



# Justice Centre

for Constitutional Freedoms

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## **The 2012 Campus Freedom Index**

Measuring the state of free speech at Canadian universities

By John Carpay and Michael Kennedy

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## About the Justice Centre for Constitutional Freedoms

***"Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has."***

The free and democratic society which the *Canadian Charter of Rights and Freedoms* holds out as our ideal can only be fulfilled by honouring and preserving Canada's traditions of freedom of speech, freedom of religion, freedom of association, other individual rights, constitutionally limited government, the equality of all citizens before the law, and the rule of law.

And yet these core principles of freedom and equality continue to be eroded by governments and by government-funded and government-created entities like Canada's public universities, and human rights commissions at the federal and provincial levels.

The Justice Centre for Constitutional Freedoms (JCCF) was founded for the purpose of advancing and promoting the core principles of freedom and equality through education and litigation. The JCCF is a registered charity (charitable registration number 817174865-RR0001) and issues official tax receipts to donors for donations of \$50 or more. The JCCF is funded entirely by the voluntary donations of freedom-minded Canadians who agree with the Centre's goals, mission, vision and activities. The centre is independent and non-partisan, and receives no funding from any government or government organization.

Promoting discourse is not always enough. Therefore, the JCCF provides *pro bono* legal representation to Canadians facing a violation of one of their human rights or constitutional freedoms.

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The Advisory Council members are:

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## Staff

Calgary lawyer and JCCF President John Carpay received the *2010 Pyramid Award in Ideas and Public Policy* from the Manning Centre for Building Democracy, in recognition of his work in constitutional advocacy. Student-at-Law Carol Crosson earned her LL.B. at the University of Calgary, and will be called to the Alberta Bar in 2012. Karin Manser serves as administrative assistant and is also a mature student at Mount Royal University in Calgary, completing her B.A. in anthropology.



## About the authors

John Carpay is President of the Justice Centre for Constitutional Freedoms. He earned his B.A. in Political Science at Laval University, and his LL.B. from the University of Calgary. John has defended constitutional rights and freedoms in the Alberta Court of Queen's Bench (*Boissoin v. Lund*), Saskatchewan Court of Appeal (*Whatcott v. Saskatchewan Human Rights Commission*), Federal Court of Appeal (*Benoit v. Canada*), and Supreme Court of Canada (*R. v. Kapp*). He acts for seven students who are suing the University of Calgary in the Alberta Court of Queen's Bench (*Wilson v. University of Calgary*) in defence of their campus free speech rights. In 2010, Preston Manning presented John Carpay with the *Pyramid Award for Ideas and Public Policy*, in recognition of John's work in constitutional advocacy and in building a non-profit legal foundation. John has also served as the Alberta Director of the Canadian Taxpayers Federation (2001-2005), advocating for lower taxes, less waste, and accountable government. John, his wife Barbra, and their four children reside in Calgary.

Michael Kennedy graduated from Dalhousie University with a B.A. in political science and economics. Michael was Executive Director of the Dalhousie Liberty Society, a campus group dedicated to educating students about the philosophy of political and economic freedom. He is a Millennium Excellence Award laureate and has served in leadership roles for a variety of civic and community groups, including his local Kiwanis Club. Michael has worked as a research assistant with the Canadian Taxpayers Federation and most recently as an Economist with the American Council of Trustees and Alumni. Michael spent the past year participating in the highly-selective Koch Associate Program, a one-year non-profit management program designed to teach Market-Based Management® and its application to non-profits through the study of free societies. In addition to his hometown of Glace Bay, Nova Scotia, Michael has lived, studied and worked in Halifax, Ottawa, Washington, DC and Dakar, Senegal.



## Introduction

When it comes to defending Canada's valuable heritage of campus free speech, the barbarians are not at the gates. They are inside the walls.

The *2012 Campus Freedom Index* is a comprehensive report which measures the commitment of Canada's public universities, as well as student unions, to upholding the rights of students to express their beliefs, opinions and philosophy on campus in a peaceful manner. Surveying 35 campuses across Canada—from Victoria to St. John's—the *2012 Index* confirms what many concerned observers have known for years: higher education in Canada is not living up to its own standard of being a haven for free inquiry, critical reflection, and the pursuit of truth.

Using a five-tier letter scale—A, B, C, D and F—the *Campus Freedom Index* grades universities and student unions on their stated policies and principles (what they say) and their actions and practices (what they do).

