



Policy on Academic Freedom

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Responsible Officer: Vice-Principal Academic and Research

PREAMBLE

Academic freedom is the cornerstone of the mission of universities. It enshrines the principle of freedom of expression for scholars engaged in discipline-related teaching, learning, research, publication and service. It ensures an unfettered search for knowledge and an environment of discovery and critical discussion that are essential to a democratic society.

Bishop's University is committed to the pursuit of truth, the advancement of learning, and the dissemination of knowledge. At Bishop's, academic freedom is specifically enshrined in Section 8 of the University Statutes, in Article 5 of the Collective Agreement for Faculty, in Article 5 of the Collective Agreement for Contract Faculty, and in Article 4 of the Collective Agreement for Librarians.

The University's *Policy on Academic Freedom*, written in compliance with the Act respecting academic freedom in the university sector, CQLR, chapter L-1.2, creates a dedicated mechanism to address concerns or complaints within the University community specifically regarding violations of academic freedom. As such, the Policy and its related Procedures stand in relation to existing University policies, but do not replace or supersede the complaint, grievance or appeal procedures described in the existing collective or employment agreements and in any other University policies and procedures.

The University values the diversity of scientific and scholarly voices, methodologies and opinions that make up its academic community; it does not seek, through this or any other Policy, to hinder the free exchange of ideas or limit the discussion of difficult or controversial subjects. The University further affirms that its Policy does not cover language or forms of expression that would be classified as hate speech.

SCOPE

This Policy and Procedures apply to all members of the Bishop's University (the "University") community participating in activities carrying out the mission of the University and outlines the principles that govern Academic Freedom.

PURPOSE

In accordance with the Act respecting academic freedom in the university sector, CQLR, chapter L-1.2¹(the “Act”), the purpose of this Policy is to recognize, promote and protect university academic freedom in order to further the fulfilment of the mission of the University.

DEFINITIONS

For the purposes of this policy, the following definitions shall apply:

“Academic Freedom”

“Academic Freedom”, as defined by the Act, is the right of the Academic Member (as defined below) to engage freely and without doctrinal, ideological or moral constraint, such as institutional censorship, in activities carrying out the mission of the University.

That right includes the Academic Member’s freedom:

- a) to teach and discuss;
- b) to research, create and publish;
- c) to express their opinion about society and about an institution, including their respective institution, and about any doctrine, dogma or opinion; and
- d) to freely take part in the activities of professional organizations or academic organizations.

Academic Freedom must be exercised in accordance with the standards of ethics and of scientific rigour generally recognized by the academic community and the University and taking into account the rights of other members of the community.

“Academic Freedom Committee” means the committee described in Article 2 of the present Policy.

“Academic Member” means any member of the community who is engaged in academic endeavours that contribute to carrying out the mission of the University through research, creation and teaching activities and through services to the Community.

“Chair” means the person who chairs the Academic Freedom Committee and who is responsible for University Academic Freedom, namely the Vice Principal Academic and Research, or their delegate.

POLICY

1. Nothing in this Policy shall replace or supersede any complaint, grievance or appeal procedure set out in any collective or employee agreement to which the University is a party, the University Statutes, the Academic Calendar or other University policies or procedures.
2. The Academic Freedom Committee shall be composed of the following:

¹ Act respecting academic freedom in the university sector, CQLR, chapter L-1.2 Article 3
<https://www.canlii.org/en/qc/laws/stat/cqlr-c-l-1.2/latest/cqlr-c-l-1.2.html>

- Vice Principal Academic and Research, or delegate, as Chair
 - One (1) member appointed by the Vice Principal Academic and Research, who may be an external member, for a one-year term
 - Four (4) members elected by the University Faculty Council, for a three-year term, selected from the full-time faculty, contract faculty and/or librarians
 - One (1) undergraduate student, appointed by the University Student Representative Council, for a one-year term
 - One (1) graduate student, appointed by the University Student Representative Council, for a one-year term
 - Secretary-General, in a non-voting capacity
3. The Academic Freedom Committee shall be responsible for:
 - Overseeing the implementation of the Academic Freedom Policy;
 - Examining complaints relating to a violation of Academic Freedom in accordance with the specified Procedures and, if applicable, making recommendations regarding such complaints; and
 - Making recommendations on any other matter relating to Academic Freedom.
 4. In consultation with the Academic Freedom Committee, the University shall establish:
 - Awareness-raising and information exercises for the community, including training intended to improve awareness and protection of Academic Freedom;
 - Resources and instructional tools to ensure the promotion of and respect for Academic Freedom; and
 - Mechanisms to receive and review comments from members of the Bishop's University community regarding Academic Freedom, and to advise on general questions pertaining to the Academic Freedom Policy as well as any other general inquiries pertaining to Academic Freedom.
 5. Nothing in this Policy shall have the effect of requiring or forbidding content warnings prior to the presentation or discussion of controversial or difficult ideas in the context of academic activities.
 6. The members of the Academic Freedom Committee will receive regular, dedicated training on academic freedom, including its history and purpose, and on human rights legislation, including the Quebec Charter of Rights and Freedoms.
 7. Without compromising confidentiality, the University will comply with the Act by compiling an annual report of all complaints processed by the Academic Freedom Committee and the measures applied, if any. The University will also report on the implementation of the Academic Freedom Policy.
 8. The Academic Freedom Policy must be made freely available and accessible on the University's website.
 9. In accordance with the provisions of the Act, this Policy must be reviewed after three (3) years of its initial approval by Senate and thereafter at least once every ten (10) years.

