

DRAFT - POLICY ON ACADEMIC FREEDOM

Effective Date: To be determined

Approval Authority: Senate

Supersedes /Amends: N/A

Policy Number: PRVPA-XX

SCOPE

This Policy and its related *Procedures regarding the Academic Freedom Committee* (the “Procedures”) apply to all members of the Concordia University (the “University”) community and outlines the principles that govern Academic Freedom (as defined below).

PURPOSE

In accordance with the [Act respecting academic freedom in the university sector, CQLR, chapter L-1.2](#) (the “Act”), the purpose of this Policy is to recognize, promote and protect Academic Freedom in order to support the mission of the University.

DEFINITIONS

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

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

That right includes the Academic Member’s freedom:

- a) to teach and to discuss;
- b) to conduct research, create and publish;
- c) to express their opinion about society and about an institution, including the University, 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.

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An Academic Member's right to Academic Freedom does not supersede, replace or modify the academic or pedagogical requirements related to a course or program and must be exercised and interpreted in a manner consistent with the University's policies, guidelines and practices.

"Academic Freedom Committee" means the committee described in [section 2](#).

"Academic Member" means any member of the community who is engaged in academic endeavours described in the above definition of Academic Freedom, which contribute to carrying out the mission of the University and normally includes faculty members, librarians, researchers, postdoctoral fellows, and students.

"Chair" means the person who chairs the Academic Freedom Committee and who is responsible for university Academic Freedom, namely the Provost and Vice-President, Academic, 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 [Academic Code of Conduct](#), the University Calendars or other [University policies or procedures](#).
2. The Academic Freedom Committee shall be composed of the following:
 - Chair
 - Vice-President, Research and Graduate Studies or their delegate
 - Two members appointed by the Provost and Vice-President, Academic from the Academic Deans and University Librarian for a one-year term.
 - Two full-time faculty or librarian members, appointed by the Concordia University Faculty Association (CUFA) for a three-year term.
 - Two part-time faculty members, appointed by the Concordia University Part-time Faculty Association (CUPFA) for a two-year term.
 - One graduate student, appointed by the Graduate Students' Association for a one-year term.
 - One undergraduate student, appointed by the Concordia Student Union for a one-year term.

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3. Members of the Academic Freedom Committee shall serve independently.
4. The Academic Freedom Committee and/or the Chair, as appropriate, shall be responsible for:
 - overseeing the implementation of the present Policy;
 - examining complaints relating to a violation of Academic Freedom in accordance with the Procedures and, if applicable, making recommendations regarding such complaints; and
 - making recommendations on any other matter relating to Academic Freedom.
5. In consultation with the Academic Freedom Committee, the University shall establish:
 - awareness-raising and information campaigns 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 the members of the community regarding Academic Freedom.
6. The Office of the Provost and Vice-President, Academic shall also serve as an advisory service for general questions pertaining to the present Policy or its Procedures as well as any other general inquiries pertaining to Academic Freedom.
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 Policy.
8. In accordance with the timeline prescribed by the Act, this Policy must be reviewed at least once every 10 years.
9. The overall responsibility for implementing and recommending amendments to this Policy shall rest with the Provost and Vice-President, Academic.

Approved by Senate [insert date]

DRAFT - PROCEDURES REGARDING THE ACADEMIC FREEDOM COMMITTEE

PURPOSE

These Procedures outline the process to follow for any Academic Freedom complaint as set out in the *Policy on Academic Freedom* (PRVPA-XX) (the “Policy”).

DEFINITIONS

For the purposes of these Procedures, all terms that are capitalized shall have the same meaning as those terms defined in the Policy. Additional terms specific to these Procedures are defined below:

“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. Meetings of the Academic Freedom Committee will not proceed unless the Chair or their delegate are present and quorum is present. Quorum is defined as a majority of the members, including the Chair.
2. The Academic Freedom Committee will make decisions by consensus whenever possible. If it is impossible to reach a consensus, the committee votes, and a majority of the members present prevails.
3. The Chair shall only vote when the outcome of a vote results in a tie. This in no way limits the Chair’s right of expression during any or all proceedings.
4. The Academic Freedom Committee shall meet in camera and all of its deliberations are strictly confidential, and its recommendations as well as any information or documentation pertaining to any complaint are to be treated confidentially.

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Complaints

5. 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 Provost and Vice-President, Academic.
6. A complaint should be accompanied by the relevant documentation and include a detailed description of the alleged violation of the Academic Member's Academic Freedom.
7. Upon receipt and review of a complaint, the Chair, in consultation with the Academic Freedom Committee, shall determine the admissibility of the complaint and may put an end to or suspend the examination of the complaint 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; or
 - g. 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.
8. If required to determine the admissibility of the complaint, the Chair may request additional documentation or information regarding the alleged violation of Academic Freedom.
9. When putting an end to or suspending the complaint at this stage, the Chair shall inform the Complainant and include the reason(s) and, if applicable, the other option(s) available to the Academic Member.
10. Once the complaint has been deemed admissible, the Chair, in consultation with the Academic Freedom Committee, shall normally strike a sub-committee, the composition of which shall be chosen from the members of the Academic Freedom Committee with consideration given to the nature of the complaint.

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11. The sub-committee shall be convened in order to review the matter, and [sections 1 to 4](#) of these Procedures shall apply.
12. Following an initial review, if the sub-committee considers the complaint inadmissible for the reasons described in [section 7](#) or otherwise, it may recommend to the Academic Freedom Committee to discontinue or suspend any further analysis of the complaint. Upon the recommendation of the sub-committee, the Academic Freedom Committee may elect to discontinue or suspend the examination of the complaint.
13. When putting an end to or suspending the complaint at this stage, the Chair shall inform the Complainant and Respondent and the Respondent's employee Union or Association, if applicable. When applicable, the reason(s) as well as the other option(s) available shall be presented to the Academic Member.
14. The Academic Freedom Committee and its sub-committee do not constitute a tribunal and do not hold hearings in order to assess the merits of a complaint. The examination of a complaint by the Academic Freedom Committee or its sub-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.
15. The sub-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.
16. If the sub-committee considers that a further inquiry is required, it submits its recommendation to the Academic Freedom Committee. The Chair may delegate the inquiry to an Academic Dean, the University Librarian or to one of their delegates. The Academic Dean, the University Librarian or their delegates shall share their findings 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.
17. In the event the sub-committee concludes that the complaint constitutes a violation of Academic Freedom, it informs the Academic Freedom Committee of its conclusion. The Chair, in consultation with the Academic Freedom Committee, shall decide on the appropriate measures to remedy the violation based upon the conclusions and recommendations of the sub-committee.

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18. The Chair may impose or recommend the imposition of a disciplinary measure or impose, implement or institute any other appropriate measures to remedy the violation of Academic Freedom, the whole subject to relevant collective or employee agreements or University policies.
19. The Chair shall notify the Complainant and the Respondent, and the Respondent's employee Union or Association, if applicable, of the outcome of the decision and any action that may be taken as a result of the complaint.

Approved by Senate [insert date].