

Policy Name: Academic Freedom
Approving Authority: Academic Council

Policy #AA-005
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Statement

The Academic Freedom policy of Beal University Canada (“BUC” or the “University”) supports and encourages faculty, staff, researchers, and students to engage in scholarly activity in the pursuit of knowledge, which is guided by principles of free inquiry, open dialogue and the unyielding commitment to the exploration of ideas. The Vice President of Academics has oversight of this policy. The Academic Council will review this policy annually.

Purpose

The purpose of this policy on Academic Freedom establishes the commitment of the University to protect the intellectual independence of faculty, staff, researchers, and students to pursue knowledge and express ideas without interference from authorities within the University.

Roles and Responsibilities

The policy applies to all individuals at the University in their University related work or use of University resources.

Definitions

Members OR Individuals: defined as all faculty, staff, researchers, and students of the University.

Scholarly Misconduct: defined as unethical or dishonest behaviour within the academic and scholarly community, which can compromise the integrity or research and professional activities.

Scholarly Activity: defined as a range of intellectual academic pursuits typically conducted by scholars, researchers, academics and students within an educational institution.

Serious Scholarly Misconduct: defined as egregious violation of ethical standards and principles in the academic and the research community.

Complainant: is defined as an individual that makes a formal accusation or brings a grievance to the attention of the authorities or a legal body, typically seeking a redress or a solution,

Respondent: is defined as an individual or entity that responds to a complaint, accusation, or legal claim, usually in a formal or legal context.

Policy

As an institution of higher learning, BUC is dedicated to maintaining the highest standards of academic integrity and academic freedom. Faculty members, staff, and students are encouraged to search for and disseminate knowledge, truth and understanding, to foster independent thinking and expression, and to engage in scholarship of discovery, integration, application, engagement, and/or pedagogy.

Academic freedom includes:

- the right of faculty members to teach and discuss all aspects of their subject with their students;
- the right of students to question all aspects of the subjects they are learning;
- the right of faculty members, staff, and students to carry out research and to disseminate and publish the results thereof; to produce and perform creative works; to engage in service to the institution and the community; to acquire, preserve, and provide access to documentary material in all formats; and to participate in professional and representative academic bodies; and
- the right of faculty members, staff, and students to speak and write as citizens without censorship from the University.

As noted in Universities Canada's Statement on Academic Freedom (<https://www.univcan.ca/media-room/media-releases/statement-on-academic-freedom>), academic freedom must be based on reasoned discourse informed by evidence. It is "constrained by the professional standards of the relevant discipline and the responsibility of the institution to organize its academic mission." The latter constraint "includes the institution's responsibility to select and appoint faculty and staff, to admit and discipline students, to establish and control curriculum, to make organizational arrangements for the conduct of academic work, to certify completion of a program and to grant degrees."

Academic freedom requires that faculty members, staff, and students play a role in the governance of the institution, with faculty members assuming a predominant role in determining curriculum, assessment standards, and other academic matters.

Academic freedom protects the intellectual independence, not only of faculty members and researchers, but also of students who may pursue knowledge and express ideas without interference from authorities within the institution. Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion.

Beal University Canada supports an environment based on these principles of academic freedom and intellectual honesty.

Related Policies and Documents

AA-002 Academic Integrity and Honesty Policy

RE-001 Ethical Research Policy

HR-002 Employee Code of Conduct

RE-003 Intellectual Property Ownership and User

AA-004 Corrective Action Policy

Addendum: Procedures for Allegations, Review, and Inquiry of Misconduct

Addendum
Procedures for Allegations, Review, and Inquiry of Misconduct

An allegation of Scholarly Misconduct must be in writing and shall contain sufficient detail to enable the Respondent to understand the matter. In particular, it must include a precise statement of the alleged Scholarly Misconduct and be supported by all available documentation and refer to any evidence that may support the allegation. The person making the allegation must identify themselves. Anonymous allegations will not be investigated. Anyone who makes an allegation of Scholarly Misconduct should recognize the seriousness of making such an allegation. Where an allegation made by a University employee or student is found to be trivial, vexatious or frivolous, the University will take disciplinary action within existing policies and procedures against the individual who made the allegation.

