



Opinion

Collegiality and the *Act respecting academic freedom in the university sector*

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Committee on Academic Freedom

The Committee on Academic Freedom documents, protects and promotes academic freedom. It also investigates complaints on matters relating to academic freedom by its members.

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Introduction

Poorly understood, and often mistaken for nothing more than a set of institutional values with no binding force, the principle of academic collegiality has characterized the internal operation and decision-making structure of universities since the foundation of the modern university in the nineteenth century.¹ Indeed, given the special nature of institutions of higher-learning, which foster pools of high-level experts from various scientific disciplines, and considering the independence those institutions need to achieve their public interest mission, collegiality is an indispensable corollary to academic freedom. So long as it is not reduced to mere “collegiality washing,” of course.²

Academic collegiality is inextricably connected to shared decision-making powers within academic institutions. It entails a limited form of co-management within universities, which covers a number of significant decisions that affect either the institution as a whole or its component departments and faculties.

In most public service enterprises and institutions, traditional governance models guide operations—in other words, bosses make decisions and employees execute them. Universities, however – to comply with the principles of academic collegiality and ensure institutional autonomy – must make a number of their most important decisions democratically, by a simple or qualified majority of the members of the electoral colleges concerned. Academic activities subject to collegial decisions include the determination of the institution's broad research and teaching orientations, faculty recruitment, and the election of the individuals who will, for a time, shape the futures of the departments, faculties, and the university itself.

In recent years, a number of studies and reports have documented the erosion of the collegial sharing of decision-making powers in Quebec universities. This erosion is caused by the gradual integration, by way of the tenets of New Public Management,³ of private sector governance rules and principles into their decision-making structures.⁴

1 To quote our colleague Jean-Luc de Meulemeester, the Humbolt university model that emerged in the nineteenth century posited “a kind of synthesis of the university's prior developments, which went on to save it. The State continued to play a key role because it provided the funding and ... protected the university from short-term pressures and the outside world. The university also became a place for the coexistence of tradition, higher education, and the pursuit of “open science” (public research—in both senses of the term, i.e., funded by the State but without the State trying to influence its outcome).” J.-L. de Meulemeester, “Quels modèles d'université pour quel type de motivation des acteurs? Une vue évolutionniste” (2011) 21 *Revue du Centre d'études et de recherches en administration publique* 261 at para. 17.

2 This phenomenon is named in “La collégialité d'apparat” in Louis-Philippe Lampron, *Maudites Chartes : 10 ans d'assaut contre la démocratie des droits et libertés* (Montreal: Somme Toute, 2022) at 203. The notion has also been identified in English: see “Collegiality Washing? New Translations of Collegial Practices” by Kerstin Sahlin & Ulla Eriksson-Zetterquis, in *Revitalizing Collegiality: Restoring Faculty Authority in Universities*, Kerstin Sahlin & Ulla Eriksson-Zetterquis, eds. (Emerald Publishing Limited, 2024) doi.org/10.1108/S0733-558X202387.

3 With its focus on the achievement of results more than on the institution's mission of offering services to the population, the main features of New Public Management include, according to Jean Bernatchez, “strategic planning, results-focused management, accountability [to actors outside the institution, contractualization, the externalization of services, and deficit reduction.” Jean Bernatchez, “La nouvelle gestion publique et l'université québécoise : quelle influence?” in Louis Demers, Michel Umbriaco & Jean Bernatchez, *De l'administration à la Gouvernance des universités : progrès ou recul? : l'expérience du Québec* (Montreal: Presses de l'Université du Québec, 2019) 63 at 72.

4 On this issue, see in particular Michel Freitag, *Le naufrage de l'Université et autres essais d'épistémologie politique* (Québec: Nuit blanche, 1995); Bill Readings, *The University in Ruins* (Cambridge: Harvard University Press, 1997); Normand Baillargeon, *Je ne suis pas une PME : plaidoyer pour une université publique* (Montreal: Poètes de brousse); and Louis Demers, Michel Umbriaco & Jean Bernatchez, eds., *De l'administration à la gouvernance des universités : progrès ou recul? : l'expérience du Québec* (Montreal: Presses de l'Université du Québec, 2019).

