

Brock University
Annual Report on Freedom of Expression Policy
January 1, 2019 – July 31, 2019

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1. INTRODUCTION

Brock University has a deep history of respecting freedom of expression on campus and has long supported the free and open exchange of ideas, civil debate, and diverse points of view on its campus as an inherent and essential part of Brock's academic mission.

This commitment was stated officially in May 2011, when the Senate passed its *Statement on Respectful Dialogue and Freedom of Expression*:

Brock University affirms that it is the function of a university to contribute directly to building a civil society locally and globally and that freedom of thought, association and expression are critical components of a democratic and civil society. Since its inception, Brock has expressed its commitment to the values of diversity and inclusiveness, understanding the importance of creating a dynamic learning community.

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.

The University has also had a longstanding provision in its *Student Code of Conduct* protecting student's rights to "peaceful assemblies, demonstrations and lawful picketing 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".¹

In December 2018, the University strengthened and clarified its commitment by instituting a *Freedom of Expression Policy*² (the "Policy"), which, in addition to reiterating the University's commitment to freedom of expression, provided a new official mechanism for hearing complaints with respect to expression on campus. The Policy came into effect January 1, 2019.

The purpose of this report is to provide the Higher Education Quality Council of Ontario, the university community, and the general public with information regarding the Policy's implementation and freedom of expression practices at Brock University.

¹ See s. 4.1.4 of the Student Code of Conduct, available here: <https://brocku.ca/student-life/wp-content/uploads/sites/34/Student-Code-of-Conduct.pdf>

² Full Policy text available here: <https://brocku.ca/policies/wp-content/uploads/sites/94/Freedom-of-Expression-Policy.pdf>

2. THE POLICY IN PRACTICE

Policy development and approval

In September of 2018, the President of Brock University, Gervan Fearon, struck a special Advisory Committee to advise him on the drafting and implementation of a policy that would set out Brock University's commitment to free expression on campus and that would meet all provincial requirements. The University's Senate Chair was appointed to chair the Advisory Committee and the University's Board of Trustees authorized the President to approve a policy on the advice of the Committee.

The Advisory Committee was composed of faculty, staff, and students who represented a wide cross-section of the university community. Over the course of September, October, and November 2018 the Committee held numerous meetings, and consulted widely with members of university community, both in person and online.

A final policy recommendation was made by the Committee to the President at the end of the November 2018, and the President approved the final policy wording in December 2018. The Policy came into effect January 1, 2019.

Policy communication and training

The Policy was officially communicated through the Brock News website on December 19, 2018.³ An official Brock News email was also sent to all university news subscribers on January 3, 2019.

To communicate and explain the Policy to the entire university community, a dedicated Freedom of Expression website was created⁴, with an FAQ, key points of contact, and related resources. In addition, University departments and individuals directly impacted by policy, including student affairs, campus security, and conference services, were provided guidance on how to interpret and apply the Policy.

More recently, complaint procedures were approved, as authorized by the Policy, to clarify mechanisms for filing complaints with respect to the Policy.

Impact on Institutional culture

The work and consultation leading up to the Policy's implementation generated significant discussion on campus around the new provincial requirements for an institutional free speech policy, how to interpret these requirements, and the currency and value of the *University of Chicago Statement on Principles of Free Expression*.

The discussions held by the President's Advisory Committee delved into the nature of expression at a university, and the meaning and value of free expression in an academic context. In particular, the Committee carefully considered the issue of the university as a "speaker's corner" for any form of expression on its property as opposed to more traditional forms of academic expression, such as guest lecturers.

However, since implementation of the Policy, no significant debates or controversies surrounding free expression on campus have arisen.

³ See Brock News article here: <https://brocku.ca/brock-news/2018/12/new-policy-focused-on-freedom-of-expression-to-launch-at-brock-jan-1/>

⁴ See Brock University website at: <https://brocku.ca/free-speech/>

Impact on policies and practices

As the Policy represented a clarification of existing practices, rather than a significant change, at the time of this report, no issues or changes have arisen as a result of the Policy.

