

Article 2**ACADEMIC RIGHTS AND FREEDOMS**

- 2.01 All ASMs enjoy equal rights to academic freedom.
- 2.02 Academic freedom is necessary for the pursuit of the University's purposes. The defence of academic freedom is an obligation on all members of the University community. Academic freedom does not require neutrality on the part of the individual, nor does it preclude commitment. Rather it makes commitment possible.
- 2.03 Therefore, the Parties agree to uphold the right of ASMs to teach, to learn, to carry out research, to publish, to comment, to criticise, to acquire and disseminate knowledge, to create, and to perform; all of these without deference to prescribed doctrine.
- 2.04 Academic freedom includes the right to discuss and criticise policies and actions of the University and the Association and protects against the imposition of any penalty by either Party for exercising that right.
- 2.05 Academic freedom carries with it the duty to use that freedom in a manner consistent with the scholarly obligation to base one's research and teaching on an honest search for knowledge. In exercising the freedom to comment and criticize, ASMs have a corresponding obligation to use academic freedom in a responsible manner by recognizing the rights of other members of the University community, and by affirming the rights of others to hold differing points of view.
- 2.06 Academic freedom does not confer legal immunity, nor does it diminish the responsibilities of ASMs to fulfil their academic obligations. ASMs as such shall not be hindered or impeded in any way by the Association or by the University from exercising their legal rights, nor shall they suffer any penalty imposed by either Party for exercising those rights.
- 2.07 ASMs retain all their freedoms as citizens to express themselves. The University accepts no responsibility for such expressions and exercises no censorship. In statements outside the University, ASMs shall not claim to speak on behalf of the University unless specifically authorized to do so. Should confusion arise concerning whether an ASM was speaking on behalf of the University, the ASM shall issue a disclaimer.

NON-DISCRIMINATION

- 2.08 Except as otherwise provided in this Collective Agreement, or by statute, the Parties agree that there shall be no discrimination or favouritism, interference, restriction or coercion exercised or practised with respect to any ASM in regard to any terms or conditions of employment as set out in this Collective Agreement, including, but not limited to, salary, fringe benefits, pension, appointment, hiring process, reappointment, dismissal, rank, promotion, tenure, sabbatical or other leave, by reason of age, physical appearance, colour, national or ethnic origin, citizenship, political or religious affiliation or non-affiliation, political or religious activity or non-activity or belief or non-belief, clerical or lay status, sex, sexual orientation, gender identity, gender expression, source of income, disfigurement, marital status, physical or mental disability (except where the disability would clearly interfere with the proper carrying out of his or her required duties), language (except where the lack of language competence would clearly prevent carrying out the required duties), kinship, membership or activity or non-membership or non-activity in the Association. While the Parties agree not to discriminate on the basis of place of residence, an ASM who chooses to reside in a location which predictably interferes with the discharge of his or her responsibilities may not cite this Clause as a defence against disciplinary action resulting from that failure to discharge his or her responsibilities.

ETHICAL CONDUCT FOR RESEARCH INVOLVING HUMANS

- 2.09 The Tri-Council Policy Statement (2nd edition) entitled *Ethical Conduct for Research Involving Humans (2010)*, or successor, hereafter referred to as the Tri-Council Policy Statement, applies to research on humans conducted by ASMs. In any dispute about the meaning or application of the Tri-Council Policy Statement, the full text of the Policy Statement, including the commentary, shall be the basis for any judgement.
- 2.10 Research Ethics Boards (REBs) and Appeal Boards shall be established according to the requirements specified in the Tri-Council Policy Statement.

- 2.11 REBs shall not have, nor shall they assume, the power to recommend discipline, to impose sanctions or discipline, or to cause discipline to be imposed on ASMs, nor shall they have any power to cause to be placed in the member's personal file any information related to the research proposal.
- 2.12 An Appeal Board shall have the power to review, amend, or reverse decisions of an REB. It shall not have, nor shall it assume, the power to recommend discipline, to impose sanctions or discipline, or to cause discipline to be imposed on ASMs, nor shall it have any power to cause to be placed in the member's personal file any information related to the research proposal. The decision of the Appeal Board shall be communicated to the ASM and to both Parties.
- 2.13 Decisions of the REBs and Appeal Boards regarding the ethical propriety of research proposals shall not be subject to grievance.