

**ADVICE TO HONOURABLE DEMETRIOS NICOLAIDES
MINISTER OF ADVANCED EDUCATION****FREE SPEECH POLICIES****PURPOSE**

To provide Minister information regarding the current state of free speech policies and alignment to the Chicago principles of free expression. (In the adult learning system in Alberta.)

BACKGROUND

- In July 2014, the University of Chicago elaborated free expression principles to articulate the institution's commitment to "free, robust, and uninhibited debate and deliberation" among community members.
- The Government of Alberta has committed to requiring all universities and colleges to develop, post, and comply with free speech policies that conform to the University of Chicago Statement on Principles of Free Expression.
- The ministry has broken the Chicago principles down into five criteria, which are used in the high-level analysis of relevant policies in the system and the policies' alignment to the principles.
 - The criteria are as follows:
 - Institutions are places of open discussion and inquiry, committed to protecting and promoting free expression.
 - Community members have the right to criticize and question other views expressed on campus, but cannot obstruct or interfere with others' freedom of speech.
 - Institutions should not attempt to shield students from ideas or opinions that they disagree with or find offensive. Mutual respect and civility are valued, but do not constitute sufficient justification to limit free speech.
 - Free speech may be limited if it violates the law.
 - Free speech may be limited if it is incompatible with the functioning of the institution.

ANALYSIS

- The ministry conducted a preliminary, high-level analysis of institutional websites to determine the free speech policies that exist, and their apparent alignment with the Chicago principles.
 - Post-secondary institutions were not contacted for this analysis.
 - The findings are not conducive to making definitive assessments of institutional alignment to the Chicago principles at this time, but rather serve as an interim understanding of the landscape in this area.

- Alberta post-secondary institutions generally appear to be committed to the principle of free speech, as demonstrated through a diversity of policies referencing and guaranteeing freedom of expression, inquiry, and assembly.
- To date, no post-secondary institution has adopted a specific, stand-alone policy on free speech, detailing its implementation and enforcement approach.
 - Similarly, no institution has specifically adopted the Chicago principles.
- While institutions demonstrate an overall commitment to free speech, there is no uniform approach.
- The commitment to free speech is reflected in policies and guidelines that include faculty and student codes of conduct, academic freedom policies, mandate statements, principles of citizenship, harassment and discrimination policies, research policies, intellectual property policies, etc.
- Other documents may contain additional relevant information, which were not apparent in the initial research done by the ministry.
 - To determine whether such additional documents exist, staff would require additional time, and would need to contact the institutions directly.
- Based on the initial analysis, up to seven institutions appear to be mostly aligned to the Chicago principles, while up to 17 institutions are somewhat aligned.
 - The ministry is unable to conduct an analysis of free speech alignment at Portage College and The Banff Centre.
 - Portage College does not provide public access to its policies and procedures on its website.
 - The Banff Centre does not appear to have any relevant policies to indicate alignment; however, its anti-harassment policy references artistic freedom of expression, which is in line with the nature of the institution.
 - At this preliminary stage of the analysis, post-secondary institutions may appear as slightly more aligned to the Chicago principles in terms of their commitment to open discussion and inquiry, and less so in other criteria, such as not shielding students from opposing views they may find offensive.
 - To confirm these initial findings, further information is needed.
- The ministry's current analysis is removed from the institutional context and may lack an awareness of other institutional practices and approaches which may further ensure free speech and expression on post-secondary campuses.
 - Post-secondary institutions are best positioned to provide their full suite of relevant policies and documents to the ministry.
- To ensure a full and robust understanding of post-secondary institutions' commitment to free speech, the Minister could consult with post-secondary institutions and request submission of the documents they consider relevant.
 - The Minister will have an opportunity to speak to board chairs about free speech policies on June 21, 2019, as well as the Council of Post-secondary Presidents of Alberta (COPPOA).

- The Minister will also have an opportunity to speak with student leaders on June 25, 2019.

ATTACHMENTS:

1. Institutional Compliance with Chicago Principles on Free Expression Checklist

Non Responsive

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Institutional Compliance with Chicago Principles on Free Expression

Chicago Principles Criteria:

- Institutions are places of open discussion and inquiry, committed to protecting and promoting free expression.
- Community members have the right to criticize and question other views expressed on campus, but cannot obstruct or interfere with others' freedom of speech.
- Institutions should not attempt to shield students from ideas or opinions that they disagree with or find offensive. Mutual respect and civility are valued, but do not constitute sufficient justification to limit free speech.
- Free speech may be limited if it violates the law.
- Free speech may be limited if it is incompatible with the functioning of the institution.

