



# Langara College Statement of Principles on Academic Freedom and Freedom of Expression

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# Langara College Statement of Principles on Academic Freedom and Freedom of Expression<sup>1</sup>

## Preamble<sup>2</sup>

*Colleges and universities play a unique role in Canadian society: they are places in which people should feel free to exchange ideas, beliefs and opinions. Controversy, conflict, and criticism are inherent to this role. Yet colleges and universities also aspire to foster an environment that promotes civility and inclusivity and respects human dignity.*

*Colleges and universities operate on the principle that academic freedom and freedom of expression are core components of intellectual enquiry and are central to the pursuit of knowledge. The value colleges and universities place on these principles does not imply their endorsement of views that are expressed. On the contrary, it is understood that all ideas, beliefs and opinions are subject to analysis and criticism that may result in their modification or rejection. Critics may themselves face criticism. The expression of provocative, uninformed or distasteful views must be tolerated so any inadequacies can be debated and exposed.*

*In practical terms, efforts to curtail offensive views often result in such expression being given greater attention and its purveyors gaining greater prominence than would otherwise be the case. Thus, attempts to reduce the influence of offensive views through regulation are liable to produce the opposite effect. There is also an increasing practical need for colleges and universities to protect free inquiry and expression in an age of digital information technology given the ease with which misinformed and intentionally false ideas can be transmitted to, and manipulate the attitudes and behaviour of, large audiences. Because colleges and universities constitute a forum that uses the best tools humans have devised for evaluating claims to knowledge, they are in the best position to make contributions to knowledge and public discussion that rise above corrupting influences of partisan politics, vested economic interests, fake news, and individual self-interest. It is especially vital today for colleges and universities to fulfil responsibilities to serve their communities by being free to examine and expose to critical scrutiny the broadest range of ideas that are matters of public discussion and controversy. The quality of public debate and democratic decision-making has arguably never depended more urgently on the freedom – and leadership – of colleges and universities to engage ideas and expose them to critical evaluation.*

*For these reasons, when disputes around major social and political issues arise in the classrooms and in colloquia and meeting spaces and public lectures at our colleges and universities, we should err on the side of tolerating free inquiry and freedom of expression. Provided expression of ideas does not overstep an extremely narrow range of primarily legal boundaries, it should not be censored even though it may be provocative or offensive. This can be difficult for some to accept, but academic freedom and freedom of expression are intended to protect expression of ideas that are not popular.*

<sup>1</sup> Between March 2019 and May 2021, the President's Committee on Academic Freedom and Freedom of Expression developed the current statement through an extensive, iterative process of consultation and consensus with members of the Langara community, including meetings and exchanges with the Langara Faculty Association (LFA), Langara students, the Langara local of the Canadian Union of Public Employees (CUPE), the Langara Board of Governors, and two World Cafe events attended by faculty and staff. The President's Committee was created at the direction of the Langara Board of Governors in January 2019 and was comprised of a cross-section of Langara employees, including the President, the Provost and Vice President Academic and Students, a representative from the LFA, a local representative from CUPE, the chair of the Langara Research Ethics Board, a faculty member, and an administrative staff member.

<sup>2</sup> The Preamble is adapted with permission partly from Andrew Petter's [President's Statement on Respectful Debate at Simon Fraser University](#) (2010).

*They mean almost nothing if they only protect ideas that are accepted or not regarded as challenging, since these rarely, if ever, require protection.*

*It is also of fundamental importance to foster an environment where new ideas and perspectives can be voiced and exposed to critical scrutiny in a transparent way without fear of reprisal or recrimination. Academic freedom also facilitates education, highlights intellectual and social progress, and sharpens debate by providing often much needed fora for examining discredited ideas and showing why they have been rejected.*

*Sometimes those wishing to suppress expression of ideas fail to grasp the importance of a fundamental intellectual tool that is a foundation of academic inquiry, namely, the “use/mention distinction.” Mentioning ideas, words, or arguments for purposes of critical evaluation does not imply their endorsement even if they can be or are meant to be offensive in ordinary usage. Activities that involve such critical evaluation are never in themselves offensive or threatening to anyone’s dignity. They are necessary to finding reasoned bases for addressing threats to dignity and justice from the use in everyday life of misinformed or prejudiced claims and intentionally hurtful ideas.*

*Protecting academic freedom and freedom of expression does not relieve us of our responsibility to foster an environment of civility, inclusivity, equity, and mutual respect. On the contrary, the broad rights of academic freedom and freedom of expression we enjoy oblige all of us to work harder to promote such an environment. Nor does it permit us to disregard the negative effects that provocative and offensive expression can have on members of our community. These effects are real and we need to show understanding and support to those who suffer them.*

