

RIGHTS AND RESPONSIBILITIES WITHIN THE UNIVERSITY:
REPORT OF THE PRESIDENTIAL TASK FORCE ON STUDENT LIFE,
LEARNING & COMMUNITY

August 2009

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I: Formation and Mandate

1. The Presidential Task Force on Student Life, Learning & Community was constituted by the President on March 16, 2009. The Task Force was created as a result of a series of disturbing events at the University over the past year that included two incidents in February 2009 involving open conflict between students and student groups.
2. The first of these incidents involved a press conference held by a group of students on February 11, 2009 that was disrupted by a second group of students resulted in the Toronto Police being called in order to escort the first group of students from the Student Centre. The second incident involved two large demonstrations held simultaneously in Vari Hall on February 12, 2009. There were hundreds of students involved in the demonstrations on that occasion, with the two groups in open conflict with each other, shouting and hurling insults. Individuals from outside the York University community were also involved in the latter incident. Although there was no physical violence, there was manifest hostility and verbal confrontation. Students who were not involved in the demonstrations were forced to navigate through the two conflicting groups, and classes in Vari Hall were disrupted. Reports from those involved or present indicate that many felt intimidated by the events of that day.
3. A number of other incidents over the past year had also raised concerns over the climate on campus. In particular, in February 2008, racist graffiti was discovered outside the offices of the York University Black Students Alliance (YUBSA). A large rally was subsequently held by a wide variety of student groups who expressed their concerns over the need for anti-racism training at York. There have also been other incidents of racist graffiti targeting students from a variety of other identifiable groups.
4. As an institution dedicated to free inquiry, the University is a place where there will often be conflicting opinions that are strongly and sometimes heatedly expressed. At the same time, maintenance of a spirit of free and open inquiry presupposes an acceptance of the fundamental values and purposes of the University. Central to these values is the capacity to tolerate dissenting opinions.
5. If the University is to be a vibrant community devoted to the pursuit and development of knowledge, all members of the community must feel equally free to express themselves, even if the opinions they express are controversial or unpopular with the majority. When students or other community members are intimidated or threatened on account of their opinions, the conditions necessary for the flourishing of open inquiry are undermined and even negated. Of course, speech on university campuses must occur within the bounds of Canadian law, including criminal prohibitions on hate speech and the limitations imposed by human rights codes, but limitations beyond those legal prohibitions must be kept to a minimum.
6. As President Shoukri noted in the Terms of Reference creating the Task Force, recent events such as those outlined above raise concerns over whether our most cherished values and commitments are being undermined by excessive conflict,

intolerance and even intimidation. As an institution of higher learning committed to the free exchange of ideas, the University has a responsibility to ensure that all members of the community can pursue their academic activities in an environment free of intolerance, harassment or intimidation.

7. The President therefore created the Task Force with a mandate to consult broadly with the community and develop principled recommendations that reflect the University's unwavering commitment to fundamental values of free expression, free inquiry and respect for genuine diversity of thought and opinion. In particular, we were asked to review the University's policies, procedures and practices and recommend ways in which the commitment to the free exchange of ideas in an environment free of harassment, discrimination or intimidation could be strengthened.

8. The President initially named seven members of the Task Force, all of whom were faculty members or administrators, and asked the initial appointees to add seven student members through an application process. The President also suggested criteria that might be applied to assess applications from interested students.

9. An open invitation for individual York students to apply was issued and over 225 applications were received. The initial seven members of the Task Force reviewed the applications and, through consensus, identified seven students whom they believed to be representative of the student body at the University and who reflected the criteria set forth in the Terms of Reference. All of the students invited to join the Task Force accepted the invitation. The students selected have all been active in student life on campus including, in a number of cases, through participation in student government or student organizations.