In 2012, Canada's universities and student unions earned only three 'A' grades. Conversely, and troublingly, 'F' grades were earned 28 times: 12 by universities and 16 by student unions.

When it comes to *policies and principles*, universities perform noticeably better than student unions, earning a 'C' average in contrast to the 'D' average for student unions' policies and principles.

The *Index* sheds light on the significant role that Canada's student unions play in damaging the free speech climate on campus. In almost every case that the authors have studied, it is student unions which control the registration, certification and resource allocation processes for student groups. In this regard, it is troubling to report that ten student unions have denied official club certification to student groups based solely on the content of their message, without any misconduct on the part of the club or its members.

Student union leadership tends to be short-term, with most students only studying at one campus for four or five years. An apathetic student body leads to election turnout rates that are often below 20%. The atmosphere means that small and sometimes radical factions of the student body can easily sweep student council elections—including groups with political or ideological agendas not related to the students' interest in post-secondary education.

Five student unions have the dubious distinction of earning *straight F's*. Carleton University Students' Association (CUSA), Lakehead University Students' Union (LUSU), Students' Society of McGill University (SSMU), University of Saskatchewan Students' Union (USSU), and the University of Victoria Students' Society (UVSS)—receive 'F' grades for restricting campus free speech in both their *policies and principles*, as well as their *actions and practices*.

When it comes to *actions and practices*, universities perform as poorly as student unions, with both bodies earning a 'D' on average.

One of the biggest threats to free speech in Canada comes from universities which condone illegal activities on the part of people who obstruct, interrupt, interfere with, and effectively shut down the events or speech of people they disagree with. Section 430 of the *Criminal Code* makes it an offence to



obstruct, interrupt or interfere with any person in the lawful use, enjoyment or operation of property. Whether universities themselves restrict controversial and politically incorrect speech, or whether they fail to uphold the rule of law on campus, in both cases the end result is censorship.

While the state of free speech at Canada's public universities is stifling, the *Campus Freedom Index* seeks to empower concerned stakeholders with the factual ammunition to change the status quo in higher education. High school seniors looking for a campus that is going to nurture instead of stifle their ability to speak their mind and engage in critical debate can now use this tool to distinguish the best campuses (the 'A' schools) from the worst campuses (the 'F' schools). Concerned faculty, students, alumni and donors can use the *Campus Freedom Index* to demand changes from their university and student union leadership. Taxpayers—who pay for these institutions which claim to be dedicated to the pursuit of truth through the frank debate of ideas—can spark a public dialogue about the need to restore the university to its rightful place as the haven for free speech and academic inquiry.

The barbarians are inside the walls. Civilizing them will require a concerted effort from all stakeholders in higher education—students, parents, faculty, alumni, donors, and taxpayers.

The Justice Centre for Constitutional Freedoms (JCCF) looks forward to the day when every university, and every student union, earns “straight A’s” for its policies, principles, actions and practices.



## The 2012 Campus Freedom Index – Summary of Results

Section 1: University policies and principles

Section 2: University actions and practices

Section 3: Student union policies and principles

Section 4: Student union actions and practices

School	Province	Section 1	Section 2	Section 3	Section 4
Acadia University	NS	B	B	C	C
Bishop's University	QC	D	C	D	C
Cape Breton University	NS	C	C	D	C
Carleton University	ON	C	F	F	F
Concordia University	QC	C	F	D	D
Dalhousie University	NS	D	F	F	D
Lakehead University	ON	D	C	F	F
McGill University	QC	D	D	F	F
McMaster University	ON	B	D	C	C
Memorial University of Newfoundland	NL	C	C	D	F
Mount Allison University	NB	C	D	C	A
Queen's University	ON	C	D	D	B
Ryerson University	ON	D	C	D	D
Saint Mary's University	NS	C	F	C	D
Simon Fraser University	BC	B	F	B	B
St. Francis Xavier University	NS	C	B	D	C
St. Thomas University	NB	B	A	B	B
Université de Montreal	QC	C	C	D	D
Université du Quebec à Montreal	QC	C	D	D	D
University of Alberta	AB	C	D	D	C
University of British Columbia	BC	C	D	D	C
University of Calgary	AB	C	F	D	D
University of Guelph	ON	C	C	C	F
University of King's College	NS	C	B	C	B
University of Manitoba	MB	C	D	D	C
University of New Brunswick	NB	C	C	C	C
University of Ottawa	ON	C	F	D	D
University of Prince Edward Island	PE	C	F	D	D
University of Saskatchewan	SK	C	C	F	F
University of Toronto	ON	A	F	D	C
University of Victoria	BC	C	C	F	F
University of Waterloo	ON	C	D	C	D
University of Western Ontario	ON	B	F	D	F
Wilfrid Laurier University	ON	D	F	D	F
York University	ON	D	F	F	D



