

---

International Affairs

# The War on Academic Freedom Explained

15 August 2023

**Emma Zappone**

---

If you are a student at the University of Ottawa, it is more than likely that you have heard the term “academic freedom” thrown around in various contexts ranging from social media platforms to mainstream news outlets. The discourse surrounding this topic has become increasingly complex, which has greatly impeded our ability as students and young professionals to form educated opinions on the topic. In an effort to present the facts and encourage open discussion, let this article serve as your bias-free guide to the ongoing discourse surrounding academic freedom at the University of Ottawa.

## Academic Freedom Defined

Academic freedom is an illusive term, and its boundaries are notoriously difficult to define. It is often referred to in two major subcategories within academia: institutional freedom and individual freedoms (FFI, n.d). The Freedom Forum Institute refers to the former as “the right of a university to determine its educational mission free from governmental intervention” (FFI,

n.d), while the latter is simply the right for each individual professor to teach their curriculum without interference from university officials (ibid). Essentially, the principles of academic freedom grants faculty members in an academic institution the right to disseminate relevant knowledge without censorship based on “moral, religious, or political values” (Association of Professors at the University of Ottawa, 2021).

In Canada, academic freedom has not been a pivotal topic in federal courts, and is instead protected and enforced by faculty unions through a process called “collective bargaining” (Robinson, 2019). In the simplest terms, this means that a university faculty union negotiates ideas until they come to a binding written agreement also known as a “labour law” (University of Washington, n.d). As a result, labor laws have no firm legal support from the Canadian government, leaving the weight of withholding and enforcing academic freedom principles, and determining its boundaries, largely on the university’s governing bodies and its faculties (Universities Canada, 2011).

Each of these parties have different responsibilities in ensuring academic freedom both institutionally and individually in order to best balance workplace etiquette with academia.

### **Academic Freedom at the University of Ottawa**

Although there have been numerous instances of academic freedom being a subject of contention both provincially and nationally, a large catalyst for the recent academic freedom debate in post-secondary institutions began with a professor at the University of Ottawa. In September of 2020, a part-time professor was suspended for their use of an anti-black slur in a virtual classroom during a conversation about the reclaiming of terms historically used to degrade marginalized groups. This incident resulted in an outcry from student leaders at the university and a response from the University denouncing her actions (UOSU, 2021). Soon after, an open letter from the Association of Professors at the University of Ottawa strongly condemned the treatment of the suspended professor and called for the preservation of academic freedom. This incident quickly sparked media attention across Canada about what academic freedom truly encompasses, and whether censoring specific language is justifiable.

After months of numerous headlines regarding the university's stance on academic freedom, Jacques Frémont, the president of the University of Ottawa, announced the creation of a committee that would conduct a formal inquiry into the principles of academic freedom at the school (Coady, 2021). The committee was formed in March of 2021 and was chaired by retired Canadian Supreme Court justice Michel Bastarache, a UOttawa alumnus, as well as five other active faculty members of the university. With the ultimate goal of finding a balance between academic freedom and values of equity and diversity, the committee was put in place to set out practical solutions to a complicated conversation. In an effort to engage with the community they were appointed to represent, the Committee conducted two consults in which they invited members of the UOttawa community to submit briefs sharing their positions on the issue. Along with the 102 briefs gathered from the community, the committee reached out to university associations for their perspective and evaluated how questions regarding academic freedom were managed at other universities across Canada and internationally (Dutil, 2021).

### **The Academic Freedom Report**

The Committee on Academic Freedom released their official report on November 4, 2021, months after the

projected release date (Dutil, 2021). The 36 page report, commonly referred to as the Bastarache Report, attempted to provide a concrete definition of academic freedom and its limitations as well as, provide practical recommendations for upholding these principles at the University of Ottawa.

The Report used the Canadian Association of University Teacher (CAUT)'s [policy statement on academic freedom](#) as a baseline for their interpretation of that same principle, concluding that academic freedom represents “the freedom to teach, carry out research, publish, and participate in conferences free from institutional censure” (Bastarache, 2021). The report consistently reaffirms the University of Ottawa’s commitment to protecting academic freedom and freedom of speech, and maintains that the community must be supported by the University when those rights are compromised. Although the Committee concedes that it is not realistic to place concrete limits on academic freedom in all cases, it presents three criteria to be used when evaluating contentious issues: legality, legitimacy, and necessity. As a whole, these criteria require consideration of existing university policies and bylaws, the context of the incident, and whether the incident is discriminatory or simply controversial when establishing whether

a plight is protected under academic freedom principles.

