

Freedom of Speech on Campus Annual Report to the Ontario Government by the Higher Education Quality Council of Ontario, December 2023

Introduction

Since January 2019, the Ontario government has required that each of the province's publicly assisted colleges and universities implement a free speech policy that meets a minimum standard prescribed by the Ministry of Colleges and Universities (MCU).

Institutional policies are to be based on the <u>University of Chicago's Statement on Principles of</u> <u>Free Expression</u>. 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; and
- 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.

The Higher Education Quality Council of Ontario (HEQCO) is 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 the implementation of their free speech policies by September 1 annually.

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 HEQCO's fifth annual report and is based on the institutional implementation reports posted across the province.

Annual Implementation Reports

All publicly assisted colleges and universities posted their free speech annual reports in September 2023. Appendix A provides links to the 2023 annual reports on each institution's website.

HEQCO provided a template to support institutions in their reporting efforts (provided in Appendix B). We asked institutions whether they had amended their free speech policy and asked where members of the institutional community could direct any free speechrelated questions or complaints. We also asked institutions about their respective policies on holding events with security concerns and to detail examples of events that did not proceed due to security-related issues or costs. Institutions were asked to summarize any free speech complaints and whether 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, regarding free speech policy and practice.

Highlights from the institutional implementation reports are as follows:

Free Speech Policies

Free speech policies, like all institutional policies, are subject to pre-scheduled review windows, typically of between three and five years. We consider regular review to be a best practice even if no issues have been raised. In this reporting cycle, no institution reported updates to its free speech policy. Appendix C provides links to each institution's policy as posted on the institutional websites.

Events on Campus and Online

We asked institutions to give us a sense of the volume of non-curricular events (i.e., those not directly attached to an academic program) held at colleges and universities. Collectively, the institutions reported approximately 70,000 in-person and online events. We know this estimate to be conservative; many institutions lack centralized logging systems to capture such activity across their campus(es), particularly in the online space. 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. While two institutions reported minor delays to events and demonstrations to plan properly and accommodate policy and procedures, no events were cancelled due to security-related financial concerns. Many institutions detailed their risk-management assessment processes 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. Ten formal complaints were reported across the system during the 2022-23 reporting cycle. 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. One institution reported knowledge of a referral to the Ombudsman during the 2022-23 reporting period that may have been related to free speech. 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 if they decide 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 was lodged against it with the Ombudsman or that a complaint could be lodged with the Ombudsman that did not proceed through institutional processes.

Housekeeping Tips

We believe that ongoing review of reporting processes and templates is a best practice. We engaged with the sector in spring 2023 to review the reporting template with the dual goals of straightforwardness and consistency and will continue to do so on an annual basis.

Concluding Observation

This is HEQCO's fifth annual report of free speech policy implementation in Ontario's postsecondary education sector. 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: 2023 Freedom of Speech Annual Reports

UNIVERSITIES	UNIVERSITIES	
Algoma	https://algomau.ca/wp-content/uploads/2023/09/EN_Free-Speech-Annual-Report- 2023.pdf	
Brock	https://brocku.ca/free-speech/wp-content/uploads/sites/195/Brock-University_Free- Speech-Annual-Report-2023.pdf	
Carleton	https://carleton.ca/senate/wp-content/uploads/CU-Free-Speech-Annual-Report- 2023.pdf	
Guelph	https://www.uoguelph.ca/freedom-of-expression/doc/Freedom-of-Expression- Annual-Report-2023.pdf	
Hearst	https://uhearst.ca/app/uploads/2023/08/Rapport-sur-la-politique-de-liberte- dexpression-de-lUniversite-de-Hearst.pdf	
Lakehead	https://www.lakeheadu.ca/sites/default/files/uploads/108/documents/Free%20Spee ch%20Annual%20Report%202023%20-%20Lakehead%20-%20Aug.%202023.pdf	
Laurentian	https://laurentian.ca/assets/files/Policies/Freedom-of-Speech-AnnualReport2023.pdf	
McMaster	https://president.mcmaster.ca/app/uploads/2023/08/EN_Free-Speech-Annual- Report-2023-for-McMaster-University.pdf	
Nipissing	https://www.nipissingu.ca/sites/default/files/2023- 08/Free%20Speech%20Annual%20Report%20-%20HEQCO%202023.pdf	
NOSM	https://www.nosm.ca/wp-content/uploads/2023/08/NOSM-U_Free-Speech-Annual- Report_August-21-2023.pdf	
OCADU	https://www.ocadu.ca/sites/default/files/documents/Free%20Speech%20Annual%20 Report%202023_OCAD%20U%20(230831)(final).pdf	
Ottawa	https://www.uottawa.ca/about-us/sites/g/files/bhrskd336/files/2023- 08/Free%20Speech%20Annual%20Report%202023%20- %20University%20of%20Ottawa.pdf	
Ontario Tech U	https://shared.ontariotechu.ca/shared/ontario-tech/documents/uoit- publications/freedom-of-expression-2023-report-signed.pdf	
Queen's	https://www.queensu.ca/secretariat/sites/uslcwww/files/uploaded_files/policies/adm inistration/EN_Free%20Speech%20Annual%20Report%202023_draft%20(004).pdf	
TMU	https://www.torontomu.ca/content/dam/freedom-of- speech/Free%20Speech%20Annual%20Report%202023%20final%20(1).pdf	
Toronto	https://freespeech.utoronto.ca/wp-content/uploads/University-of-Toronto- %E2%80%93-2023-Annual-Freedom-of-Speech-Report.pdf	
Trent	https://www.trentu.ca/president/free-speech-policy	
UOF	https://uontario.ca/fileadmin/user_upload/Rapport_2022- 23 Liberte_d_expression_UOF_COQES.pdf	
Waterloo	https://uwaterloo.ca/secretariat/sites/default/files/uploads/documents/university-of- waterloo-free-speech-annual-report-2023_final.pdf	
Western	https://www.provost.uwo.ca/pdf/2023%20FOS%20Report%20Final.pdf	
Wilfrid Laurier	https://www.wlu.ca/about/discover-laurier/freedom-of- expression/assets/resources/annual-report-on-free-speech-policy-2023.html	
Windsor	https://www.uwindsor.ca/provost/sites/uwindsor.ca.provost/files/free_speech_annu_ al_report_2023.pdf	