## The 2012 Campus Freedom Index – The Best and the Worst

<u>Section</u>	<u>The 'A' List</u>	<u>The 'F' List</u>
1. University policies and principles	University of Toronto	<i>no universities earned an 'F' in this category</i>
2. University actions and practices	St. Thomas University	Carleton University Concordia University Dalhousie University Saint Mary's University Simon Fraser University University of Calgary University of Ottawa University of Prince Edward Island University of Toronto University of Western Ontario Wilfrid Laurier University York University
3. Student union policies and principles	<i>no student unions earned an 'A' in this category</i>	Carleton University Students' Association Dalhousie Student Union Lakehead University Students' Union Students Society of McGill University University of Saskatchewan Students' Union University of Victoria Students' Society York Federation of Students
4. Student union actions and practices	Mount Allison University's Students' Administrative Council	Carleton University Students' Association Lakehead University Students' Union Students' Society of McGill University Memorial University of Newfoundland Students' Union University of Calgary Students' Union University of Guelph Central Students' Association University of Saskatchewan Students' Union University of Victoria Students' Society UWO University Student Council Wilfrid Laurier University Students' Union



## University policies and principles

In regards to a university's stated policies and principles, an 'A' is awarded when the university:

- Has a clear and unequivocal commitment to free speech on campus, set out in its mission, vision, or policy documents; and
- Has an anti-disruption policy makes it clear that the university will not condone students (or other people) engaging in the blocking, obstruction, suppression or interruption of speech with which they disagree; and
- Makes it clear that its human rights policies and anti-discrimination policies cannot be used to censor unpopular, controversial, or politically incorrect speech; and
- Has policies governing security fees which make it clear that their imposition will not be used as an indirect method to censor controversial or unpopular speech on campus.

Based on these criteria, only the University of Toronto received an 'A' in this category; five universities received a 'B', 22 received a 'C', and seven received a 'D'.

No university in the *2012 Campus Freedom Index* earned an 'F' for its policies and principles. Universities are generally conscious of the importance placed on notional support for free speech by members internal and external to the university community. However, as will be seen below, while no university earned an 'F' for its policies and principles, this is not the case when it comes to universities' actions and practices.

Key findings are summarized below. A detailed report on each of the 35 universities can be found in the companion document *The state of campus free speech in 2012*, posted at [www.jccf.ca](http://www.jccf.ca).

## University actions and practices

In respect to their actions and practices, the 35 universities received one 'A' grade, three 'B' grades, ten 'C' grades, nine 'D' grades, and – shockingly – *twelve* 'F' grades.

In this category, a university earns an 'A' if it has acted decisively to permit the expression of unpopular speech on campus. A university does this by rejecting demands to cancel events or otherwise suppress unpopular speech, and by providing adequate security to ensure that people cannot engage in the blocking, obstruction, suppression or interruption of speech with which they disagree. In cases where a university's commitment to free speech has not been tested by the existence of unpopular speech on campus, the university will earn a 'B' or 'C' grade that reflects its policies and principles.

At the opposite extreme, the twelve universities which earned an 'F' grade have actively censored unpopular speech on campus by doing one of more of the following:

- denying equal access to campus spaces and facilities;
- imposing special conditions or restrictions on the expression of some groups;
- charging its students with trespassing for expressing unpopular opinions;
- prosecuting students for non-academic misconduct for expressing unpopular opinions; or
- refusing to host controversial speakers on campus or refusing to provide adequate security to prevent the obstruction or interruption of unpopular speech on campus.