10. The overall responsibility for the implementation of the Academic Freedom Policy shall rest with the Vice Principal Academic and Research.

PROCEDURES REGARDING THE ACADEMIC FREEDOM COMMITTEE

PURPOSE

The Procedures outline the process to follow for any Academic Freedom complaint as set out in the Policy on Academic Freedom (the “Policy”).

DEFINITIONS

All terms defined in the Policy on Academic Freedom shall have the same meaning in this Procedure.

“Complainant” means an Academic Member who files a complaint that their Academic Freedom has been violated in accordance with the Policy.

“Respondent” means any member of the University community against whom a complaint under the Policy is made.

Meetings of the Academic Freedom Committee

1. Quorum for meetings of the Academic Freedom Committee shall be a majority of the members, including the Chair.
2. The Academic Freedom Committee will make decisions by consensus whenever possible. When required, decisions of the committee will be by a majority of the votes cast.
3. The Academic Freedom Committee shall meet in closed session and all of its deliberations and documentation of complaints are strictly confidential. It shall produce a final report summarizing the conclusions of the committee on each complaint, which shall take account of privacy and confidentiality considerations. This report shall be shared with the parties and a copy placed in the University archives and made available upon request.

Complaints

4. An Academic Member who wishes to file a complaint under the Policy against a member of the University community shall file a written complaint with the Vice Principal Academic and Research.
5. A complaint should be accompanied with the relevant documentation and include a detailed description of the alleged violation of the Academic Member’s Academic Freedom.
6. Upon receipt and review of a complaint, the Chair shall consult the Academic Freedom Committee on the admissibility of the complaint and may determine that further examination is not required if:

- a. The subject-matter of the complaint does not pertain to Academic Freedom;
 - b. The complaint does not fall within the Academic Freedom Committee's mandate;
 - c. The complaint is frivolous or spurious;
 - d. The complaint concerns a hypothetical situation;
 - e. The Complainant is not an Academic Member or if the Complainant is filing the complaint on behalf of someone else;
 - f. The Respondent is not a member of the University community;
 - g. The complaint is not received within 25 working days of the circumstances of the alleged violation of Academic Freedom; or
 - h. The complaint can be or has been received and treated in accordance with another University policy, procedure, guideline or in accordance with the relevant collective or employee agreement.
7. If required to determine the admissibility of the complaint, the Chair may request additional documentation or information regarding the alleged violation of Academic Freedom.
 8. If the Academic Freedom Committee determines that further examination is not required, the Chair shall inform the Complainant and state the reasons for this outcome. If applicable, the Chair may also provide information on other options available to the Academic Member.
 9. If the complaint is deemed to be admissible, the Chair shall convene the Academic Freedom Committee to review the complaint. If applicable, the Chair shall notify the Complainant and the Respondent's employee Union or Association that such a review process is taking place.
 10. The Academic Freedom Committee does not constitute a tribunal and will not hold hearings in order to assess the merits of a complaint. The examinations of the Academic Freedom Committee shall not involve a re-investigation of a matter that has been investigated by the University or on behalf of the University, whether pursuant to another University policy or process, or otherwise.
 11. The Academic Freedom Committee may base its conclusions and appropriate recommendations, if any, upon the complaint, the Respondent's written observations and may consult any other relevant source, information or documentation.
 12. If the Academic Freedom Committee considers that a further inquiry is required, it submits its recommendation to the Vice Principal Academic and Research, who may delegate the inquiry to an appropriate member of the University community or an external assessor. The findings of such an inquiry will be shared with the Academic Freedom Committee who will assess, based upon such findings, if there was a violation of Academic Freedom and make appropriate recommendations, if any.
 13. The Academic Freedom Committee shall return a decision on a complaint within ninety days of the complaint being determined to be admissible.
 14. In the event that the Academic Freedom Committee concludes that a complaint constitutes a violation of Academic Freedom, it informs the Vice Principal Academic and Research along with

any particular recommendations. The Academic Freedom Committee may recommend appropriate measures to remedy the violation.

15. The Vice Principal Academic and Research may impose or recommend the imposition of measures to remedy the identified violation of Academic Freedom, always proceeding in accordance with the provisions of relevant collective or employee agreements or University policies.
16. The Chair shall notify the Complainant and the Respondent, and the Respondent's employee Union or Association, if applicable, of the outcomes of the decision and any recommendations made by the Academic Freedom Committee.