

Policy Statement on Defamation Actions Arising out of Academic Activities

Academic freedom is essential to the fundamental purposes of post-secondary education institutions. It is essential that academic freedom not be restricted by the threat of legal action for defamation. Academic staff associations and post-secondary employers should promote a culture in which differences of opinion are debated and discussed without resort to litigation. Academic staff associations should ensure that rights to intramural and extramural speech are protected in academic freedom clauses of the collective agreement.

1

Academic staff associations and post-secondary employers should encourage and defend the free and frank expression of opinion by all academic staff in all academic activities including teaching, research, scholarly and creative works, collection and dissemination of information, peer review, post-secondary institution governance, and service to the institution or community.

2

Academic staff accused of or experiencing defamation in carrying out their academic activities should consult, in the first instance, with their academic staff association. Academic staff associations should seek legal counsel.

3

The defence of academic freedom should not be borne by the individual academic staff. Where academic staff is accused of defamation in a legal proceeding, the institution should provide defence and legal representation. Where the interests of the institution and the interests of the academic staff conflict, or may conflict, the institution should fund independent legal representation of the staff person's choice.

~~Should the institution be named in the defamation suit as well, it should provide independent legal representation to the academic staff member.~~

**Approved by the CAUT Council, November 2016;
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