

Academic Freedom and the Law

February 10-11, 2022

Academic freedom in Canada is the right of academic staff to teach and discuss, to research and publish, to participate in the academic governance of and to criticize their administration, and to exercise their civil liberties, including freedom of expression, without institutional censorship. The exercise of academic freedom is both facilitated by and constrained by the law. This conference will explore the legal foundations of academic freedom, as well as the legal limits placed on it with a view to strengthening the protections for academic freedom in Canada.

Draft Agenda

Thursday, February 10

12:30 – 12:45 **Welcome and Introductions**

- Penni Stewart, President, Harry Crowe Foundation
- David Robinson, Executive Director, Canadian Association of University Teachers

12:45 – 14:15 **The Legal Protections of Academic Freedom in Canada**

Unlike most other jurisdictions, academic freedom has very limited statutory or constitutional recognition in Canada. Rather, the strongest legal protections for academic freedom are contractual and are embedded in and enforced through collective bargaining agreements negotiated by faculty unions. What are the implications, strengths, and weaknesses of the current legal protection of academic freedom in Canada?

- Michael Lynk, Western University
- Mary-Elizabeth Dill and Adriel Weaver, Goldblatt Partners
- Joel Michaud, Pink Larkin

14:15 – 14:30 **Break**

14:30 – 16:00 **Academic Freedom and the “Duty of Loyalty”**

Employment law dictates that employees owe a duty of loyalty to their employer. How should this legal principle be interpreted in a university or college workplace where academic freedom grants academic staff the right to participate in and criticize the governance and administration of the institution?

- Len Findlay, University of Saskatchewan
- Sarah Godwin, Canadian Association of University Teachers
- David Robinson, Canadian Association of University Teachers

Friday, February 11

12:30 – 14:00 **The Legal Limits of Academic Freedom**

Academic freedom protects the investigation and discussion of unpopular and controversial topics and ideas. Disputes can arise, however, when the expression of controversial ideas is deemed to violate human rights, or constitute harassment, hate speech, or libel. Where should the line be drawn between expression that is controversial or offensive to some, and that which is legally prohibited by human rights and anti-harassment requirements?

- Anver Emon, University of Toronto
- Faisal Bhabha, Osgoode Hall Law School
- Jamie Cameron, Osgoode Hall Law School
- Peter Jacobsen, WeirFoulds LLP

14:00 – 14:15 **Break**

14:15 – 15:45 **The Future of Academic Freedom in Law**

Recent court decisions, legislative initiatives, and government regulations signal an evolving legal landscape affecting post-secondary education, with potential implications for academic freedom. How is the statutory and constitutional recognition of academic freedom changing and what are the implications? Is there a need to strengthen the legal and constitutional foundations of academic freedom?

- Louis-Philippe Lampron, Laval University
- James Turk, Centre for Free Expression, X University
- Linda McKay-Panos, Alberta Civil Liberties Research Centre, University of Calgary
- Craig Bavis, Victory Square Law Office

15:45 – 16:00 **Closing Remarks**