10. Some questions were raised as to why the seven student representatives were not nominated or elected by student governments or groups, as opposed to being selected through an application process. We believe, in fact, that the selection process was critical in ensuring the independence of the Task Force. The Task Force was asked to review a series of troubling events, some of which involved members of various student organizations, or raised issues that had previously been considered by those organizations. It turned out that a number of our student members are or have been involved in student government or student organizations. But because all our student members were selected through an application process, each was able to take a fresh and independent look at the sensitive matters within our mandate. We believe this independence was invaluable and enabled us to move beyond old debates or prior positions and forge a broad and inclusive consensus on new directions.

II: What we did and heard

(a) Consultations

11. By mid-April the Task Force was fully constituted and began its work.¹ We met as a group weekly throughout the months of May through August. In the early stages of our work we began by gathering information relevant to our mandate. We reviewed relevant policies and practices of the University and met with a wide variety of administrators at York responsible for administering these policies. We also met with officials at the University of Toronto, Ryerson and Concordia who deal with matters relevant to student learning and community on those campuses, in order to learn of their challenges and the manner in which they have responded. We also met with Professors Susan Dimock and Jamie Cameron, faculty members at York who have a particular expertise in the areas relevant to our mandate, who provided us with valuable background and insight with respect to the underlying principles that should guide our work.

12. Task Force representatives also held a series of meetings throughout June and July with York student organizations, including the York Federation of Students, the Graduate Students Association, the Glendon College Student Union, the Muslim Students Association, the York University Black Students Alliance, Hillel at York University and Students Against Israeli Apartheid. Task Force representatives also participated in workshops organized in conjunction with the Student Leadership Forum in early June, met with the Student Representative Roundtable, and held a Town Hall on the Keele campus in mid-May. We issued an open call for written submissions and received a total of 79 submissions from a wide variety of students, faculty, staff and various organizations.

13. In our consultations we received a wide variety of recommendations for changes that could improve the quality of student life on the York campus. Despite the diversity of the proposals for change, there was a high degree of consensus in terms of identifying certain broad areas of concern that require attention. However, before we describe the concerns, we believe it important to provide some background and context for the discussion that will follow.

(b) Context

14. A report of this kind will necessarily focus on shortcomings and difficulties, ultimately making recommendations for change. That is inherent in our mandate, since we were asked by the President to bring forward proposals that would improve the student learning community at York. As will be evident, we have concluded that the

¹ Note that Assistant Vice President Sylvia Schippke, who was one of the initial appointees, resigned from the University to accept employment elsewhere and was replaced in early May on the Task Force by Professor Marie-Helene Budworth. Ms. Schippke took no part in the development of the final report. In addition, one of our student members, Azwar Khalid, was forced to withdraw from the TF because of unexpected work-related commitments

issues that prompted the President to create this Task Force are real and significant and, in our judgment, require remedial action. At the same time, we believe that we ought not to lose sight of the fact that the overall student experience at York is a positive one.

15. Student satisfaction is confirmed by the results of numerous independent surveys, including the National Survey of Student Engagement (NSSE) as well as by our own experience at York as students, faculty and administrators. Students come to York to learn, grow as individuals and citizens, and participate in the York intellectual community; their experience is, on the whole, a satisfying and enriching one. Indeed, the vast majority of our graduates indicate that, were they given the choice over again of where to attend university, they would choose York. Conflicts between students and other members of the community certainly do occur from time to time and there is certainly room for improvement in the York student experience, as there is at university campuses across Canada and North America.

16. Students at York are actively engaging in a wide variety of extra-curricular activities on the campus. Student clubs are a fundamental part of the social and cultural life at York as evidenced by the significant growth in the number of clubs over the past three years. There are more than 290 student clubs and organizations at York through which students have the opportunity to pursue their academic, social, cultural, political or religious interests. They form a vibrant and positive element of the student experience, led by the involvement of active student colleagues dedicated to creating a positive and supportive university experience. Many students are also engaged with the community through York's nine Colleges, which are affiliated by Faculty and program of study. Colleges provide co-curricular programming to engage students in university life, complement student academic pursuits, contribute to student success and retention, and foster positive lifelong connections. York's Colleges serve as smaller enclaves that provide students with the opportunity to meet and engage with fellow students, staff and especially faculty members. Each College Student Council plays an important role in the orientation of new students and the delivery of social and intramural recreation programming throughout the year.