The following twelve universities earned an ‘F’ grade:

- Carleton University denies equal access to resources and facilities to a campus pro-life group, Carleton Lifeline. Carleton had four of its students arrested for trespassing because they tried to set up a controversial display in a prominent location on campus.
- The University of Calgary has allowed the physical obstruction of displays of its campus pro-life club, and demanded that the club turn its signs inwards when displaying unpopular images on campus. In 2009, the University charged pro-life members with trespassing because they did not comply with the demand to turn signs inwards, and in 2010 found eight students guilty of non-academic misconduct for having peacefully expressed their opinions on campus.
- York University forced a student group to cancel a lecture by an invited scholar through the imposition of security fees that the club could not pay.
- Saint Mary’s University forced the cancellation of a pro-life lecture by failing to provide adequate security to allow listeners to hear the presentation.
- Dalhousie University cancelled two lectures on grounds that the speakers invited were too controversial.
- In 2012, Wilfrid Laurier University forced a Laurier Students’ Public Interest Group (LSPiRG) to take down posters regarding “Israel Apartheid Week”.
- The University of Western Ontario denied equal access to prominent locations on campus to the campus club Western Lifeline. UWO also condoned actions by its student union to censor and restrict Western Lifeline during displays and awareness events.
- Simon Fraser University demanded that one of its campus groups, SFU Lifeline, turn its signs inwards during a display in a prominent location on campus. SFU also condoned the physical obstruction of Lifeline’s display.
- The University of Ottawa failed to provide adequate security for a lecture sponsored by one of its campus clubs which forced the cancellation of the event just hours before it was to begin.
- The University of Prince Edward Island forced the confiscation of an issue of the campus paper, The Cadre, because it contained images of the Prophet Mohammed which the University felt was too controversial for the campus press. The University further pressured the student union to confiscate or remove from circulation the remaining issues of the paper.
- The University of Toronto demanded that the campus pro-life club set up displays in a confined and non-prominent location on campus so as not to offend passers-by, thereby denying the club its equal opportunity to use prominent high-traffic areas on campus used by all other clubs.
- Concordia University condoned the disruption of an event at which the potential new president, Alan Shepard, was scheduled to speak. The university also refused to host former Israeli Prime Minister Ehud Barak on campus, citing security concerns.

## Student union principles and policies

To earn an ‘A’ grade, the student union must:

- have a stated commitment to free speech on campus, set out in its mission, vision, or policy documents; and
- have policies (including anti-harassment and anti-discrimination policies) that are worded such that they cannot be used to censor unpopular, controversial, or politically incorrect speech on campus; and



- have written policies that prevent the student union executive from discriminating against a club on the basis of its beliefs, opinions, or philosophy; and
- advocate for students on issues related to post-secondary education, while refraining from adopting or promoting positions in respect of provincial, federal or international issues; and
- have student elections rules and regulations which do not empower the Chief Returning Officer (or other officials or staff) to censor student election speech.

On the opposite extreme, a student union earns an ‘F’ grade when it has no policies in support of diversity of opinion on campus, and requires all campus clubs to adhere to the beliefs, opinions, and philosophy of the student union. These student unions deny certification, funding, or both to campus clubs which disagree with the political positions taken by the student union in respect of provincial, federal or international issues not related to post-secondary education. These student unions also have policies which can be used to limit or restrict speech that a listener might find “offensive,” “discriminatory,” “disrespectful,” “inappropriate,” “prejudicial,” or “creating an unwelcoming environment”.

In regards to their policies and principles, the 35 student unions studied received two ‘B’ grades, eight ‘C’ grades, 18 ‘D’ grades, and seven ‘F’ grades.

The following student unions earned an ‘F’ in respect of their policies and principles:

- The Carleton University Students’ Association’s (CUSA) *Discrimination on Campus Policy* states that CUSA will not support “any campaign, distribution, solicitation, lobbying effort, display, event etc. that seeks to limit or remove a woman’s right to choose her options in the case of pregnancy” such that “no CUSA resources, space, or funding will be allocated for the purpose of promoting these actions.” CUSA policy dictates that it will actively work to prevent the Heritage Foundation, a prominent and respected U.S. think tank, from being present on campus.
- In 2008, the Lakehead University Student Union (LUSU) declared itself to be officially pro-choice, and further declared that those who think differently must keep their speech and actions in accordance with the student union’s stance on the subject. A presidential decree banned “negative campaigning” and “controversial topics.”
- The Students’ Society of McGill University (SSMU) Equity Committee has the power to remove a club’s funding if this Committee deems the club’s action or discussion to be in violation of the vaguely-worded and broadly-worded *Equity Policy*.
- The Dalhousie Student Union (DSU) states that it will not approve any club whose mission or vision is contradictory to the mission, vision and policies of the DSU. Election policies forcibly confine speech during referendum campaigns to be expressed only through the official “yes” and “no” campaigns. Elections policies further stifle free speech by severely restricting the amount of money campaigns can spend on literature and communications materials—effectively limiting the number of students a campaign can reach with their message.
- The University of Saskatchewan Students’ Union (USSU) will de-ratify any campus club which engages in behaviour that USSU deems to be “unfit for an inclusive, welcoming, and open learning environment.” There is no definition, and there are no guidelines, as to what could be considered “unfit for an inclusive, welcoming and open learning environment,” such that USSU has broad, unfettered power to de-ratify a campus club based on its views, opinions, philosophy and expression.