York	https://www.yorku.ca/secretariat/wp-content/uploads/sites/107/2023/08/2023-
	HEQCO-Free-Speech-Report.pdf

COLLEGES	COLLEGES	
Algonquin	https://www.algonquincollege.com/reports/files/2023/09/Free-Speech-Annual-Report- 2023.pdf	
Boréal	https://collegeboreal.ca/wp-content/uploads/2023/09/rapport-annuel-sur-la-liberte- dexpression-2023_college-boreal.pdf	
Cambrian	<u>https://cambriancollege.ca/wp-content/uploads/2023/09/Cambrian-College-Free-</u> Speech-Annual-Report-2023.pdf	
Canadore	<u>https://cdn.agilitycms.com/canadore-</u> college/Free%20Speech%20Annual%20Report_2023.pdf	
Centennial	https://centennialcollege.widen.net/s/rfwmgr2vnm/free-speech-annual-report- 2023.pdf	
Conestoga	https://www-assets.conestogac.on.ca/documents/www/about/college-reports/free- speech-report-2023.pdf?_gl=1*1sx66px*_gcl_au*NDcyNjU1NjU3LjE2OTA5Nzc5OTc	
Confederation	https://www.confederationcollege.ca/department/policies/procedures	
Durham	https://durhamcollege.ca/about/governance/policies	
Fanshawe	https://public.myfanshawe.ca/Policies/CPM%20College%20Policy%20Document%20Lib rary/Corporate%20Operations%20Policies/Fanshawe%20Free%20Speech%202023%20 Annual%20Report%20-%20Final[83].pdf	
George Brown	https://www.georgebrown.ca/media/free-speech-annual-report-2023	
Georgian	https://www.georgiancollege.ca/wp-content/uploads/campus-safety-services-2023- free-speech-annual-report-georgian-college-2023-08-24.pdf	
Humber	https://humber.ca/legal-and-risk- management/assets/files/pdfs/general_admission_pdfs/humber-freedom-of- expression-annual-report-2022-2023.pdf	
La Cité	https://www.collegelacite.ca/documents/10315/30304236/Rapport-annuel-liberte- expression-2023-09-01.pdf/d3d8d3ef-271e-a6f3-14a9- ee0aaed91a40?t=1693568265802	
Lambton	https://www.lambtoncollege.ca/docs/default-source/our-college/corporate- documents/reports/about-corporate-documents-free-speech-annual- report.pdf?sfvrsn=6c2143c9_2	
Loyalist	https://loyalistcollege.com/wp-content/uploads/2023/08/Loyalist-College-Free-Speech- Annual-Report-2023-Web.pdf	
Mohawk	https://www.mohawkcollege.ca/about-mohawk/leadership-and- administration/policies-and-procedures/policy-statement-on-upholding	
Niagara	https://www.niagaracollege.ca/wp-content/uploads/Free-Speech-Annual-Report-to- HEQCO-2023.pdf	
Northern	https://www.northerncollege.ca/documents/admin/reports/2022-2023-Free-Speech- Annual-Report.pdf	
Sault	https://www.saultcollege.ca/sault-college-freedom-speech-annual-report	

Seneca	https://www.senecacollege.ca/about/reports/free-speech/Free-Speech-Annual-Report-
	2023.pdf
Sheridan	https://www.sheridancollege.ca/-
	/media/project/sheridan/shared/files/about/administration-and-governance/policies-
	and-accountability/freedom-of-speech/free-speech-report-august-
	2023.pdf?rev=912b0343758d4ec0acd7da2ed1bd2d63&hash=9F0938EE8467394A9D45
	0E574CCB25C1
S. S. Fleming	https://flemingcollege.ca/PDF/Policy/Fleming-College-Free-Speech-Annual-Report.pdf
St. Clair	https://www.stclaircollege.ca/sites/default/files/inline-files/board-staff/corporate-
	docs/Free-Speech-Annual-Report-2023.pdf
St. Lawrence	https://364599a3-cdn.agilitycms.cloud/Attachments/6-about/reports-policies/reports-
	and-policies/free-speech/SLC%20Free%20Speech%20Annual%20Report%202023.pdf

Appendix B: Free Speech Annual Reporting Template 2023

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.