17. We believe it is important to provide the above context because some of the recent media accounts of the York student experience, as well as certain submissions we have received in the course of our consultations, have tended to paint what we regard as an unduly negative picture of the student experience at York. In fact, the incidents that gave rise to the creation of this Task Force, while significant, occur relatively infrequently and do not represent the norm at this University. Some widely-reported claims to the contrary fail to accurately reflect the common experience of students on this campus, and we do not share or endorse such negative portrayals of the York student experience.

(c) Areas of Concern

18. We will not attempt here to catalogue all of the concerns that were raised in the course of our consultation process. Rather, we wish to focus on those issues that were

raised with us on a recurring basis by a wide variety of students and student organizations with whom we met or from whom we received written submissions. As noted above, in our consultations we found a high degree of consensus over a number of specific concerns or issues that require attention from a student perspective. These common concerns can be grouped into the following distinct yet related categories, as follows: excessive confrontation between student groups (with the involvement of non-York community members); the need for more opportunity for meaningful dialogue and debate; the role of York Security Services and the appropriate enforcement of University policies; the need for better communication; and the need for more student space.

i. Excessive confrontation between student groups

19. Controversy and debate is natural and inevitable on a university campus. Indeed, some would maintain that controversy is the lifeblood of an institution of higher learning. Yet what our consultations have indicated is that in some cases, this controversy has escalated into overly combative confrontations between different student groups. In fact, in our consultations and discussions with officials at the University of Toronto and Ryerson (whose campuses are characterized by the same kinds of controversies, debates and tensions on sensitive political issues), what seemed to distinguish our situation from that elsewhere was the degree to which there have been a number of direct conflicts between contending students and student organizations here at York.

20. These kinds of conflicts manifested themselves most obviously in certain high profile demonstrations or other public events, such as those described in the first section of this Report and which gave rise to the creation of this Task Force. In these instances, students from different contending groups appeared at the same venue and engaged in open, noisy and angry conflict with each other.

21. Some student groups also suggested to us that the conflicts between certain student groups went beyond these particular high profile incidents and extended to a range of other situations. For example, some students complained of being harassed or intimidated by other students; there were also concerns about various lectures or other meetings being disrupted by contending groups. In some cases, those involved in the disruptions were described as being from outside the York University community.

22. What is significant is that these concerns regarding harassment, intimidation or disruption were raised by students from a wide variety of different groups. In short, students from a variety of different groups were voicing essentially the identical kinds of complaints or concerns regarding their treatment on campus.

23. Our objective in recounting these concerns is not to attempt to adjudicate the merits of particular complaints or objections. There are processes at the University to deal with individual complaints of harassment or intimidation and, indeed, it is our understanding that these processes have been invoked in at least some of the incidents that were described to us. The point is simply to underline the apparent commonality of the experience of many of the students from whom we heard, notwithstanding their

divergent views or perspectives on the underlying political issues that form the backdrop of this debate.

ii. Need for more opportunity for meaningful dialogue and debate

24. While there were certainly some notable exceptions (such as incidents involving racist graffiti referred to in paragraph 3 above), in most cases the conflicts between student groups that were brought to our attention related in some form to the ongoing political conflict in the Middle East. Moreover, periods in which the conflict in the Middle East escalated (such as in Gaza in late 2008 and early 2009) inevitably produced a corresponding escalation of tensions on campus. What also became apparent to us was the lack of sufficient opportunity for meaningful debate and reasoned discussion over the underlying political issues, particularly in times of heightened tension or conflict in the Middle East itself.

