

Human Rights and Academic Freedom (Response to the Ontario Government's Framework regarding Prevention of Harassment & Discrimination in Ontario Universities)

By Sangster, Joan; Zeleza, Paul T. *Journal of Canadian Studies*, Spring 1994

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The Ontario government's "Framework Regarding Prevention of Harassment and Discrimination in Ontario Universities" - based on a policy of "zero tolerance" - generated intense debate about the relationship between human rights and academic freedom. As reported by Robert Fulford and others, the epicentre of the debate was at Trent University, a sample of which is presented below.

R.M.C.

Academic Freedom in Context

The recently released set of guidelines by the Ontario government concerning human rights has sparked a major controversy in Ontario universities. This "Frameworks" document was intended to provide universities with guidelines for anti-discrimination and anti-harassment policies. In fact, it may have actually aided a backlash against such policies for critics immediately saw it as an attack on academic freedom. Although the

Ontario government is backtracking on how "rigid" the Frameworks was meant to be, the damage has been done. Neither is the Frameworks document an isolated phenomenon; throughout Canada, universities are engaged in fierce debates on exactly the same issue.

We feel it is important to put this controversy in a broader historical and political context, and to offer perspectives which have been ignored in the simplistic coverage of the issues in the mainstream media; indeed, even within the university community, some voices are not being heard. Unfortunately, the campaign to defend academic freedom has also become a means of justifying the current backlash against educational and employment equity and the inclusive curriculum. These are crucial issues in Canadian studies, which has historically been concerned with the need for equal access to education, respect for marginalized and diverse groups, and the creation of a balanced, inclusive curriculum.

We approach this debate from different backgrounds. As a feminist and socialist, Joan is well aware of the way in which pressures for ideological conformity have discriminated against Marxist scholars in the past, and she is sympathetic to the argument that, in order to teach feminist themes which might be considered "unpopular," she has to tolerate the right of other professors to propose diametrically different ideas. As a creative writer who has been subject to censorship and threats to his physical security in his native country, Paul is adamantly opposed to censorship, while as a member of a visible minority in Canada, he encounters racism on a regular basis; hence he is deeply concerned about the issue of human rights.

Both of us are committed to upholding academic freedom and human rights, and we believe that these values are not mutually contradictory. When we examine the record of university faculties in Canada, however, we find that the capacity of historically marginalized groups, such as feminists, gays and visible minorities, to exercise and enjoy these freedoms and rights has been limited. This historical context needs to be addressed in the current debate.

The Ontario Frameworks document did not emerge from a political vacuum: it was a governmental response to well publicized incidents of sexism on campuses and to the growing demands of women and minorities - and indeed of faculty unions - that the

educational system be scrutinized for barriers to educational and employment equity. Perhaps the document was also an attempt to appear "progressive" on university issues, while the same government is busily cutting our funding. If this is true, the move was a disastrous and cynical miscalculation.

Unfortunately, Frameworks defined harassment so vaguely that its admonition to ban discussion which "made students feel uncomfortable" was a clear affront to academic freedom. Would Joan's teaching of lesbian history, for example, be a legitimate target for complaint by homophobic students? Would Paul's use of "racist" texts in his African history course be suspect? The answer was clearly yes, and for that reason, many faculty have rejected Frameworks. ...

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