- The University of Victoria Students' Society (UVSS) prohibits posters which, in its opinion, "have the effect or purpose of unreasonably creating a hostile, intimidating, threatening, or humiliating environment." UVSS takes political stances on issues unrelated to post-secondary education, such as abortion.
- The York Federation of Students (YFS) maintains a *Club Ratification Policy* which limits student groups' ability to be officially recognized and to have access to the same resources and spaces as other YFS student groups. Specifically, the Club Ratification Policy prohibits ratification of groups not meeting content-based criteria. YFS allows only one "advocating committee" to represent the yes and no options during referendum campaigns.

A detailed report on each of the 35 student unions can be found in the companion document *The state of campus free speech in 2012*, posted at [www.jccf.ca](http://www.jccf.ca).

## Student union actions and practices

To earn an 'A' grade, the student union will have spoken or acted to support freedom of expression for unpopular opinions and beliefs on campus, by rejecting demands to cancel events or otherwise suppress or censor speech. Further, an 'A' student union does not advocate for political positions on provincial, federal, or international issues that are not directly related to post-secondary education. Where the student union's commitment to campus free speech has not been tested by the presence of unpopular speech on campus, the student union will receive a 'B' or 'C' grade in accordance with the grade earned for its policies and principles.

In regards to their actions and practices, the 35 student unions earned one 'A' grade, four 'B' grades, ten 'C' grades, 11 'D' grades, and nine 'F' grades. The following student unions have earned an 'F' grade:

- During the 2011-2012 school year, the Carleton University Students' Association (CUSA) continued to deny Carleton Lifeline its official club status based solely on the club's belief "in the equal rights of the unborn" and its commitment to "promote the legal protection of the unborn and their basic human rights to life."
- The Lakehead University Students' Union (LUSU) told the campus pro-life club (Lakehead University Life Support) that it could only exist by refraining from advocating its stance on abortion, and by not approaching any students to share the club's viewpoint. When Lakehead University Life Support refused these conditions as unreasonable, LUSU then stripped the club of its status.
- In 2012, the Students' Society of McGill University (SSMU) told a student group (McGill Friends of Israel) that they had to change the name of their planned event "Israel-a-Party" because SSMU executives felt it made "a mockery and/or trivialization of various oppressions some people of the world are subject to on a day-to-day basis".
- The University of Guelph Central Students' Association (CSA) decertified a pro-life student group in 2008 and issued a public apology to all students who were 'forced' to look upon the club's displays and events.
- The Wilfrid Laurier University Students' Union (WLUSU) refused to grant official club status to the "Laurier Free-thought Alliance," whose mission was "to promote a fulfilling life without religion and superstition." The student union denied status "due to the need to respect and tolerate the views of others," but partially reversed its position by eventually allowing the group to be recognized on condition that it change the wording of its mission statement.



- The University of Calgary Students' Union stripped Campus Pro-Life of its official club status in February of 2009, even while admitting that the club had not violated any rule, policy, bylaw or regulation of the Students' Union or of the University of Calgary. The club obtained legal representation, and was eventually reinstated in June of 2010 when a new group of student politicians were elected to the Students' Union positions.
- Memorial University of Newfoundland's Student Union (MUNSU) denies official club status to MUN Students for Life, solely because the club's beliefs and mission are contrary to the official pro-choice position of MUNSU.
- The York Federation of Students (YFS) cancelled a scheduled debate on abortion just hours before it was to begin, stating that "abortion is not an issue to debate".
- Western's University Student Council denied equal access to prominent space on campus, the University atrium, to Western Lifeline in 2011 when it sought to organize an event called "Silent No More," which features women who speak about their experiences with abortion.