25. In fact, the troubling incidents on campus that involved excessive conflict had very little to do with attempts at persuasion or reasoned discussion. Rather, the focus seemed more on vigorously advancing one's own point of view, while simultaneously attempting to drown out other, opposing viewpoints.

iii. The role of York Security Services and appropriate enforcement of University policies

26. Many of the student groups with whom we met or from whom we received submissions were concerned over what they regarded as an overly passive stance on the part of York University Security Services. We hasten to add that many student groups had positive working relationships with York Security and interacted regularly with them in the planning of events. However there was also concern that when incidents of harassment or intimidation occurred, York Security did not intervene in as direct or proactive a manner as many students would have hoped or expected. In fact, in some instances, students who were experiencing concerns over their physical safety or security reported that they had contacted Toronto Police Services directly rather than call upon York Security. This had resulted in an increased presence of municipal police officers on campus, which we do not believe to be a desirable outcome.

27. This reflected a broader concern over the degree to which there has been appropriate enforcement of various policies designed to ensure the safety and security of York University students. The relevant policies included the Student Code of Conduct, as well as the Temporary Use of University Space. Although students had an active and positive role in the development and application of the Student Code of Conduct (which is discussed in greater detail below) there remains a widespread lack of knowledge of the Code and its objectives. For many students, the enforcement of these policies appears to be uneven or arbitrary; because enforcement proceedings depend upon the filing of a complaint by individual students, there is a perception that enforcement is inconsistent, with action being taken in some cases but no action in others which appear identical or analogous. This perception of uneven enforcement has decreased the general respect for

and support of these policies amongst many student groups, in particular for the Student Code of Conduct.

iv. Need for improved communication

28. Our consultations suggested to us that there has sometimes been a lack of appropriate communication between the University and students and between the University and student groups. In particular, many students seemed to lack complete information on procedures or policies relating to student life on campus. We have already noted the widespread lack of information regarding the Student Code of Conduct. The procedures around booking events under the Temporary Use of University Space policy, and the purpose of the policy itself, are also not clearly understood by many students. The channels being used by the University to reach students, such as Ylife or the York website, often do not appear to result in the relevant information being conveyed to students in a timely way.

29. Problems with communication were not limited to communication with students. It also seemed that there were at least some instances where there had been a lack of proper communication between the various University departments or units that deal with students or student concerns. For example, cases of apparent harassment or intimidation of students, even if reported to York Security Services, may or may not be reported to other organizations on campus in a position to follow up on the incidents in a timely way. This lack of horizontal communication between and amongst different offices or units on campus has reinforced the perception of a lack of consistent enforcement of University policies of interest to students.

v. Need for additional student space

30. A more generalized concern that was raised by a number of student groups, particularly the York Federation of Students and the Graduate Students Association, related to the lack of student study and social space on campus. It was noted that over the past decade, the student population at York has grown by more than 50 per cent. At the same time, the available study and/or social space available to students has proportionately decreased. This is because many of the spaces that had formerly been available for student use have been converted to academic or program use, in order to accommodate the increase in the overall size of the student body. This has resulted in a severe shortage of appropriate informal study or social space for students on the York campus. As the YFS underlined in their submission, the need for more social or study space on campus is a priority concern for York students.

III: Our Approach and Philosophy

31. Before turning to our specific proposals and recommendations, we believe it is important to set out certain background principles or assumptions that have emerged over the course of our discussions and deliberations which have guided the development of this Report.

32. The most important principle that needs to guide the action of the University on the matters considered by this Task Force is (from our Terms of Reference) the University's *unwavering commitment to fundamental values of free expression, free inquiry, and respect for genuine diversity of thought and opinion*. The core missions of the University are research, teaching and learning. We foster the scholarly and civic development of the University's students in a safe and secure learning environment. Preservation of academic freedom and free and open exchange of ideas and opinion for and by all members of the community through respectful debate are central to these missions.

33. It follows that universities are and should be sites of scholarly, intellectual and political engagement, places in which provocative questions can be asked which intentionally seek to disturb the status quo and which need to be raised free of intimidation and harassment. Universities are and should be places of controversy. Intimidation or harassment of members of the community in an attempt to limit their freedom of inquiry or expression of opinion has no place on a university campus. Fully respecting expressive freedom in a manner consistent with the laws of Canada means that points of view with which some or even the vast majority of us may disagree, which for some of us may even be intolerable, must be able to be raised and explored in a variety of academic and scholarly venues.