Assessment:

- **Not aligned/Unable to assess:** The institution's codes, policies, and procedures do not reference this criteria or the ministry is unable to assess at this time.
- **Somewhat:** The institution's codes, policies, and procedures are somewhat aligned to this criterion. The concepts are featured as secondary elements.
- **Mostly:** The institution's codes, policies, and procedures are mostly aligned to this criterion. The criterion is referenced as a policy or guideline requirement.
- **Fully aligned:** The institution's codes, policies, and procedures are fully aligned to this criterion.

Disclaimer:

This preliminary, high-level assessment was conducted on the basis of public information that is readily available. Institutions may have further provisions indicating alignment, which are not captured in this analysis due to a lack of public availability.

Chicago Principle Criteria	Open discussion and inquiry. Protect free expression.	Right to criticize and question. No interference with others' freedom.	Students not to be shielded from opposing views.	Free speech may be limited if it violates the law.	Free speech may be limited if disruptive to functioning.	Overall Compliance
Athabasca University	Mostly aligned	Somewhat aligned	Unable to assess	Unable to assess	Unable to assess	Somewhat aligned
University of Alberta	Fully aligned	Fully aligned	Somewhat aligned	Fully aligned	Unable to assess	Mostly aligned
University of Calgary	Mostly aligned	Unable to assess	Unable to assess	Mostly aligned	Unable to assess	Somewhat aligned
University of Lethbridge	Mostly aligned	Somewhat aligned	Somewhat aligned	Mostly aligned	Unable to assess	Mostly aligned
Alberta University of the Arts	Mostly aligned	Unable to assess	Unable to assess	Somewhat aligned	Unable to assess	Somewhat aligned
Grant MacEwan University	Mostly aligned	Somewhat aligned	Somewhat aligned	Unable to assess	Unable to assess	Somewhat aligned
Mount Royal University	Mostly aligned	Mostly aligned	Unable to assess	Somewhat aligned	Somewhat aligned	Somewhat aligned
NAIT	Somewhat aligned	Somewhat aligned	Unable to assess	Mostly aligned	Unable to assess	Somewhat aligned
SAIT	Fully aligned	Fully aligned	Unable to assess	Unable to assess	Somewhat aligned	Mostly aligned
Bow Valley College	Somewhat aligned	Somewhat aligned	Unable to assess	Unable to assess	Unable to assess	Somewhat aligned
Grande Prairie Regional College	Mostly aligned	Somewhat aligned	Unable to assess	Unable to assess	Unable to assess	Somewhat aligned
Keyano College	Somewhat aligned	Somewhat aligned	Unable to assess	Unable to assess	Unable to assess	Somewhat aligned
Lakeland College	Mostly aligned	Mostly aligned	Unable to assess	Mostly aligned	Unable to assess	Mostly aligned
Lethbridge College	Mostly aligned	Somewhat aligned	Unable to assess	Unable to assess	Somewhat aligned	Somewhat aligned
Medicine Hat College	Fully aligned	Mostly aligned	Mostly aligned	Mostly aligned	Unable to assess	Mostly aligned
NorQuest College	Fully aligned	Fully aligned	Mostly aligned	Fully aligned	Mostly aligned	Mostly aligned

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Northern Lakes College	Somewhat aligned	Somewhat aligned	Unable to assess/Not aligned	Mostly aligned	Unable to assess/Not aligned	Somewhat aligned
Olds College	Somewhat aligned	Mostly aligned	Somewhat aligned	Somewhat aligned	Mostly aligned	Somewhat aligned
Portage College	Unable to assess	Unable to assess	Unable to assess	Unable to assess	Unable to assess	Unable to assess-relevant policies and procedures not available to public on website.
Red Deer College	Fully aligned	Mostly aligned	Fully aligned	Somewhat aligned	Somewhat aligned	Mostly Aligned
The Banff Centre	Somewhat aligned	Unable to assess	Unable to assess	Unable to assess	Unable to assess	Unable to assess-limited references to artistic freedom of expression only.
Ambrose University	Somewhat aligned	Somewhat aligned	Somewhat aligned	Unable to assess	Unable to assess	Somewhat aligned
Burman University	Somewhat aligned	Somewhat aligned	Somewhat aligned	Unable to assess	Somewhat aligned	Somewhat aligned
Concordia University of Edmonton	Mostly aligned	Mostly aligned (academic freedom)	Mostly aligned	Unable to assess	Unable to assess	Somewhat aligned
Saint Mary's University	Mostly aligned	Somewhat aligned	Somewhat aligned	Mostly aligned	Unable to assess	Somewhat aligned
The King's University	Somewhat aligned	Somewhat aligned	Fully aligned (academic freedom)	Fully aligned	Somewhat aligned	Somewhat aligned