

Brock University 2019-20 Freedom of Speech Annual Report

The Ministry of Colleges and Universities requires each of Ontario's publicly-assisted colleges and universities to prepare an annual report on the implementation of a free speech policy.

This report covers the period from August 1, 2019 to July 31, 2020 and follows the template provided by the Higher Education Quality Council of Ontario.

Section A: Institutional Policy

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.

Brock's Freedom of Expression Policy has not been amended since the time of the last annual report. The Policy is due to be reviewed in 2020. The Policy can be found in the University's policy library at: <https://brocku.ca/policies/wp-content/uploads/sites/94/Freedom-of-Expression-Policy.pdf>

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.

Any concerns or questions regarding Brock's Freedom of Expression Policy, including any complaints filed under the Policy, are directed to the University Secretariat at universitysecretary@brocku.ca. For more information, see: <https://brocku.ca/free-speech/contact-us/>

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?

Brock University prides itself on providing a safe work and learning environment for all members of the University community. Campus Security Services plays a key role in planning and managing the safety and security of on-campus events. The University assesses the security risks and implications of any on-campus event as part of its event management processes. For student events, security concerns are assessed through the Student Event Risk Management process and if necessary, cost recovery would be built into event planning and approval (though this has not been necessary to date). For large-scale events organized by student associations, the student associations may arrange security if they determine it to be necessary. For community events run by third parties on Brock's campus, the third party may be required to provide their own security, in coordination with Brock's own campus security services. To date, the University has not passed on security costs associated with events on campus and is not aware of any instances where a non-curricular event did not proceed due to security concerns or their related costs.

Section B: Complaints

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.

Between August 1, 2019 and July 31, 2020, there were 3 official complaints submitted to the University Secretariat under the Freedom of Expression Policy. All 3 complaints related to a public statement made by the University in response to concerns raised about a paper published by a University faculty member. The complaints alleged that the University's statement interfered with freedom of expression by discouraging the expression of viewpoints deemed to be contrary to the values of the University.

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.).

The issues raised by the complaints included:

- whether the Policy applies to academic publications in third party journals;
- whether the Policy applies to potential or hypothetical expression (e.g. expression which is merely possible, but not planned or proposed);
- whether the Policy imposes a positive obligation on the University to take steps to advance freedom of expression;
- whether the University's actions were discriminatory; and
- whether the University's public statement amounted to significant and undue interference with expression on campus, on University websites, or at sanctioned University events off campus.

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?

In accordance with the University's Freedom of Expression Complaint Procedures, the complaints were reviewed by the University Secretary to determine whether they fell within the scope of the Policy. Under those Procedures, where a complaint is determined to be within the scope of the Policy, it will be referred to existing mechanisms for policy violations involving faculty, staff, and students.

In each case, the complaints were determined to be out of the scope of the Policy on the basis that: (a) the expression alleged to have been interfered with did not occur on campus, on a University website, or at a University sanctioned event; and/or (b) the expression alleged to have been interfered with was hypothetical - there was no interference with an actual or planned event or activity.

Complainants were advised that concerns regarding the freedom of faculty members to publish or express their views should be addressed as academic freedom complaints through the grievance process available under the Collective Agreement with the Faculty Association. Concerns regarding discrimination were referred to the Human Rights and Equity office to be addressed through the University's Respectful Work and Learning Environment Policy. The complainants were also directed to the University Ombudsperson for any concerns regarding the complaint process.

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.	0
Number of official complaints reviewed that were dismissed.	3
Number of official complaints where the institution determined that the free speech policy was not followed appropriately.	0
Number of official complaints under the free speech policy that resulted in the institution applying disciplinary or other institutional measures.	0
To your knowledge, were any free speech complaints forwarded to the Ontario Ombudsman?	Not to our knowledge

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.

Due to the operational processes and systems of the University, it is difficult to definitively calculate the number of non-curricular events held on campus between August 1, 2019 and July 31, 2020. However, the University can report that there were 6,756 room bookings which were not for use in academic courses, as well as 86 events related to Brock Sports and Brock Recreation (not including sport and recreational programming such as schools camps and swimming classes). In addition, Brock's ExperienceBU portal, which provides a registry of events, workshops and co-curricular experiences available to Brock Students, registered 3,952 events at the institution (3,520 on campus and 432 online). Some of these may overlap with the event numbers captured by the room booking system, but some will be additional, as they were held in locations such as courtyards, fields, and residences.

Institutional Comments (if any).

See previous answer for institutional comments.