This opinion sets forth the reasons we believe that the *Act respecting academic freedom in the university sector* [hereinafter, the *Act respecting academic freedom*] protects academic collegiality as a condition for the achievement of the public interest mission of universities. It then goes on to outline the impact of this legal protection on universities, as well as the conditions that must be met to adequately reconcile collegiality with the individual academic freedom of Quebec university professors.



1.

*The Act respecting
academic freedom*
protects collegiality
as an operational
method in universities

In the *Act respecting academic freedom*, the Quebec legislature made a deliberate choice to refer to the United Nations Educational, Scientific and Cultural Organization's 1997 *Recommendation concerning the Status of Higher-Education Teaching Personnel* [hereinafter, the *UNESCO Recommendation*] as the primary interpretive tool for its provisions. The Preamble to the Act includes the following:

[Preamble]

[...]

AS the United Nations Educational, Scientific and Cultural Organization (UNESCO) 1997 *Recommendation concerning the Status of Higher-Education Teaching Personnel* recognizes that the proper enjoyment of academic freedom requires the autonomy of institutions of higher education;

AS university autonomy and university academic freedom constitute essential conditions for carrying out the mission of such educational institutions;

AS there is a need to see to it that such educational institutions are able to carry out their mission without doctrinal, ideological or moral constraint;

To briefly summarize the *UNESCO Recommendation*, its provisions establish academic freedom as a twofold guarantee, in that it protects both the independence of academic institutions and the individual freedom of the academics who work there. By referring to the Recommendation in support of the notion of university autonomy in the Preamble to the *Act respecting academic freedom*, the legislature leaves no doubt that its intention is to protect both aspects of this fundamental freedom.

The institutional aspect of academic freedom requires that universities be protected against interference in the management of internal affairs by donors or governments and that they develop their teaching and research programs autonomously. Articles 17 and 18 of the *UNESCO Recommendation* are clear on this point:

17. The proper enjoyment of academic freedom and compliance with the duties and responsibilities listed below require the autonomy of institutions of higher education. Autonomy is that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights. However, the nature of institutional autonomy may differ according to the type of establishment involved.

18. Autonomy is the institutional form of academic freedom and a necessary precondition to guarantee the proper fulfilment of the functions entrusted to higher-education teaching personnel and institutions.

The guarantee of institutional autonomy is a fundamental pillar of academic freedom. Along with the expertise of the members of the university community, it forms the basis for the credibility of the research and teaching carried out there. In other words, public trust in researchers and in the validity of their research depends in large part on the existence—and effectiveness—of rules that ensure the academic institution's independence.

To be effective, however, academic freedom must not only protect universities, it must also require that individual researchers be safeguarded from the threat of sanctions or pressure, whether from outside or within their institutions. Effective individual protection requires that universities:

1. be prohibited from preventing academics from working on certain subjects or from criticizing how the university's affairs are carried out;⁵ and
2. take concrete action to defend those same academics if they are challenged through judicial proceedings or otherwise for acts they have performed as academics.

An analysis of the *UNESCO Recommendation* clearly shows that the effectiveness of academic freedom depends on sufficient concurrent protections of the related guarantees of institutional and individual autonomy. Concurrent protection is in fact essential to ensuring that universities and the academics that work in them are able to contribute, for the benefit of the population as a whole, to the advancement of knowledge and the dissemination of the objective and reliable information, analyses, and studies that all citizens need to participate meaningfully in democratic life. In recognition of the significance of these two aspects of academic freedom, and in the interests of reducing any risk of tension between departments in

⁵ See especially Articles 27 to 29 of the *UNESCO Recommendation*, but also Article 20.

institutions and the members who make up those departments, the *UNESCO Recommendation* also affirms that it is important for universities to abide by the principle of collegiality in their institutional decision-making structures.