Process:

1. A Complaint containing allegations of Scholarly Misconduct shall be forwarded to the Dean in which the Respondent holds an appointment or is registered as a student.
2. On receipt of an allegation of Scholarly Misconduct, the Dean shall determine whether the allegations fall within the definition of Scholarly Misconduct.
3. Where a Complaint falls within the definition of Scholarly Misconduct, the Dean shall:
 - (a) immediately notify the Respondent that a Complaint has been received and send a copy of the Complaint and any documentation provided with the Complaint to the -Complainant.
 - (b) not later than ten (10) days after receiving a Complaint, appoint a Reviewer who shall be a senior faculty or academic staff member in a department other than that (those) of the Respondent(s) and Complainant(s) to conduct a Review. The Dean shall appoint a senior faculty or academic staff member from another Faculty. The purpose of the review is to determine whether the Complaint warrants an Inquiry.
 - (c) advise the Respondent and Complainant of the name of the person appointed to conduct the Review.
4. Any objection to the person appointed to conduct the Review, shall be made to the Dean within seven (7) days. The only grounds for objection are alleged bias or conflict of interest. The Dean's disposition of any such objection shall be final.
5. The Reviewer shall proceed informally and in complete confidentiality. The Respondent shall be invited to make a written submission that responds to the Complaint and to submit any documents that may be relevant to the Complaint. Prior to submitting their report, the Reviewer may request the Complainant and the Respondent to comment on all or portions of a draft report.
6. Within thirty (30) days of being appointed, the Reviewer shall report in writing to the Dean, with copies to the Respondent, the Complainant, and the President.
7. A report may conclude that the Complaint does not warrant an Inquiry only on one or more of the following grounds:
 - (a) the Complaint does not pertain to a Scholarly Activity as defined in the Policy;
 - (b) the Complaint is trivial, frivolous, or vexatious;
 - (c) there is insufficient evidence for an Inquiry to consider;
 - (d) the Complaint is made in bad faith; or
 - (e) the lapse of time since the conduct in question has been such that the matter cannot be properly investigated because of the unavailability of witnesses, the absence or loss of records, or similar reasons.
8. Where the report concludes that the Complaint warrants an Inquiry, the report shall:
 - (a) specify the allegations of Scholarly Misconduct in Scholarly Activities that require an Inquiry;
 - (b) include particulars of the evidence considered by the Reviewer that may be relevant to each allegation of Scholarly Misconduct;

