



FOR APPROVAL

PUBLIC

OPEN SESSION

TO: Business Board

SPONSOR: Trevor Young, Acting Vice-President and Provost 416-978-2122,
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PRESENTERS: Same as above.
CONTACT INFO:

DATE: November 15, 2021 for November 24, 2021

AGENDA ITEM: 3

ITEM IDENTIFICATION:

Policy on Academic Freedom for Professional/Managerial Staff – Revision to the *Policies for Professional and Managerial Staff*

JURISDICTIONAL INFORMATION:

Pursuant to Section 5.9.(a.) of its *Terms of Reference* the Business Board has authority for approval of human resources policies for non-union administrative staff.

GOVERNANCE PATH:

- 1. Business Board [For Approval] (November 24, 2021)**

PREVIOUS ACTION TAKEN:

On March 12, 2012 the Business Board approved amendments to the *Policies on Professional and Managerial Staff* with regard to pregnancy, primary caregiver, and parental leaves (Section 3.01.03, 3.01.04, and 3.01.05) and educational assistance (Section 3.01.12).

HIGHLIGHTS:

- The Vice-President & Provost and the Vice-President, People Strategy, Equity, and Culture struck an Advisory Committee to examine potential protections for professional staff leading professional experiential clinics, whose positions may require them to work on contentious issues that arouse controversy, and to examine whether additional supports or protections may be needed.

- The Advisory Committee conducted a comprehensive environmental scan that included identifying Professional/Managerial positions internally that lead clinical or experiential learning opportunities, as well as reviewing the various forms of protection provided to administrative staff in comparable Canadian and American post-secondary institutions
- In addition, a Call for Submissions was issued in the summer, and re-opened this past fall to seek input from the University community and its external stakeholders on this topic.
- Direct consultation with the Faculties with identified positions was also conducted.
- The Report of the Advisory Committee made the following recommendations:
 - Reaffirm that all members of the University community enjoy freedom of speech as outlined in the *Statement on Freedom of Speech*.
 - Clarify the general distinction between academic administrators (i.e., faculty members serving in administrative roles) and administrators (i.e., Professional/Managerial staff).
 - Extend additional protections to a distinct subset of Professional/Managerial staff leading professional experiential clinics, whose positions may require them to work on contentious issues that arouse controversy, and who may be required to advocate on behalf of these issues through performing their duties in a way that most other administrative staff positions do not.
- The Advisory Committee recommended that individuals holding positions where in the University's view the protections described above are applicable given the specific duties of the position, are entitled to:
 - Freedom in carrying out pedagogical activities required of the position which may include research, writing, publishing, advising, presenting, and speaking out on issues related to their pedagogical functions and responsibilities; and
 - Freedom from institutional censorship
- Further, the Committee recommended that the existing Dispute Resolution Mechanism for Professional/Managerial staff as outlined in Section 3.01.08 in the *Policies for Professional and Managerial Staff*, be expanded to include probationary employees, and to allow such disputes to be presented to the Vice-President & Provost, in addition to, or instead of, the Vice-President People Strategy, Equity, and Culture.

RECOMMENDATION:

Be It Resolved

THAT Section 3.01.13 *Policy: Academic Freedom for Professional/Managerial Staff* be added to the *Policies for Professional and Managerial Staff*, and

THAT eligibility to use the process set out in Section 3.01.08 (Problem Resolution) of the *Policies for Professional and Managerial Staff* be expanded to include probationary employees, where the dispute is related to Academic Freedom.

DOCUMENTATION PROVIDED:

- 3.01.13 Policy: *Academic Freedom for Professional/Managerial Staff*

OTHER DOCUMENTS VIA LINKS

- [Report of the Advisory Committee on Professional/Managerial Staff Roles Administering Professional Experiential Education Programs](#)
- [Policies for Professional/Managerial Staff](#)
- [Statement on Freedom of Speech \(1992\)](#)

POLICY: ACADEMIC FREEDOM FOR PROFESSIONAL/MANAGERIAL STAFF

The University of Toronto is committed to the pursuit of truth, the advancement of learning, and the dissemination of knowledge. All members of the University have freedom of speech and expression, meaning the right to examine, question, investigate, speculate and comment on any issue in accordance with the *Statement on Freedom of Speech*, 1992.

Such freedoms apply to faculty members, who retain oversight of academic programs including development of the pedagogical framework and strategies.

Professional/Managerial staff in roles requiring professional credentials and who lead clinical or experiential learning opportunities may be required to engage in pedagogical activities and in the course of doing so they have the freedom to examine, question, teach, and learn, including the right to investigate, speculate, and comment without reference to prescribed doctrine, as well as the right to criticize the University of Toronto and society at large. Specifically, and without limiting the above, individuals holding positions where in the University's view the protections described below are applicable given the specific duties of the position, are entitled to:

- (a) Freedom in carrying out pedagogical activities required of the position which may include research, writing, publishing, advising, presenting, and speaking out on issues related to their pedagogical functions and responsibilities; and
- (b) Freedom from institutional censorship. Academic freedom does not require neutrality on the part of the individual nor does it preclude commitment on the part of the individual. Rather academic freedom makes such commitment possible.

For clarity these provisions apply to pedagogical activities being carried out by such professional managerial staff in their capacity as employees of the University.

All employees are entitled to use the provisions of Policy 3.01.08 Problem Resolution with regard to disputes relating to Academic Freedom. For clarity, this includes probationary employees notwithstanding the fact that eligibility under 3.01.08 is not extended to probationary employees.

Where a dispute relates to Academic Freedom for Professional/Managerial employees, a complaint under Policy 3.01.08 Problem Resolution may be presented to the Vice-President and Provost in addition to, or instead of, the Vice-President, People Strategy, Equity, and Culture. Further, where a dispute is related to Academic Freedom and has not been resolved at earlier steps in the process, either the University or the Professional/Managerial employee may request facilitation or mediation.