## Methodology

The Campus Freedom Index looks at the policies and principles of universities and student unions (what they say), and at their actions and practices (what they do). Accordingly, the *Campus Freedom Index* assigns grades in four distinct areas:

1. university policies and principles
2. university actions and practices
3. student union policies and principles, and
4. student union actions and practices

The 2012 *Campus Freedom Index* assigns four grades on a letter-scale: A,B,C,D and F. This allows readers—students, parents, faculty and concerned citizens—to distinguish the most exceptional cases (the A's) from the most oppressive campuses (the F's).

The authors acknowledge that anti-discrimination policies and anti-harassment policies of a university or student union do not necessarily restrict the expression of opinion on social, political, religious, philosophical and other matters.

However, experience with federal and provincial human rights laws has demonstrated that good intentions to promote human rights have nevertheless resulted in citizens being prosecuted for having peacefully expressed their opinions. Prosecutions for "discriminatory" or "disrespectful" speech have been launched against Ezra Levant, Stephen Boissin, William Whatcott, Calgary Bishop Fred Henry, Maclean's magazine, and many other people and publications.

Therefore, human rights policies and anti-discrimination policies of universities and student unions are reviewed to see whether they include express language indicating that:

- the policies cannot be used to censor speech or restrict academic freedom, and
- the policies do not apply generally to all speech on campus, but rather apply only to university employees while working.

In the absence of such clarity, these policies leave the door open to being abused as a tool to censor the expression of ideas that some may find offensive or hurtful.



## Specific criteria for letter grades

### 1. University policies and principles – grading rubric

**Grade A** – The university has a clear and unequivocal commitment to free speech on campus, set out in its mission, vision, or policy documents. An anti-disruption policy makes it clear that the university will not condone students (or other people) engaging in the blocking, obstruction, suppression or interruption of speech with which they disagree. The university makes it clear that its human rights policies and anti-discrimination policies cannot be used to censor unpopular, controversial, or politically incorrect speech. Policies governing security fees make it clear that their imposition will not be used as an indirect method to censor controversial or unpopular speech on campus.

**Grade B** – The university has a clear commitment to free speech on campus, set out in its mission, vision, or policy documents. Human rights policies and anti-discrimination policies cannot be used to censor unpopular or controversial speech. However, there are no anti-disruption policies, and there is a potential for security fees to be used as an indirect method of censoring controversial or unpopular speech on campus.

**Grade C** – It is unclear whether express or implied commitments to free speech (including anti-disruption policies) supersede human rights policies or anti-discrimination policies that contain ambiguous language that could potentially be used to censor unpopular or politically incorrect speech. Discretion is given to officials and administrators to interpret policies that could be used to censor unpopular speech. It is unclear whether unpopular speech can be priced out of students’ reach by imposing security fees on the expression of unpopular speech.

**Grade D** – Express or implied commitments to free speech (including anti-disruption policies) do not exist, or are meaningless in light of policies which clearly limit or restrict speech that a listener might find “offensive,” “discriminatory,” “disrespectful,” “inappropriate,” or “creating a negative environment.” Discretion is given to officials and administrators to determine rules around content and expression in lieu of policies with specific criteria. Unpopular speech can be priced out of students’ reach by imposing security fees on the expression of speech deemed “controversial” or “high risk”.

**Grade F** – University policies express no commitment to campus free speech, and policies severely limit or restrict speech that a listener might find “offensive,” “discriminatory,” “disrespectful,” “inappropriate” or “creating a negative environment”. There are no anti-disruption policies, and unpopular speech is priced out of students’ reach by imposing security fees on the expression of unpopular speech.

### 2. University actions and practices – grading rubric

**Grade A** – The university has acted decisively to permit the expression of unpopular speech on campus, by rejecting demands to cancel events or otherwise suppress speech, and by providing adequate security to ensure that people cannot engage in the blocking, obstruction, suppression or interruption of speech with which they disagree.



**Grade B** – The university has never censored or restricted speech on campus, however, the university’s commitment to free speech has not been tested by having to defend the expression of unpopular speech. Policies are sufficient, however, to protect free speech on campus and to compel officials to stand up for free speech rights, if the policies are adhered to when unpopular opinions are expressed on campus.

**Grade C** – The university has not censored or restricted speech on campus, however, the university’s commitment to free speech has not been tested by having to defend the expression of unpopular speech. Policies are not sufficient to protect free speech on campus, [comma added] or to compel officials to stand up for free speech rights.

**Grade D** – The university itself has not censored or restricted unpopular or controversial speech, but the university has not spoken or acted to support the expression of unpopular speech on campus, and has failed to provide adequate security to ensure that people cannot engage in the blocking, obstruction, suppression or interruption of speech with which they disagree.