The collegial management of universities has been a foundational principle in Western academic institutions since the founding of Humboldt University in Germany in 1810.⁶ It is based on the notion that the most legitimate source of decisions for a community of scholars whose vocation is to “seek the truth” without interference from political actors or external pressure groups can be found within that very community.

The *UNESCO Recommendation* repeatedly draws direct connections between effective academic freedom and collegial decision-making, in particular by confirming the right of the members of an academic institution to play a role in its decision-making structures.⁷ The key provision connecting academic freedom and collegiality is found in Article 21 of the *Recommendation*, which states that: “Self-governance, collegiality and appropriate academic leadership are essential components of meaningful autonomy for institutions of higher education.”

Further on, Articles 31 and 32 of the *UNESCO Recommendation* outline the notions of self-governance and academic collegiality:

31. Higher-education teaching personnel should have the right and opportunity, without discrimination of any kind, according to their abilities, to take part in the governing bodies and to criticize the functioning of higher education institutions, including their own, while respecting the right of other sections of the academic community to participate, and they should also have the right to elect a majority of representatives to academic bodies within the higher education institution.

32. The principles of collegiality include academic freedom, shared responsibility, the policy of participation of all concerned in internal decision making structures and practices, and the development of consultative mechanisms. **Collegial decision-making should encompass decisions regarding the administration and determination of policies of higher education, curricula, research, extension work, the allocation of resources and other related activities, in order to improve academic excellence and quality for the benefit of society at large.** [Underlining and bold added]

⁶ On this issue, see *supra* note 1.

⁷ It should be noted here that the *UNESCO Recommendation* defines the concept of “higher-education teaching personnel” in a way that includes professors whose duties concern both teaching and research, as well as faculty members such as lecturers or professionals, whose contractual duties limit their activities to only one of those two academic categories. This definition aligns with the definition of the holders of academic freedom under section 3 of the *Act respecting academic freedom*, which covers “every person... [who carries out] an activity through which the person contributes to carrying out the mission of an educational institution.”

In the current era, university governance is increasingly guided by managerial models borrowed from the private sector, greatly reducing collegiality to a cultural artefact synonymous with “non-binding consultation” or “friendly discussion” to be encouraged among the members of an academic community.⁸ An analysis of Articles 31 and 32 of the *UNESCO Recommendation*, however, leaves no doubt as to the core academic activities that must be guided by collegial decisions, not by informal consultations. Those decisions essentially concern core academic activities related to the two main pillars of the public interest mission of universities, namely, research and teaching.

Needless to say, the primary distinction between a collegial decision and a collegial consultation lies in the holder of the decision-making power. Whereas consultation poses no challenge to the principle that the administration will ultimately have the power to make decisions, collegial decision-making directly refers to decisions that must be made collectively by a deliberative body constituted by professors from the institution. It is therefore clear that the application of academic collegiality as defined in the *UNESCO Recommendation* means that major decisions with potential consequences on a university’s academic affairs—including the institutional allocation of the financial resources needed to carry out its public interest mission—must be approved by a majority of the faculty members concerned. Indeed, those faculty members constitute the primary professional constituency whose duties encompass both broad areas of academic activity in a university—i.e., research and teaching—at the same time.

As for the composition of the bodies within which collegial decisions should be made, the *UNESCO Recommendation* is crystal clear: professors must have the right to elect the majority of their own representatives.⁹

⁸ See, in particular, the very good summary of the different concepts of collegiality in circulation by Marie-France Laurin & Alex Beaupré-Lavallée, “La collégialité à l’université : concepts fondamentaux et dimensions contemporaines” in Olivier Bégin-Caouette, Émanuelle Maltais, Jean Bernatchez, Jason Luckerhoff, Martin Maltais & Michel Umbriaco, eds., *L’université au Québec. Enjeux et défis* (Publication du Lires, 2025) at 411, which unsurprisingly includes a reference to the definition of collegiality in the *UNESCO Recommendation*.

⁹ See Article 31 of the *UNESCO Recommendation*.



2.

