

June 6, 2024

## **AUNBT Statement on Academic Freedom and Collegial Governance**

Universities have historically been, and must continue to be, places of intellectual and political debate where conflicting ideas can co-exist. Post-secondary institutions serve the common good through fostering independent thinking and expression in academic staff and students and allowing for this discussion to extend to the greater community. Robust democracies require no less. These ends cannot be achieved without academic freedom. With this context in mind, AUNBT feels compelled to send this communication to our members in response to a recent [public statement](#) issued by the UNB President.

It is important to note that this is not a comment on the content of the matter that led to the UNB President's public statement or on global events; rather, recent events on UNB campuses and the response by UNB Administration to those events have demonstrated the need to ensure that our members understand the scope of their academic freedom.

All faculty members, librarians and part-time instructors (academic staff) at UNB have academic freedom, as enshrined in the UNB-AUNBT Collective Agreements.<sup>1</sup> Academic freedom includes the right, without institutional reprisal or censorship, of academic staff to exercise their civil rights as individuals, including the right to contribute to social change through free expression on matters of public interest. It also includes the right to criticize the administration and the system in which one works. While academic freedom is not a defense against criminal hate speech or libel, it does not require neutrality, and allows for views which may be considered by some elements of society to be controversial, unpopular or offensive.

- **Peaceful Demonstration:** Academic freedom allows for academic staff to express their views in the form of peaceful protest on the university campus. It is disappointing that the UNB President implied in his public statement that the protest on the Saint John campus somehow went beyond acceptable limits of the exercise of academic freedom, making reference to hate speech, disrupting safe and normal university operations, and construction of unauthorized structures. AUNBT has investigated and has determined that a group, including an AUNBT member, which has been engaging in a small, peaceful demonstration on the Saint John campus was issued a no-trespass notice by UNB Security barring them from campus for a week under threat of fine and/or imprisonment. It is AUNBT's understanding that a notice was issued after demonstrators erected a small pop-up tent that was intended to provide periodic protection from sun or rain, and which was taken down at the end of each day. Such a demonstration is squarely within the scope of an AUNBT members' academic freedom. AUNBT has grieved the imposition of the trespass order and the subsequent order from UNB Administration that the faculty member involved is expected to perform their academic duties off campus.

---

<sup>1</sup> See [AUNBT-UNB Full Time Collective Agreement](#), Article 14, page 10; [AUNBT-UNB Contract Academic Employee Agreement](#), Article 14, page 9.

While it is not AUNBT's practice to publicly comment on active grievances, we are deeply concerned that the UNB President has chosen to issue a public statement, accessible to anyone online, that is both misleading and highly prejudicial in its implications.

- **Criticism of the University:** As noted in the UNB President's public statement, he has received petitions and emails from UNB faculty members, librarians and part-time instructors criticizing UNB's actions at encaenia, and scrutinizing UNB's investment decisions and research collaborations. The UNB President's public statement mentions commitment to freedom of expression, but demonstrates that actual expression, even in the form of a letter from UNB academic staff, is unwelcome, implying that such communications should be discouraged. The ability to criticize the administration is one of the key pillars of academic freedom and is fully protected by the Collective Agreements. Academic staff have the right to fully engage in intellectual discourse, critique and comment, including discourse on university governance and the stand that the administration may choose to take (or not take) on an issue, without fear of reprisal, repression or institutional censorship.
- **The Right to Participate in University Governance and "Institutional Autonomy":** In his public statement, the UNB President presented the principle of institutional autonomy as a justification for not responding to academic staff concerns detailed in petitions sent to him, where members of the UNB community expressed concern and disagreement with governance decisions being made at UNB. The principle of institutional autonomy aims to protect the collegium from external influence in academic affairs, and in particular, government and corporate interference in running the university. Academic staff and students are not, however, external agents seeking to unjustly interfere in university matters. Formal governance processes at UNB, and Canadian universities generally, are structured to operate collegially, meaning academic staff and students are an integral part of the decision-making process – this is collegial governance. The institutional autonomy enjoyed by UNB and other Canadian universities exists within this collegial governance context, which gives academic staff the right to participate in decisions governing the university. It is egregious to suggest that the principle of institutional autonomy insulates a university president from accountability to the university community. In deploying institutional autonomy in this way in his public statement, the UNB President is further demonstrating the lack of respect for collegial process that was manifested in his disregard for the vote by the Saint John Senate to reject his proposed Provost model.

Politically controversial cases involving college and university teachers in part helped to motivate the founding of the Canadian Association of University Teachers (CAUT) in 1951, an organization to which AUNBT, along with most other faculty associations in Canada, currently belongs. The Cold War period witnessed many professors unjustly fired and blacklisted not because of what they published or taught in the classroom but because of their expression of their political views and their social activism.

This history shows that it is during times when political threats to academic freedom intensify, the need for academic staff to contribute to public discourse becomes even more important. AUNBT's role is not to weigh in on global political issues but rather to ensure that academic staff know their rights and feel safe to engage in free and open discussion, debate and institutional criticism, free from reprisal or penalty by UNB administration.

We urge any AUNBT member who feels that they have suffered reprisal from university administration as a result of expressing their views or criticizing UNB's actions or policies to contact AUNBT immediately.