The institutional Freedom of Speech Annual Report will be a public document and should respect privacy obligations. Please report on events or incidents that took place between **August 1, 2022** and **July 31, 2023**.

The reports must be posted on the institution's website and submitted to the Higher Education Quality Council of Ontario (HEQCO) by **September 1, 2023**.

Please submit your institution's annual report and the link to its location on your website to <u>submissions@heqco.ca</u>. Please reach out to HEQCO at the same address with any questions.

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 2022 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 institutional event? 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, 2022** and **July 31, 2023**, did any member of the institutional community (or guests) make an official complaint about free speech? If yes, please provide a general description that protects the privacy of complainants.

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 did not proceed.	
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 either online or in person between **August 1**, **2022** and **July 31**, **2023**. Non-curricular events include, for example, invited speakers, sporting events, rallies, student life/student affairs events, conferences, etc., as opposed to regular events held as part of an academic program or course.

Institutional Comments (if any).

Appendix C: Institutional Free Speech Policies

UNIVERSITIES	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	
Hearst	http://www.uhearst.ca/docs/politique-sur-la-liberte-dexpression.pdf	
Lakehead	https://www.lakeheadu.ca/sites/default/files/policies_procedures/Free%20Expressio n%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	
NOSM	https://www.nosm.ca/about/administrative-offices/vpadministration/statement-on- free-speech/	
OCADU	https://www2.ocadu.ca/internal-update/ocad-university-freedom-of-expression- statement-and-policies	
Ottawa	https://www2.uottawa.ca/about-us/policies-regulations/policy-121-statement-free- expression	
Ontario Tech U	https://usgc.ontariotechu.ca/policy/freedom-of-expression-policy.php	
Queen's	https://www.queensu.ca/secretariat/policies/administration-and-operations/free- expression-queens-university	
TMU	https://www.torontomu.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	
UOF	https://uontario.ca/fileadmin/user_upload/Politiques-Reglements- Administratifs/Politique-sur-la-liberte-dexpression.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://lawlibrary.uwindsor.ca/Presto/pl/OTdhY2QzODgtNjhlYi00ZWY0LTg2OTUtNm U5NjEzY2JkMWYxLjk4	
York	https://www.yorku.ca/secretariat/policies/policies/free-speech-statement-of-policy/	

COLLEGES	
Algonquin	https://www.algonquincollege.com/policies/files/2019/12/AD07.pdf
Boréal	https://collegeboreal.ca/wp-content/uploads/2023/11/b-09-politique-maintien-du-droit- a-la-liberte-dexpression-ver221023.pdf
Cambrian	<u>https://cambriancollege.ca/wp-</u> content/directory/policies/Corporate%20Policies/Statement%20on%20Upholding%20Fr ee%20Speech.pdf
Canadore	https://cdn.agilitycms.com/canadore-college/Attachments/about- us/policies/Free%20speech%20policy%20statement%202018.pdf
Centennial	https://centennialcollege.widen.net/s/b89pbmkrp8/ac100-25-free-speech-policy.pdf
Conestoga	https://www-assets.conestogac.on.ca/documents/www/about/policies/presidents- office/free-speech-policy-english-version.pdf
Confederation	https://www.confederationcollege.ca/sites/default/files/uploads/department/ch1-s1- 17_free_speech_0.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/ass ets/policies/pdf/c305.pdf
George Brown	https://www.georgebrown.ca/media/5571/view
Georgian	https://www.georgiancollege.ca/wp-content/uploads/CS-001-Free-Speech-policy-and- procedure.pdf
Humber	https://humber.ca/legal-and-risk-management/policies/general-administration/policy- statement-on-upholding-free-speech.html
La Cité	https://www.collegelacite.ca/directives/humaines/rh-13
Lambton	https://www.lambtoncollege.ca/about-lambton-college/policies/details/4000-5-1-free- speech
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/wp-content/uploads/sites/123/2019/10/NC100- free-speech.pdf
Northern	https://www.northerncollege.ca/documents/admin/policies/Admin-A8_Free-Speech- Policy.pdf
Sault	https://www.saultcollege.ca/sites/default/files/2020- 09/Statement%20of%20Commitment%20-%20Freedom%20of%20Expression.pdf
Seneca	http://www.senecacollege.ca/about/policies/free-speech-policy.html
Sheridan	https://www.sheridancollege.ca/- /media/project/sheridan/shared/files/about/administration-and-governance/policies- and-accountability/policies-procedures/free-speech- policy#:~:text=Members%20of%20the%20college%20community%20are%20free%20to
	%20criticize%20and,others%20to%20express%20their%20views.

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
St. Lawrence	https://364599a3-cdn.agilitycms.cloud/Attachments/6-about/reports-policies/reports- and-policies/free-speech/St%20Lawrence%20College%20Free%20Speech%20Policy.pdf