The Policy and related resources have provided more concrete guidance for discussions between student organizations and the University's department of Student Life & Community Experience, which oversees most clubs and events on campus, as well as discussions with Campus Security. For events where disruptive behavior or conflict is likely, event planning discussions may now include discussions regarding strategies to avoid or cope with these circumstances.

Student governments have also been informed of the University's expectations with respect to compliance with the Policy for events on campus and other Brock University spaces. The undergraduate student government has conveyed some reservations, as the organization operates autonomously from the University, but it has agreed that the University has the authority to manage its property pursuant to the Policy.

So far, no issues have arisen in the implementation of the Policy.

3. EVENTS ON CAMPUS

Number of events

Brock continues to host a large number and variety of non-curricular events, at the request of students, faculty members, staff, third party organizations and members of the public. The Policy does not appear to have had a noticeable effect on the number or types of events on university campus.

From Jan 1 – Jul 31, 2019, room bookings reserved space for 5016 events in total, including space for student clubs, religious organizations, members of the general public and youth groups. Approximately 2689 of these reservations were associated with university departments or faculty, with 2327 non-academic events. In the same period, Student Services, through its student event risk management procedures, recorded 1841 student events. These event numbers overlap for events that required both a room booking and risk management review.

Of particular note, two protests were held on campus in this time period. These protests each occurred peacefully and without incident, and while monitored by Campus Security, were not disrupted or restricted by the University in any manner.

- Sexual violence protest, January 2019. Approximately thirty protesters held a rally outdoors in relation to sexual misconduct on campus.
- Prime Minister Town Hall, January 2019. Protesters with various grievances against the federal government protested the arrival of Prime Minister Justin Trudeau on university campus for a town hall event. Approximately thirty-five protesters temporarily blockaded one road entrance to the university, protesting planned oil pipeline construction on Indigenous lands. Bus service on campus was temporarily disrupted, but campus remained accessible by car or on foot through alternative entrances.

Complaint processes

The University Secretariat has been designated as the central point of contact to receive any questions or complaints regarding compliance with the Freedom of Expression Policy. Depending on the nature and subject of the complaint, the

Secretariat will then route the complaint appropriately (for example, a complaint about student conduct would be managed by Student Affairs similar to a complaint relating to the Student Code of Conduct).

The Secretariat has, at the time of this report, received a few inquiries from various departments involved in the implementation of the Policy, but no complaints have been received.

Costs and safety concerns

Brock University prides itself on providing a safe environment for learning, study, and work. Campus Security Services has been involved at every level of discussion as the Policy was created and implemented. Brock is also mindful of the potential security costs involved in event planning, particularly for events that could result in conflict.

The issue of cost recovery was discussed extensively as part of the Policy creation process. Thus far, Brock has fortunately been able to absorb the security costs associated with all campus events and has not passed costs along to event organizers. The large majority of events have been able to be covered by the existing on-duty security shift, without requiring extra security personnel or additional security work hours. Senior salaried security personnel have, in some cases, stayed late to ensure events run smoothly.

4. COMPLAINTS

Neither the University Secretariat, nor any of the other units most closely involved in issues concerning freedom of expression on campus, including Human Rights & Equity, Student Affairs, and Campus Security Services, have received any complaints pursuant to the Policy.

5. LOOKING FORWARD

When the Policy was approved, it was scheduled for a review after one year, to ensure that any unforeseen issues or implications arising from its implemented could be addressed. This review will be conducted in January 2020.

As it does so, the University will expand and enhance the training and information it makes available to students, staff and faculty regarding freedom of expression issues to better support and facilitate discourse and debate on campus.

The University will continue to monitor practices across the post-secondary sector, and work with other Ontario institutions, in order to maintain a work and learning environment that best enables the pursuit of knowledge, the sharing of ideas and the advancement of learning.