- (c) list any documents considered by the Reviewer; and
 - (d) attach copies of all documents provided to the Reviewer by either the Complainant or the Respondent.
9. Where the report of the Reviewer concludes that the Complaint does not warrant an Inquiry, the Dean shall so advise the Respondent and the Complainant and shall forward to the President a copy of the written Complaint and the Review report.
 10. Where the report of the Reviewer concludes that the Complaint does warrant an Inquiry, the Dean shall, within ten (10) days of receiving the report,
 - (a) request the President to appoint a Committee of Inquiry to conduct an Inquiry into the Complaint; and
 - (b) appoint a person, who may be the Complainant, to present the evidence in support of the Complaint to the Committee of Inquiry.
 11. The Dean shall appoint an ad hoc committee, "Committee of Inquiry". The Committee shall consist of three members who are not members of either the Respondent's or the Complainant's departments. One of the members should be chosen from outside the Faculty of either the Respondent or the Complainant and may be from outside the University. One of the members shall be appointed as the Chair. The President shall advise the Respondent and the Complainant of the composition of the Committee of Inquiry.
 12. Any objection to the composition of the Committee of Inquiry shall be made to the President within seven (7) days. The only grounds for objection are alleged bias or conflict of interest. The President's disposition of any such objection shall be final.
 13. The terms of reference of the Committee of Inquiry are:
 - (a) to determine whether the Respondent has committed Scholarly Misconduct in relation to a Scholarly Activity; and
 - (b) to provide recommendations.
 14. The Committee of Inquiry has the right to see any relevant documents in the possession of the University or a Member, to call witnesses, and to request written submissions. It may seek impartial expert opinions to ensure that its work is thorough and informed. It acts as a quasi-judicial body, and therefore its activities are privileged under the Freedom of Information and Protection of Privacy Act.
 15. The Committee of Inquiry shall either hold a hearing on the matter or (with the consent of the Respondent) conduct its Inquiry solely on the basis of written submissions. In either case, when determining its procedures, the Committee of Inquiry shall ensure that the rules of natural justice and administrative fairness are observed.
 16. The Committee of Inquiry shall invite the Respondent to make a submission in writing prior to its seeking or obtaining any further information or submissions. All documentation submitted to the Committee of Inquiry shall be made available to the Respondent. The Respondent shall be given the opportunity to respond fully to the evidence presented in writing. Ethical or research guidelines of a professional organization of which the Respondent is a member, and which are applicable to the subject matter of the Complaint are admissible as evidence before the Committee of Inquiry and may be considered by the Committee of Inquiry in making any decision or recommendation.
 17. In the case of a hearing, the Respondent may be accompanied by an advisor if the Respondent so desires. The Respondent shall have the opportunity to question witnesses presented to the Committee of Inquiry and the opportunity to call witnesses on behalf of the Respondent.
 18. Within sixty (60) days of being appointed, the Committee of Inquiry shall complete its Inquiry and shall report in writing its decision with reasons to the President. The Committee's report is considered a private, not a public, document.
 19. The Committee of Inquiry shall determine whether clear, cogent and convincing proof establishes a preponderance of evidence that:

- (a) the Respondent has committed Scholarly Misconduct in a Scholarly Activity; and
 - (b) where the Committee of Inquiry finds Scholarly Misconduct, whether the Scholarly Misconduct constitutes Serious Scholarly Misconduct as defined in this Policy.
20. The Committee of Inquiry's finding shall be final.
21. Where the Committee of Inquiry finds either Scholarly Misconduct or Serious Scholarly Misconduct in a Scholarly Activity, the Committee of Inquiry shall make recommendations with respect to any appropriate disciplinary action that should be instituted against the Respondent.
22. Where the Committee of Inquiry finds that there has not been any Scholarly Misconduct in a Scholarly Activity that is the subject of the Complaint, the Committee of Inquiry shall make recommendations with respect to:
- (a) steps that should be taken by the person who made the initial allegation of Scholarly Misconduct; and
 - (b) steps that could be taken by the University to help overcome any damage that the Respondent's reputation for scholarly integrity may have suffered by virtue of the Complaint.
23. The President shall immediately provide copies of the report to the Respondent, the Complainant, and the Dean and, as appropriate, shall promptly:
- (a) advise the Respondent and the Dean that the Complaint is dismissed;
 - (b) advise the Respondent and the Dean that the Complaint is substantiated as Scholarly Misconduct, which can appropriately be dealt with by the Dean;
 - (c) advise the Respondent and the Dean that the Complaint is substantiated as Serious Scholarly Misconduct in Scholarly Activity and refer the matter to the President for appropriate disciplinary action in accordance with applicable University policies or agreements.
24. Where the Complaint is not substantiated, the Dean in consultation with the Respondent and in light of any recommendations made by the Committee of Inquiry shall take all reasonable steps to repair any damage that the Respondent's reputation for scholarly integrity may have suffered by virtue of the Complaint including notification of all parties who have been advised of the allegation during the course of a Review or Inquiry.