Impact on the
decision-making
structure
of universities

The *Act respecting academic freedom* protects academic collegiality by setting clear limits on the ability of universities to centralize decision-making power over broad research and teaching orientations in the hands of management (such as the rector's office or the board of directors) and to restrict the role of deliberative bodies such as academic senates—for example, the Commission des études at UQAM, the Conseil universitaire at Université Laval, or the Assemblée universitaire at Université de Montréal—to a strictly consultative as opposed to decision-making function.

Consequently, the 2017 reform of the charter of Université de Montréal, broadly criticized by the university's professors, is a clear violation of the principle of academic collegiality, as it withdraws all concrete decision-making power over academic issues from the professors' assembly.¹⁰ Similarly, in the Université du Québec network, the academic and research committees make binding decisions about everything related to teaching and research, even though the *Act respecting the Université du Québec* does not formally recognize those committees as having jurisdiction over such matters.

Indeed, this is the reasoning underpinning the COPLA's conclusion in *Étude No. 2*, where it found that the government of Quebec had not complied with the principles of the *Act respecting academic freedom* when it failed to approve the appointment of Professor Denise Helly to the INRS board of directors after she had been elected by her colleagues to sit as representative of the institution's professors.¹¹

With this principle clearly stated, it is evident that academic collegiality does not require that the deliberative bodies responsible for making decisions all be structured the same way in every university in Quebec. Nevertheless, there are minimum requirements in the *Act respecting academic freedom* that must be met: whether the body's purpose is to make decisions affecting the university in part (faculties or departments) or as a whole, that body (1) must be composed of a majority of professors and, (2) where its members do not include all the professors concerned by the decisions being made, must be composed of professors elected by the professors concerned.

The fact that the core activities protected by the *Act respecting academic freedom*—namely, any decision concerning academic issues (research and teaching)—are defined broadly and imprecisely raises questions about the activities that can be submitted for collegial approval by the professors concerned. The recruitment of colleagues, for example, is left to the assembly of professors in most universities, as is the election of university administrators (both in the rector's office and at the head of the various units, faculties, and departments).

¹⁰ On this issue, see in particular Mariane Kempeneers, "La réforme de la Charte de l'Université de Montréal : chronique d'un projet imposé" in Louis Demers, Michel Umbriaco & Jean Bernatchez, eds., *supra* note 4 at 135.

¹¹ COPLA, *Étude et Recommandations suivant le dépôt et la réception de la plainte 002 soumise au Comité sur la liberté académique [COPLA] de la Fédération québécoise des professeures et professeurs d'université par le Syndicat des professeur-es de l'Institut National de la recherche scientifique [SPINRS]*, March 2024, [online: https://fqppu.org/wp-content/uploads/2024/04/202403_EtudeCOPLAPlainte002.pdf].

Regarding these specific issues, it appears that, upon its enactment in 2022, the *Act respecting academic freedom* established an institutional baseline for activities subject to a collegial process within each university. In other words, since its enactment, the *Act respecting academic freedom* has protected all activities regarding which decisions must be made collegially (or democratically) under the institutional rules of the various universities. In the specific case of Université Laval, those activities include:

- the faculty recruitment process, performed jointly by the professors in the unit where the recruits will be hired;¹²
- the election of the rector or rectrix by an electoral college that comprises a significant proportion of professors;¹³ and
- decisions of the academic council, a significant proportion of whose members are professors elected by their colleagues, on any academic issue.¹⁴

A university administration that seeks to reclaim all or part of these shared decision-making powers—and, in doing so, to withdraw decision-making power from the deliberative bodies concerned—would potentially violate the principle of collegiality protected by the *Act respecting academic freedom*.

Obviously, according to the principle that the provisions of the *Act respecting academic freedom* lay a foundation upon which walls, and eventually a ceiling, may be erected, there is nothing to prohibit expanding the framework to allow an institution to share its decision-making powers beyond what was in place when the Act came into force. In addition to any projects the administrations of the various universities might initiate, academic collegiality can be improved by including a precise definition of the notion in the professors' collective agreements.

In Quebec, only some members of the FQPPU currently have collective agreements that refer directly to the principle of academic collegiality as a general characteristic of the internal operations of the universities. Most collective agreements are silent on this issue.¹⁵

¹² Under chapter 4.1 of the SPUL collective agreement.

