Policy.aspx?id=2147523917
Loyalist	https://www.loyalistcollege.com/policy-statement-on-upholding-free-speech/
Mohawk	https://www.mohawkcollege.ca/about-mohawk/leadership-and-administration/policies-and-procedures/policy-statement-on-upholding
Niagara	https://www.niagaracollege.ca/policies/view/general-operations/free-speech/
Northern	http://www.northernnc.on.ca/docs/pdfs/Policy_on_Free_Speech_Dec17_2018.pdf
Sault	https://www.saultcollege.ca/AboutUs/PDF/Policies/Statement%20of%20Commitment%20-%20Freedom%20of%20Expression.pdf
Seneca	http://www.senecacollege.ca/about/policies/free-speech-policy.html
Sheridan	https://policy.sheridanc.on.ca/dotNet/documents/?docid=1063&public=true
St. Lawrence	https://364599a3-cdn.agilitycms.cloud/Attachments/6-about/reports-policies/reports-and-policies/free-speech/St%20Lawrence%20College%20Free%20Speech%20Policy.pdf
S. S. Fleming	https://department.flemingcollege.ca/policies-procedures/college-policies/1-109-free-speech-policy/
St. Clair	https://www.stclaircollege.ca/sites/default/files/policies/scc-policy-5-22.pdf