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# NATIONAL ASSEMBLY OF QUÉBEC

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SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 32

**An Act respecting academic freedom  
in the university sector**

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**Introduction**

**Introduced by  
Madam Danielle McCann  
Minister of Higher Education**

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## **EXPLANATORY NOTES**

*The purpose of this bill is to recognize, promote and protect university academic freedom in order to further the fulfilment of the mission of university-level educational institutions.*

*To that end, the bill defines the right to university academic freedom as the right of every person to engage freely and without doctrinal, ideological or moral constraint in an activity through which the person contributes, in their field of activity, to carrying out the mission of such an educational institution.*

*In addition, the bill requires such educational institutions to adopt a policy pertaining exclusively to university academic freedom and specifies the main elements that the policy must set out or provide for, in particular the establishment and composition of a council whose main functions are to oversee the implementation of the policy, examine any complaints about violations of the right to university academic freedom and, if applicable, make recommendations concerning such complaints or about any other matter relating to university academic freedom.*

*The bill also provides that such educational institutions must appoint a person responsible for university academic freedom, who is to be in charge of, among other things, the implementation of the policy.*

*The bill grants the minister responsible for higher education the power to order an educational institution to include in its policy any element he or she indicates, as well as the power to have corrections made to an institution's policy that is non-compliant.*

*Lastly, the bill establishes the terms for reporting to the Minister, the Government and the National Assembly.*

## **Bill 32**

### **AN ACT RESPECTING ACADEMIC FREEDOM IN THE UNIVERSITY SECTOR**

AS the production and transmission of knowledge through research, creation and teaching activities and through services to the community are central to the mission of university-level educational institutions;

AS it is vital that such educational institutions offer a quality education to the members of their student community in an environment conducive to learning, discussion and debate;

AS the United Nations Educational, Scientific and Cultural Organization (UNESCO) 1997 Recommendation concerning the Status of Higher-Education Teaching Personnel recognizes that the proper enjoyment of academic freedom requires the autonomy of institutions of higher education;

AS it follows from the Recommendation that autonomy and academic freedom constitute essential conditions for carrying out the mission of such educational institutions;

AS there is a need to see to it that such educational institutions are able to carry out their mission without doctrinal, ideological or moral constraint;

#### **THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:**

**1.** The purpose of this Act is to recognize, promote and protect university academic freedom in order to support the mission of university-level educational institutions, which includes the production and transmission of knowledge through research, creation and teaching activities and through services to the community.

**2.** This Act applies to the following educational institutions:

(1) educational institutions referred to in paragraphs 1 to 12 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1); and

(2) legal persons or bodies that are authorized by an Act to confer degrees, diplomas, certificates or any other attestation of university studies and that offer a university-level instructional program, for the purposes of such programs.

**3.** The right to university academic freedom is the right of every person to engage freely and without doctrinal, ideological or moral constraint in an activity through which the person contributes, in their field of activity, to carrying out the mission of an educational institution.

The right includes the freedom

- (1) to teach;
- (2) to conduct research and disseminate the results;
- (3) to critique society, institutions, doctrines, dogmas and opinions; and
- (4) to freely take part in the activities of professional organizations or university organizations.

It must be exercised in accordance with the standards of ethics and of scientific rigour generally recognized by the university sector and taking into account the rights of the other members of the university community.

**4.** Every educational institution must adopt, after consulting the members of the university community, a policy pertaining exclusively to university academic freedom.

The policy must set out or provide for at least the following:

- (1) the establishment and composition of a council whose main functions are to oversee the implementation of the policy, examine complaints about violations of the right to university academic freedom and, if applicable, make recommendations concerning such complaints or about any other matter relating to university academic freedom;
- (2) the operating rules of the council referred to in subparagraph 1, including those concerning the procedures for processing complaints;
- (3) the measures and penalties applicable in the event of a violation of the right to university academic freedom;
- (4) the establishment of awareness-raising and information measures for the university community, including those that are intended to improve recognition and protection of university academic freedom; and
- (5) the establishment of resources and instructional tools to ensure promotion of and due respect for university academic freedom, including an advisory service.

The policy must not have the effect of preventing ideas and topics that could offend from being broached during an activity that contributes to the university mission or of requiring that such an activity be preceded by a warning when it involves such content.

The institution must send its policy to the Minister within 15 days of its adoption and of any amendment made to it.

The policy must be published on the institution's website.

**5.** Every educational institution must appoint a person responsible for university academic freedom, who is to be in charge of, among other things, the implementation of the policy.

**6.** The Minister may, if the Minister considers it necessary for protecting university academic freedom, order an educational institution to include in its policy any element indicated by the Minister.

The Minister may also, if an institution fails to adopt a policy that complies with section 4, have the necessary corrections made by the person designated by the Minister, at the institution's expense and in the manner determined by the Minister.

The institution must collaborate with the person designated by the Minister.

**7.** Every educational institution must report annually to the Minister, at the time and in the manner determined by the Minister, on the implementation of its university academic freedom policy.

The report must set out, among other things,

(1) the number of complaints processed and the time frame in which they were processed;

(2) the measures and penalties applied, if any; and

(3) any other information required by the Minister.

**8.** Not later than (*insert the date that is five years after the date of assent to this Act*), the Minister must report to the Government on the carrying out of this Act.

Such a report must be tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.

**9.** The university academic freedom policy to be adopted by an educational institution under section 4 must be adopted not later than (*insert the date that is one year after the date of assent to this Act*).

**10.** The minister responsible for the administration of the Act respecting educational institutions at the university level is responsible for the administration of this Act.

**11.** This Act comes into force on (*insert the date of assent to this Act*).