¹³ Under section 8 of the *Charte de l'Université Laval* and sections 84 ff. of the bylaws of that university in force in 2025.

¹⁴ Under section 7.8 of the *Charte de l'Université Laval*, which provides that the "academic council exercises, to the exclusion of the board of directors, the rights and powers of the University on academic issues; these rights and powers are determined in the statutes."

¹⁵ At the time this opinion is being finalized, it is not possible to find a direct reference to the terms "collegial" or "collegiality" in the collective agreements in force for the following unions: SGPPUM (Université de Montréal), SPUQ (UQAM), APBU (Bishop's), APEP (Polytechnique), APC (ENAP), APUC (Concordia), SPINRS (INRS), SPUQAR (UQAR) & SPUQAT (UQAT).

Where collective agreements do refer to academic collegiality directly, in most cases they merely set out principles that affirm, in different ways, the fundamental importance of collegiality in the relationship between professors and the administration, or of the collegial management of the university as such.¹⁶ The most recent collective agreements of the Syndicat des professeures et professeurs de l'Université Laval (SPUL) and the professors of UQAC (SPPUQAC) are different, however, as they very clearly provide more comprehensive definitions of what academic collegiality actually involves:

SPUL

[TRANSLATION]

1.3.02 The parties recognize that:

- a) collegiality is a principle that is fundamental to academic life.
- b) the University is a community committed to offering a unique student experience and to fostering a bold and open scientific culture, committed to addressing societal challenges and resolutely interdisciplinary in nature. It is also humanist, invested in the dissemination of the arts, and committed to training a new generation to face the major issues of society with conviction.

Without limiting the generality of clause 1.3.02, this recognition means that professors are central to the governance of the university and **participate democratically** in decisions that determine what the University should be, both now and in the future.

The parties recognize that transparency is an essential component of collegiality.¹⁷

[Underlining and bold added]

¹⁶ See in particular the collective agreements (in force at the time of publication of this opinion) of SPUQO (UQO), clause 10.15; SPPTU (TÉLUQ), clause 5.4.16; SPUQTR (UQTR), clause 2.09, and SPPUS (Université de Sherbrooke), Preamble.

¹⁷ SPUL, *Convention collective 2023-2027* [online: <https://spul.ca/convention-collective/convention-collective/>].

SPPUQAC

[TRANSLATION]

2.19 Collegiality

The University and the Union recognize that:

- a) collegiality is a principle that is fundamental to academic life; it promotes the development of a healthy, positive and just environment and ensures democratic participation;
- b) by participating in internal institutional activities and sitting on various committees and bodies, professors contribute to academic life and to university governance;
- c) interactions among the various members of the academic community must be civil, considerate, collaborative, and respectful of everyone's role, with a view to promoting healthy, collegial, and constructive dialogue;
- d) transparency is an essential component of collegiality in the structure of the discussions, consultations, and collaborations contemplated in this collective agreement.¹⁸ [emphasis added]

In accordance with Articles 31 and 32 of the *UNESCO Recommendation*, these two definitions of collegiality in the agreements have the virtue of setting out clear guidelines for assessing compliance with the requirements of academic collegiality, namely, transparency and the democratic participation of professors in significant decisions that affect the present and future of their institutions. Obviously, the limits of these types of provisions in collective agreements depend on the specific forms that this transparency and democratic participation may take. This factor depends on the specific provisions in the enabling statutes or institutional by-laws governing the operations of the different universities and the bodies responsible for decisions that will have to be approved by a majority or a qualified majority of the professors concerned, both locally in the departments and faculties and more broadly on the level of the institution as a whole.

¹⁸ SPPUQAC, *Convention collective 2024-2029* [online: <https://www.ugac.ca/srh-docs/conventions-collectives/spp/cc-spp.pdf>].



3.

Reconciling academic collegiality with the individual exercise of academic freedom

As we have just seen, the essence of the principle of academic collegiality is the sharing of decision-making powers in universities over the core academic activities of teaching and research.

