



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 32
(2022, chapter 21)

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

**Introduced 6 April 2022
Passed in principle 24 May 2022
Passed 3 June 2022
Assented to 7 June 2022**

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EXPLANATORY NOTES

The purpose of this Act 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 Act 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 to carrying out the mission of such an educational institution.

In addition, the Act 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 committee whose main functions are to oversee the implementation of the policy, examine any complaints about university academic freedom and, if applicable, make recommendations concerning such complaints or about any other matter relating to university academic freedom.

The Act 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 Act grants the minister responsible for higher education the power to have corrections made to an institution's policy that is non-compliant.

Lastly, the Act 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 university autonomy and university 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 under 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, such as institutional censorship, in an activity through which the person contributes to carrying out the mission of an educational institution.

That right includes the person's freedom

(1) to teach and discuss;

(2) to research, create and publish;

(3) to express their opinion about society and about an institution, including their respective institution, and about any doctrine, dogma or opinion; and

(4) to freely take part in the activities of professional organizations or academic 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 committee that is representative of the institution's community and composed of students, officers and personnel members, among others, and whose main functions are to oversee the implementation of the policy, examine complaints about 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 committee referred to in subparagraph 1, including those concerning the procedures for processing complaints;

(3) the measures 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. The educational institution must review its policy at least once every 10 years.

6. 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.

7. If an educational institution fails to comply with the obligations set out in this Act, the Minister may, at the institution's expense, have the necessary corrections made by the person designated by the Minister.

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

8. 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 applied, if any; and

(3) any other information requested by the Minister concerning the implementation of this Act.

9. Not later than 7 June 2027, 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.

10. The university academic freedom policy to be adopted by an educational institution under section 4 must be adopted not later than 7 June 2023.

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

12. This Act comes into force on 7 June 2022.

