

Comments on Western University Freedom of Expression Policy
Submitted by: Jennifer Meister, Ombudsperson
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To the Freedom of Expression Policy Committee:

Thank you for requesting the community's input on Western's freedom of expression policy. My comments are brief, focusing on the freedom of expression complaints (or lack thereof) the Office of the Ombudsperson has received; the procedure for unresolved freedom of expression complaints; and the reporting of data to HEQCO.

The Office of the Ombudsperson at Western is an impartial and confidential office that guides students through concerns on campus. These might be academic, such as grading issues, or non-academic such as concerns with parking, libraries, or another ancillary service. As such, students could bring concerns regarding freedom of expression to the Office of the Ombudsperson.

Freedom of expression complaints received by Office of the Ombudsperson

Between August 1, 2017 and July 31, 2018, the Office of the Ombudsperson received one concern regarding what might be categorized as free speech or freedom of expression. This concern came from a student in a professional program who did not feel comfortable speaking out in class. Although participation was an important element of the class grade, the student was uncomfortable speaking because of the reaction from fellow classmates.

I provide this example to illustrate that the course outline policy needs to include a brief statement regarding freedom of expression. The four principles laid out in the government backgrounder might be useful language to include (Office of the Premier, August 30, 2018). I appreciate how cumbersome our course outlines have become, but I don't believe it will benefit students to solely have a freedom of expression policy without referencing it in student-facing policies. I am finding there are too many policies that impact students but that they aren't made aware of.

I also provide this example to illustrate that it's okay for students to feel uncomfortable. University is a relatively safe environment for students to test their beliefs. Perhaps the freedom of expression policy (and course outline policy) could state something such as: "Classrooms are to be free and open spaces where varying worldviews can be expressed without fear of ridicule or reprisal from classmates or faculty."

Finally, although anecdotally I have heard of other students and faculty who are "outspoken" in class or may test the boundaries of free speech, the few free speech complaints received by our office could illustrate that this is not a burgeoning problem at Western.

Procedural guidelines for freedom of expression complaints

I believe very strongly that Western is a centre of learning – not just an institution centering on educating about specific disciplines. With that in mind, sanctions should focus on the educational and restorative, rather than punitive.

Throughout the government backgrounder, reference is made to unresolved complaints being forwarded to the Ontario Ombudsman. Western's policy should not include this, referring students

instead to the Office of the Ombudsperson, and staff or faculty to the office of the Associate Vice-President (Human Resources). This is in line with the protocol set up by the Secretariat when the Ontario Ombudsman was given jurisdiction over universities in January 2016. Western's Ombuds Office has the power to investigate when a student has exhausted all other options, and if we feel it is warranted. If the student is not content with the outcome of our investigation, or if the Office of the Ombudsperson at Western does not investigate, then they are free to approach the Ontario Ombudsman. Ombuds Ontario's first call when they are contacted by a student is to our office. Similarly, they would contact the Office of the Associate VP (Human Resources) if the situation involves staff or faculty.

Ontario Ombudsman has been very receptive to campus Ombuds offices and I believe that as long as there is an outlet for unresolved concerns, there is no need for referral to the Ontario Ombuds. As with other types of conflict on campus, I see the Office of the Ombudsperson playing a pivotal role in resolving free speech disputes involving students.

Data reporting to HEQCO

I believe there is a role for the Office of the Ombudsperson in recording freedom of expression disputes involving students. I intend to create a specific field in our client database so that beginning in January 2019, we are able to accurately record freedom of expression complaints or concerns raised to our office. I am very happy to discuss how Western's Ombuds Office could contribute to the University's overall reporting requirements.

Further, I believe there is a role for the Office of the Ombudsperson in recording freedom of expression disputes within the Society of Graduate Students, University Students Council (USC), and affiliate students' councils. The Office of the Ombudsperson Memorandum of Understanding under which we operate is between the University and USC; our funding comes from students (50 per cent) and the University (50 per cent plus space); the Office is managed by an advisory committee that includes faculty and students from the constituent university and affiliates; and Western's Office of the Ombudsperson has jurisdiction over all students at Western – graduate, undergraduate, main campus, and affiliate (with the exception of St Peter's Seminary). I believe this positioning gives the University an outlet to demonstrate how it has considered the student associations in its policy.

Thank you again for this opportunity to provide my input. As I have said, I am happy to discuss any role the Office of the Ombudsperson can play.

All the best,

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