*Langara therefore urges all members of the college community to redouble their efforts to create a culture that celebrates robust and vigorous debate within an academic milieu characterized by reason, tolerance, inclusivity, equity, and mutual respect.*

### **Statement of Principles on Academic Freedom and Freedom of Expression<sup>3</sup>**

Academic freedom and freedom of expression are assumed to be bedrock values of a well-functioning free and democratic society.<sup>4</sup> Nearly everyone is prepared to pay homage to the idea that these values are fundamental to robust, flourishing inquiry and the pursuit of knowledge and are necessary to ensure that society does not fall into some form of censored totalitarian structure. Both academic freedom and freedom of expression are frequently under attack from across the political spectrum. The issue this raises is how academic freedom and free expression can be protected from seemingly ever-present efforts to limit or suppress them particularly from individuals who are impatient with tolerance toward expression of unpopular views.

<sup>3</sup> The statement of principles on academic freedom and freedom of expression includes material adapted from The Chicago Principles:

<https://provost.uchicago.edu/sites/default/files/documents/reports/FOECommitteeReport.pdf>

<sup>4</sup> Chemerinsky, E., & Gillman, H. (2017). *Free speech on campus*. New Haven, CN: Yale University Press., p. 25; MacKinnon, P. (2018). *University commons divided: Exploring debate and dissent on campus*. Toronto, Ontario, Canada: University of Toronto Press., p. 5; Williams, J. (2016). *Academic freedom in the age of conformity: Confronting the fear of knowledge*. New York, NY: Palgrave MacMillan. p. 10.

To answer such challenges, colleges and universities have been dedicated to the preservation and celebration of freedom of expression as an essential element of college and university culture. To be sure, the conduct of academic activities is guided by epistemological and aesthetic standards that are recognized within different scholarly disciplines. Those standards distinguish scholarly activity from a more general right to free expression. But this distinction should not obscure the fundamental ways in which academic freedom and free expression overlap and implicate each other. Because colleges and universities are committed to free and open inquiry and pursuit of knowledge and truth in all matters, they guarantee all members of their communities the broadest latitude to speak, write, hear, challenge, and learn. This extends to questioning of, or challenges to, scholarly standards or orthodoxy. A right to free expression is the broader public tool for guaranteeing such free and open inquiry and for holding accepted standards and orthodoxies accountable. Like academic freedom, a right to free expression does not imply that all claims and ideas are equally meritorious or that reasoned judgments cannot be made about their worth or defensibility. Thus, it is appropriate for colleges and universities to celebrate the value of free expression, since it encompasses an ideal that is also part of academic freedom. Because members of academic communities' rights to such free and open inquiry include both rights and duties to engage matters of public interest and controversy in the interest of the pursuit of truth and informed public debate, neat boundaries cannot be drawn between academic freedom and free expression.

Just about any attempt to extend the boundaries of knowledge will engage matters of public interest. As part of academic freedom, then, scholars are inevitably engaged in activities that enter the public forum that are also protected by rights to free expression. Both academic freedom and free expression recognize the right, and also the responsibility of, members of the academic community to respond to and engage issues of public interest that arise from ideas that are expressed on campus or in the broader community and that touch issues that are connected to scholarly activity. It is important also to acknowledge that expression rights and academic freedom encompass activities involving human self-exploration and pursuit of aesthetic value that are fundamental components, indeed they are the lifeblood, of fine arts, performing arts, literature, and philosophy programs in colleges and universities. Academic freedom and freedom of expression are thus properly recognized as fundamentally overlapping and mutually supporting values. Except insofar as limitations on these freedoms are essential to the functioning of the institution or compliance with the law, Langara fully respects and supports academic freedom and free expression and the freedom they permit for all members of the College community to discuss any issue or problem that presents itself.

Of course, the ideas of different members of the college and university communities will often and quite naturally conflict. But it is not the proper role of the college or university to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the College greatly values civility, and although all members of the College community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect, subject to limitations described in more detail later, can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community. This commitment to free and open inquiry is consistent with the College's responsibility to foster discussions and initiatives that address ways that marginalized communities' voices have been discounted or lost, and the College's responsibility to promote inclusivity and diversity.

The College's fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the College community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the College community, not for the College as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress expression but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the College community to engage in such debate and deliberation in an effective, responsible, civil, and safe manner is an essential part of the College's educational mission.

As a corollary to the College's commitment to protect and promote free inquiry and expression, members of the College community must also act in conformity with these principles. Although members of the College community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, Langara has a solemn responsibility not only to foster a context for lively freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it. Although this statement is directed mainly at protecting rights to free inquiry and expression from threats from individuals' decisions and actions, its principles also apply to the College's responsibility to be vigilant about threats from institutional or external sources.