As with decisions made by university administrators, collegial decisions must be consistent with the individual academic freedom of all colleagues. It is therefore critical to identify a few guidelines to ensure that the recognition of academic collegiality as a structural component of university operations and as a protected corollary to institutional autonomy within the meaning of the *Act respecting academic freedom* does not give rise to a tyranny of the majority over the minority or dissenting colleagues.

Before a discussion of these guidelines, it is important to reproduce section 3 of the *Act respecting academic freedom*, which recognizes a minimum threshold of individual academic freedom for university professors.

Section 3

The right to university academic freedom is the right of every person to engage freely and without doctrinal, ideological or moral constraint, such as institutional censorship, in an activity through which the person contributes to carrying out the mission of an educational institution.

- 1° to teach and discuss;
- 2° to research, create and publish;
- 3° to express their opinion about society and about an institution, including their respective institution, and about any doctrine, dogma or opinion; and
- 4° to freely take part in the activities of professional organizations or academic organizations.

It must be exercised in accordance with the standards of ethics and of scientific rigour generally recognized by the university sector and taking into account the rights of the other members of the university community.

Given that collegiality refers to a collective process for making decisions of import in the academic lives of all members of a department, faculty, or university where professors work, the potential impact of decisions that are ultimately made by the group that a professor might disagree with cannot be underestimated. Guidelines for the exercise of academic collegiality must therefore be established before the decision is taken, during the stage of collective deliberations, and after those deliberations.

Keeping deliberations under control: the critical role of the chair of the assembly

Deliberations of any kind can involve tricky interactions, and this is particularly true when they concern issues that are controversial or challenging for the members of the group making the decision. In some situations, one or more colleagues can feel isolated or fear repercussions if they criticize a majority position or decision.

Accordingly, it is critical for every deliberative process, whether it takes place during a deliberative assembly (where all points of view are expressed out loud, face to face) or by some other method (e.g., consultations through surveys or by email), to allow participants to express their opinions freely, without fear of reprisals from the group.

Given that collegial deliberations often take place in assemblies, it is crucial that these gatherings be chaired fairly and in accordance with the *Code Morin*¹⁹ or the *Lespérance Code* (entitled *Chairing Successful Meetings* in English) to guarantee the respectful and collegial exercise of academic freedom by the members of the bodies responsible for making collective decisions.²⁰

The election of a chair who masters the procedural rules for sound deliberations is, without a doubt, one of the best ways to prevent assemblies from getting out of hand and unduly limiting a colleague's ability to participate freely in the deliberations. This type of situation can occur, for example, if speaking time is monopolized by one person or a small group, or if it is impossible for practical reasons to add points to the meeting agenda.

Speech or conduct that strays off course must always give rise to measures calling attendees to order and having them cease any harmful behaviour.

Collegial decisions: A collective decision is not necessarily a reasonable one

Academic collegiality is inextricably intertwined with the institutional protection of academic freedom, which safeguards academic autonomy and university self-governance so as to preserve independence over what is done and taught at the university. Collegiality establishes a legitimate means for professors to share decision-making powers to determine the broad orientations of teaching programs and research priorities.

Given that the *Act respecting academic freedom* protects both academic collegiality and academic freedom, it appears likely that any limits placed on a professor's individual academic freedom by collective decisions made by the professors of a department, faculty, or university will be more reasonable than limits imposed by administrators. This is especially true if the decisions seek to:

¹⁹ Victor Morin, *Procédure des assemblées délibérantes* (Laval: Beauchemin, 1994).

²⁰ Michel Lespérance, translated by Tanina Drvar, *Chairing Successful Meetings: The Lespérance Code* (Ottawa: University of Ottawa Press, 2021).