**Grade F** – The university has actively censored unpopular speech on campus by doing one or more of the following: denying equal access to campus spaces and facilities; imposing special conditions or restrictions on the expression of some groups; charging its students with trespassing for expressing unpopular opinions; prosecuting students for non-academic misconduct for expressing unpopular opinions; the student union knowingly and deliberately condoned the physical obstruction or disruption of unpopular speech.

### 3. Student union policies and principles – grading rubric

**Grade A** – The student union has a stated commitment to free speech on campus, set out in its mission, vision, or policy documents. The student union’s policies are worded such that they cannot be used to censor unpopular, controversial, or politically incorrect speech; its written policies prevent the student union executive from discriminating against a club on the basis of its beliefs, opinions, or philosophy. The union has student elections rules and regulations which do not empower the Chief Returning Officer (or other officials or staff) to censor student election speech. The student union advocates for students on issues related to post-secondary education, but does not adopt or promote formal positions in respect of provincial, federal or international issues.

**Grade B** – The student union may have implied or expressed commitments to free speech. The student union has policies with language that can be used to censor unpopular, controversial, or politically incorrect speech. The student union’s policies are worded such that they cannot be used to censor such speech; the student union executive cannot deny certification or funding to a club on the basis of its beliefs, opinions, or philosophy. The student union advocates for students on issues related to post-secondary education, but does not adopt or promote formal positions in respect of provincial, federal or international issues.

**Grade C** – The student union may have policies in support of campus free speech, however ambiguous language in its human rights policies or its anti-discrimination policies could potentially be used to censor unpopular or politically incorrect speech, by denying certification or funding to a club, or by censoring its expression on campus. Discretion is given to officials and administrators to interpret policies that could be used to censor unpopular speech. The student union



adopts formal positions in respect of provincial, federal or international issues not related to post-secondary education.

**Grade D** – The student union has policies which can be used to limit or restrict speech that a listener might find “offensive,” “discriminatory,” “disrespectful,” “inappropriate” or “creating an unwelcoming environment”. The policies have no safeguard to prevent the student union executive from denying certification or funding to a club on the basis of its beliefs, opinions, or philosophy. Discretion is given to officials and administrators to determine rules around content and expression in lieu of policies with specific criteria. The student union adopts formal positions in respect of provincial, federal or international issues not related to post-secondary education.

**Grade F** – The student union has no policies in support of diversity of opinion on campus, and requires all campus clubs to adhere to the beliefs, opinions, and philosophy of the student union. Any club which disagrees will be denied certification, funding, or both.

#### 4. Student union actions and practices – grading rubric

**Grade A** – The student union has spoken or acted to support freedom of expression for unpopular opinions and beliefs on campus, by rejecting demands to cancel events or otherwise suppress or censor speech, and by standing up against university actions that suppress free speech rights. The student union does not advocate for political positions on provincial, federal, or international issues that are not directly related to post-secondary education.

**Grade B** – The student union has not censored or restricted speech on campus, however, the student union’s commitment to free speech has not been tested by having to defend the expression of unpopular speech. Policies are sufficient, however, to protect free speech on campus and to compel officials to stand up for free speech rights, if the policies are adhered to when unpopular opinions are expressed on campus. The student union does not advocate for political positions on provincial, federal, or international issues that are not directly related to post-secondary education.

**Grade C** – The student union has not censored or restricted speech on campus, however, the student union’s commitment to free speech has not been tested by having to defend the expression of unpopular speech. Policies are not sufficient to protect free speech on campus or to compel officials to stand up for free speech rights. The student union has condoned through silence, the actions of the university in restricting, suppressing or censoring unpopular speech on campus. The student union advocates for political positions on provincial, federal, or international issues that are not directly related to post-secondary education.

**Grade D** – The student union has acted to censor or restrict unpopular speech on campus, by denying equal access to spaces and facilities to groups with unpopular opinions, or by imposing restrictions on clubs because of their opinions. The student union has actively supported the actions of the university in restricting, suppressing or censoring unpopular speech on campus. The student union advocates for political positions on provincial, federal, or international issues that are not directly related to post-secondary education.

**Grade F** – The student union has decertified, or refused to certify, campus clubs purely on the basis of the club’s beliefs, opinions or philosophy. The student union actively discriminates against students and clubs who disagree with the student union’s official positions on political issues.