### **Limits of Principles on Academic Freedom and Freedom of Expression<sup>5</sup>**

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. The College can restrict expression that violates the law, including but not limited to the Charter of Rights and Freedoms, the Criminal Code, privacy laws, or human rights laws, or that constitutes a genuine threat of harassment, unjustifiably invades privacy or confidentiality interests, or is otherwise directly incompatible with the functioning of the institution by posing an immediate, direct and substantial threat to the conduct of the College's activities. The College may reasonably regulate the time, place, and manner of expression to ensure that it does not unduly disrupt the activities of the College, or violate College policy or the legal rights of College members. Instructors have the prerogative to manage class discussion to focus on course content and to ensure appropriate pace of instruction. These are narrow exceptions (discussed further in the next section) to general principles of academic freedom and freedom of expression. It is vitally important that the interpretation and application of these exceptions be carefully balanced against the College's commitment to free and open discussion of ideas.

### **Review Process**

This section outlines a review process regarding decisions affecting academic freedom and free expression outside the classroom but under Langara's auspices, for example, in public lectures and meetings, colloquia, film presentations, public presentation of literary, dramatic, and visual art works, use of space at the campus to raise awareness about social and political issues, and the like. Review and resolution of academic freedom disputes involving faculty are subject to a separate process under the collective agreement between the College and the Langara Faculty Association. That agreement currently recognizes academic freedom in that context. Disputes about academic freedom in that context are not addressed by the process described here. However, the principles and expectations about academic freedom and freedom of expression that are described throughout this document represent a resource that should clarify and inform decision-making there.

Langara recognizes that the expression of some ideas and the presence of some speakers or events on campus will be controversial and that questions will be raised about whether they should be allowed at the College. Except on the rarest occasions, expressing or espousing ideas, including those some or many individuals find offensive or repugnant, should not be prohibited on the campus or at any events under its auspices. However, Langara also recognizes that decisions to permit or restrict certain speakers or expression of some ideas on campus can be controversial. Such situations provide an opportunity for the College to discuss, learn, and educate about the nature and limits of academic freedom and freedom of expression.

Partly for this purpose and to provide a transparent, accountable process for review of decisions, this statement includes a mechanism whereby College members (that is, current faculty, students, and staff) who have concerns about the presence or restriction of some ideas or individuals on campus can have their voices heard and answered. The process permits an individual, or group of individuals, to write to the Provost and Vice President Academic and Students (the Provost) to explain their concerns. The Provost shall consult with the Academic Freedom Advisory Committee and respond to those concerns in writing, outlining reasons that certain individuals or expression of ideas have been permitted or restricted on campus. The response will outline any actions or plans for actions that the Provost or College has undertaken in response to the concerns expressed. The letter to the Provost, including the name(s) of the signatories, and the Provost responses shall be published publicly.

Those interested in submitting complaints are (i) advised to read this statement of principles on academic freedom and freedom of expression on campus at Langara and the supporting documents, in particular, Andrew Petter's SFU President's Statement on Respectful Academic Debate and The Chicago Principles, and (ii) consider their remarks in relation to these statements and principles. For clarity, Langara will only restrict expression of ideas that:

1. violate the law, including by defaming a specific individual or by criminally actionable conduct;
2. constitute a genuine threat of harassment to a person or persons on campus;
3. unjustifiably invade privacy or confidentiality; or
4. pose an immediate, direct, and substantial threat to the conduct of the activities of the College.

These restrictions are to be interpreted to reflect Langara's commitment to providing the broadest opportunity on campus for free and open discussion of ideas.

<sup>5</sup>The application of principles on academic freedom and freedom of expression is adapted from the Andrew Petter's [President's Statement on Respectful Debate at Simon Fraser University](#) (2010) and used with permission [and](#) adapted from the Chicago Principles: <https://provost.uchicago.edu/sites/default/files/documents/reports/FOECommitteeReport.pdf>

## **Regulations / Procedures**

### Partial list of related Legislation

[The Canadian Charter of Rights and Freedoms](#)

[Criminal Code of Canada](#)

[Workers' Compensation Act](#)

[Human Rights Code](#)

[Freedom of Information and Protection of Privacy Act](#)

[Occupational Health and Safety Regulation](#)

[OHS Policies](#)

[WorkSafeBC Standards and Policies](#)

[College and Institute Act](#)

### Related Langara Policies

[410 Respectful Learning and Working Environment](#)

[D1007 Respectful Workplace](#)

[E1003 Standards of Student Conduct](#)

[F1004 Academic Integrity](#)

[G1001 Facilities Use](#)

[Collective Agreement between Langara College and the Langara Faculty Association](#)

History/Revision	
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