The Academic Freedom Report outlines seven recommendations for maintaining academic freedom principles and establishing mechanisms for reconciling any future challenges. Aside from recommendations of more succinct definitions and boundaries, the Committee suggests appointing a standing committee tasked with dealing specifically with principles of academic freedom. This committee would be dedicated to reviewing and implementing policies related to academic freedom, receiving complaints from members of the uOttawa community, and executing procedures of public accountability. The recommendations also state that this new committee should specifically aim to counteract cyberbullying, saying that the University must take proactive steps to establish specific norms and codes of conduct to prohibit insults and “disregard for human dignity” in online forums. Finally, the Committee explicitly disapproves of censorship of any words or ideas where the goal is to disseminate knowledge. The report affirms the Committee’s stance that sensitive or controversial topics must be allowed to be discussed in academic contexts, and that the University should unequivocally show their commitment to protecting these values.

## Reactions to the Report on Academic Freedom

The reaction to the Bastarache Report received immediate negative feedback from various student leaders at the University of Ottawa, many of whom found the report disappointing. One of the main criticisms is rooted in the University's decision to not include any students on their committee. The University defended its decision by stating that since the implications of academic freedom have direct impacts on the work of professors and faculty, membership should be awarded exclusively to those groups (Dutil, 2021). Students were instead encouraged to share their perspective in one of two rounds of consultations that occurred during the research stage of the report.

Once the report was released in November 2021, the University of Ottawa Student Union (UOSU) and two student representatives on the University's Board of Governors issued a joint statement criticizing the report for disregarding the briefs submitted by student leaders (Dutil, 2021). The equity commissioner for the UOSU said that the community felt underrepresented, and that Black Indigenous People of Color "deserve to be at the center of conversations that directly impact them" (Dutil, 2021). A common response was that the legal lens of the report does not adequately represent student

experiences or perspectives, and the university should use its resources to take decisive action against systemic racism rather than form a new committee to further silence student voices (UOSU, 2021).

These criticisms were echoed by both the Graduate Student Association (GSAÉD) and the Black Leaders Students Association (BLSA), whose statements both emphasize that the Committee on Academic Freedom places the professor's individual freedom of expression over the importance of creating a safe and inclusive space for students to learn (Dutil, 2021). Most of the criticism regarding the report from both the student associations and the University of Ottawa community stems from the belief that the report effectively shields the faculty from facing repercussions for the events of fall 2020 while also ignoring the intersection between academic freedom and systemic racism.

## Conclusion

The Academic Freedom debate continues to be an ongoing conversation both within the University of Ottawa community and in academic institutions worldwide. The discourse surrounding this topic from students and faculty alike is an important one, as open communication and various perspectives are crucial to finding the

balance between maintaining academic freedom and fostering a safe and inclusive learning environment for all students. Although the full implications of the Report of the Committee on Academic Freedom have yet to unfold, it is crucial to seek out understanding on this conversation as well as recognize the various perspectives in order to form an educated opinion on a very relevant issue.

## References

University World News. (n.d.). *Bastarache report – academic freedom and university of ottawa*.

<https://www.universityworldnews.com/post.php?story=20211111090502967>

Bastarache, M., Etro-Beko, T., Mary Cénat, J., Jalali, D. A., Paquette, J., & Thériault, S. (2021, November 4). *Report of the Committee on Academic Freedom - uottawa.ca*. Retrieved January 22, 2022, from

[https://www.uottawa.ca/sites/www.uottawa.ca/files/report\\_committee\\_academic\\_freedom\\_en\\_final\\_full\\_v9.pdf](https://www.uottawa.ca/sites/www.uottawa.ca/files/report_committee_academic_freedom_en_final_full_v9.pdf)

*Committee on Academic Freedom*. uOttawa. (n.d.). Retrieved January 28, 2022, from

<https://www.uottawa.ca/en/committee-academic-freedom>

Dutil, B. C. & C., Maric, J., Tucker, S., & Editor, A. (2021, April 4). *Frémont announces new committee amidst heavily mediatized controversy surrounding academic freedom at U of O*. The Fulcrum. Retrieved January 20, 2022, from

<https://thefulcrum.ca/news/fremont-announces-new-committee-amidst-heavily-mediatized-controversy-surrounding-academic-freedom-at-u-of-o/>

Dutil, C., McRae-Sadik, J., Gergyek, M., & Rhett, T. (2021, November 8). *Student leaders disappointed with report by Committee on Academic Freedom*. The Fulcrum. Retrieved February 3, 2022, from <https://thefulcrum.ca/news/student-leaders-disappointed-with-report-by-committee-on-academic-freedom/>

*Faculty unionization: The basics*. Informed choice home. (n.d.). Retrieved January 16, 2022, from <https://www.washington.edu/informedchoic e/faculty-unionization-the-basics/>

Roy, A.-M. (2021, December 1). *Response to the bastarache report on academic freedom*. Association of Professors of the University of Ottawa. Retrieved February 3, 2022, from <https://apuo.ca/response-to-the-bastarache-report-on-academic-freedom/>

*What is academic freedom?* Freedom Forum Institute. (n.d.). Retrieved January 14, 2022, from

<https://www.freedomforuminstitute.org/about/faq/what-is-academic-freedom/>