- determine mandatory and elective courses and the general teaching modes (on-site, virtual, hybrid, etc.) of a university curriculum
- determine the competencies that must be developed through the university curriculum
- adopt the titles and descriptions of course offerings
- adopt recruitment priorities for the upcoming professorial positions
- adopt broad research priorities
- adopt criteria to provide a basis for allocating research funding

As a general rule, these limits on the exercise of professors' individual academic freedom are clearly justifiable when they are imposed collectively by the professors concerned, since they are consistent with the faculty's autonomy to determine the broad directions to be followed by the institution (and the different units it comprises). To use a somewhat absurd example, it would be outlandish to argue that the academic freedom of a law professor giving a labour law class would allow the professor to make the individual choice to teach a baseball clinic instead. The room to manoeuvre that academic freedom offers is limited by the syllabus of the course the professor is teaching, the academic objectives of the program in which the professor is offering the course, and the general requirements of the university by-laws that govern the relationship between teaching staff and students.

That said, it should also be pointed out that collective decision-making does not automatically justify a violation of the individual academic freedom of members of the group. As the COPLA has stated in a number of previous opinions,²¹ the acceptable limits to a professors' individual academic freedom must be assessed on a case-by-case basis, using an approach similar to what is applied when assessing limits on fundamental rights under the Canadian and Quebec *Charters*. Specifically, the reasons invoked by the body responsible for the impugned measure to justify the reasonableness of the infringement must be considered in context.

It therefore seems clear that, when it comes to a number of research and teaching activities, the bodies responsible for decisions that can potentially bind the holders of the right to academic freedom must work within limits similar to those on university administrators. For example, collegial decision cannot justify an infringement of academic freedom when the situation involves:

²¹ See, in particular, point 2 of Avis No. 7, concerning *Liberté académique et les règles pratiques imposant la précarité aux personnes contribuant à la mission universitaire*, February 2025 [online (in French): https://fqppu.org/wp-content/uploads/2025/04/202504_Avisno7COPLA-1.pdf] and point 2 of the opinion on *Research Ethics and Academic Freedom*, February 2024 [online: https://fqppu.org/wp-content/uploads/2024/05/202402_COPLA_Avisno6_VE.pdf].

- the right of colleagues to criticize collegial decisions of academic bodies, whether they took part in the decision-making process or not;
- the right to do research on subjects of their choosing and to disseminate the results of that research;
- the right to offer the classes they are assigned, subject to the general terms of the program and the general syllabus of those classes, in the way they believe best achieves the course objectives (including the choice of the content of the evaluations).

Finally, it is also relevant that, like administrators, groups responsible for making collective decisions must exercise their decision-making powers in a manner consistent with the applicable laws, including the rights and freedoms protected by the Canadian and Quebec *Charters*. Applying the reasoning of the Supreme Court of Canada in its 1992 decision in *Renaud*,²² where a union was held liable for damages arising from a collective agreement that was too restrictive of fundamental rights, a collegial body can be found liable for infringing a person's protected rights if the decision results in a violation of the existing laws.

Ultimately, the groups responsible for collective decisions—and the people responsible for presiding those assemblies—must be mindful of the fact that the collective nature of a decision does not relieve the group from the obligation to comply with the law, including the Quebec *Charter of human rights and freedoms* and the rules that guarantee all members of a workplace protection against any violation of their physical or psychological safety and from the toxicity of certain types of work relationships.

²² *Central Okanagan School District No. 23 v. Renaud*, [1992] 2 S.C.R. 970.

Conclusion

By incorporating the *UNESCO Recommendation* as a primary tool for interpreting the *Act respecting academic freedom*, the Quebec legislature recognized the two main aspects of academic freedom: institutional autonomy and the individual protection of the holders of the right to academic freedom. As a result, the *Act respecting academic freedom* also enshrines collegiality as an essential corollary to university autonomy and academic freedom.

In accordance with the *UNESCO Recommendation*, the *Act respecting academic freedom* requires universities to adopt a governance model based on shared decision-making powers over academic issues, thereby guaranteeing that the main directions for research and teaching are determined by those who will most directly tread those paths.

The minimum academic collegiality threshold leaves open the possibility of expanding the principle's scope, either through collective bargaining or through institutional reforms. It also requires that guidelines be established to ensure that collegiality is exercised in a manner consistent with the individual academic freedom of the stakeholders in the deliberations.

