

# Fleming College

## Fleming College Annual Report on Implementation of our Free Speech policy

*Submitted to the Higher Education Quality Council of Ontario, September 3, 2019*

The following is Fleming College's annual report on our progress in implementing the Free Speech Policy, which is located on our website and has been submitted to the Higher Education Quality Council of Ontario (HEQCO).

Fleming College's policy can be found here: <https://flemingcollege.ca/free-speech-policy>

Fleming College, with the support and leadership of the Ontario government, Colleges Ontario, College Student Alliance and the Higher Education Quality Council of Ontario (HEQCO) took a collaborative and consistent approach to the development of a free speech policy.

Fleming College's Free Speech policy was approved by the Board of Governors December 17, 2018 and has been in effect since January 1, 2019.

### Purpose

This policy is aligned with other College policies, all of which shall be read in harmony.

Existing College mechanisms and processes are used to handle complaints and ensure compliance with the policy. Complaints that remain unresolved may be referred to the Ontario Ombudsman. Existing disciplinary measures will apply to those whose actions are contrary to the policy.

### Scope

This policy came into effect on January 1, 2019 and applies to all College faculty, students, staff, management, guests and others who are present at the College.

Colleges will consider official student groups' compliance with the policy as a condition for ongoing financial support or recognition, and encourage student groups to adopt policies that align with this policy.

Fleming College President Maureen Adamson has publically welcomed the free speech policy for Fleming College and Ontario's 24 publicly funded colleges, citing its importance to fostering a creative and challenging environment for students (The Peterborough Examiner, January 8, 2019).

Fleming College is committed to having a strong, clear and consistent policy. The policy protects free speech while ensuring that hate speech, discrimination, and other illegal forms of speech are not allowed on campus.

Fleming encourages its students and community to be engaged with social issues, but also wants to ensure discourse is mutually respectful.

Fleming College's responses to the implementation of the free speech policy:

## Institutional Culture and Policies

- In the wake of the government's requirement for institutional free speech policies, has there been ongoing debate or dialogue on campus with regard to freedom of speech?

**There has been ongoing dialogue and discussion at the College with regard to providing a clear definition of hate speech.**

- Have institutional practices changed as a result of the free speech policy? For example, has the new free speech policy led to a re-examination or amendment of other institutional policies? If yes, please describe.

**The spirit of the free speech policy has always been considered when developing or renewing our policies. As appropriate, we are amending policies to include a clear definition of hate speech.**

- Now that your free speech policy has been in effect for a period of time, have any issues emerged that would cause you to re-evaluate or amend your existing policy? If so, please describe

**Increasing language to better define and differentiate between free speech and hate speech to provide clarity.**

## Events

We would like to get a sense of the ratio of free speech complaints to the overall number of public events on campus. In this case, we are interested in non-curricular events - invited speakers, for example - as opposed to regular events held as part of an academic program.

- To the best of your ability, please provide an estimate of the number of non-curriculum events that have been held at the institution since January 1, 2019.

**Approximately 100 non-curriculum events, including >20 invited speaker presentations**

- Is there a designated office at the institution where members of the institutional community (or guests) are directed when there is a free speech related question or complaint about an event on campus?

**We have a customized approach (not one designated office) Depending on the situation, members of the institutional community (or guests) are directed to:**

**Student Rights and Responsibilities Office (students)**

**Human Resources (employees)**

**Security Services (guests)**

- How did your institution navigate free speech related cost and/or safety concerns related to events on campus?

**The college used existing college mechanisms and processes to navigate free speech related concerns for events on campus ensure compliance with the policy. If complaints remain unresolved they may be referred to the Ontario Ombudsman. Existing disciplinary measures apply to those whose actions are contrary to the policy. Free speech related costs are funded through the college's corporate services division.**

- To your knowledge, were there any instances where a non-curriculum event did not proceed due to these concerns?

**No**

## Complaints

- Have any organized campus events or incidents on campus - curricular or non-curricular - caused members of the institutional community (or guests) to make an official complaint about free speech on campus?

**Yes**

If there has been a complaint (or more than one), please describe:

- What were the issues under consideration? Identify any points of contention (e.g. security costs, safety, student unions and/or groups, operational requirements, etc.).

- 1) **Unofficial complaint related to free speech that was interpersonal (wearing an item of clothing that was considered offensive and the defense was freedom of speech).**

**This was managed under our student rights and responsibilities policy with reference to Harassment and Discrimination. Main issue was the student's level of comfort with imagery they were offended by.**

- 2) **Complaint regarding the content of a course and the examples in that course being racist in nature, insofar as they perpetuate stereotypes. The complainant said that the content was "hate speech". Some considerations are academic freedom under article 13 of the academic collective agreement.**

- How did the institution manage the free speech incident? Was the complaint addressed using the procedures set out in the policy? Did the policy/institutional process "work"? How were issues in contention resolved?

- 1) **The Student Rights and Responsibilities process was followed. The incident was investigated to see if it met the threshold of any policy violation. The process worked and the situation was resolved with education for both the respondent and complainant.**

**2) The College took an informal approach to addressing that issue. Rather than presuppose that the faculty member wouldn't change the content, the identified human rights staff approached them and explained the concern. The faculty were apologetic that the content offended anyone; they removed the offending examples and apologized to the students.**

- Were there instances where members of the institutional community (or guests) sought redress or interpretation regarding the policy and/or requests for assistance with compliance?

**Separate to the incidents described above, the Academic Union sought explanation and interpretation of what constitutes hate speech and requested that a clear definition be added to the existing free speech policy.**

- To your knowledge, were any free speech complaints forwarded to the Ontario Ombudsman?

**No**

- In responding to this section and when publishing your report, we remind you to report in a manner that meets your legal obligations with respect to protection of privacy.

Please include the following data for any free speech-related official complaints received by the institution:

- Number of complaints received under the free speech policy relating to non-curricular events and to curricular events.

**0**

- Number of complaints reviewed that were dismissed.

**0**

- Number of complaints or incidents where the institution determined that the free speech policy was not followed appropriately.

**0**

- Number of complaints or incidents under the free speech policy which resulted in the institution applying disciplinary measures.

**0**