34. We affirm the principle that the University must be open to the widest range of reasoned debate and argument and that attempts to prevent such free academic inquiry, whether from other members of the University community or from external groups, are inconsistent with the purpose of the University.

35. Universities must also proactively protect free expression including speakers whose views may be deemed to be controversial. This is particularly important in our case because from the information we have been given, it seems that the most disruptive incidents that have occurred on campus, those which have interfered with classes (and which should be noted are fewer in number than the general impression that has effectively circulated in the media and even within our own campus) have occurred when rival groups attempt to 'shut down' one another. These are confrontations, in short, in which student groups attempt to stifle one another's expressive freedom through intimidating or harassing behaviours. These are also the events in which tensions are at their highest and in which the possibility of violence is the most pressing. Part of the protection of freedom of expression is the prevention of its abuse. Expression used to silence others is not defensible.

36. Some of these events seem also to have involved non-York community members who arrive on campus apparently for the express purpose of being involved in demonstrations or counter-demonstrations. Some of the information we received from University staff and administrators suggest that some groups welcome and even encourage these kinds of confrontations because of the media coverage it generates. Members of those groups insist, instead, that they seek to avoid these confrontations which they themselves view as unsafe and counterproductive to their own ends (which is 'getting word out' on an issue from one or another point of view). We need to create an environment in which students expressing a diverse range of political opinions can accomplish these goals and in turn live up to this commitment.

37. Some of the submissions we have received have questioned whether the expression of controversial opinions on difficult questions is appropriate in the classroom. Because the expression of controversial ideas and opinions is inherent in a university, such expression will obviously occur in classes on campus where relevant to the subject matter of the course. This is to be encouraged and expected rather than criticized. By the same token, all members of the community must remain open to dissenting views and it would be inappropriate and wrong in a university to prevent those with views different from our own from expressing themselves freely and openly, within the limits set by the laws of Canada. As students, faculty members and administrators, we affirm our commitment to an atmosphere of mutual respect, tolerance and open dialogue in York University classrooms.

38. As noted in the previous section of this Report, the submissions we received reflected a high degree of consensus as to the nature of the challenges in the learning environment for students on campus. Where the submissions diverged was on the nature of the proposed solutions to the concerns that were identified.

39. On the one hand, some of the submissions advocated what might be described as a permissive approach. Proposals of this type suggested that the problems on campus could be resolved through a minimalist approach to regulation, leaving students and other members of the community to effectively regulate their own behaviour. For example, some submissions suggested that the Student Code of Conduct should be repealed and that there was no need for a code or regulation of student behaviour on the part of the University. At the other extreme were proposals that focused exclusively on increased regulation, including prohibitions, sanctions, strict enforcement and penalties. Proposals of this type suggested that the difficulties on the campus could be resolved through the strict enforcement of existing rules and regulations, along with the creation of additional forms of regulation.

40. We reject both of these extreme positions and, instead, support a balanced approach. Our primary focus is on promoting more speech and expression, rather than less. We believe there need to be more and better opportunities for dialogue, debate and discussion on the York campus. We recommend a number of concrete ways in which such reasoned and genuine dialogue can be promoted. We also see the need for more student study and social space as a pressing need for students at York. At the same time,

we believe that there is a need for more effective enforcement of various policies and procedures, with a view to ensuring that all of our students are able to study and participate in a safe, secure and welcoming environment. We are optimistic that, through adoption of the balanced approach we describe, the difficulties that have been brought to our attention can be resolved and the learning environment for our students from all backgrounds and beliefs can be made more welcoming.

IV: Recommendations

(a) Fostering Greater Dialogue and Genuine Debate at York

41. We recommend the creation of a Standing Committee on Campus Dialogue (SCCD), composed of students, faculty and administrators, to foster and model the kind of genuine debate and dialogue appropriate to an institution of higher learning. The SCCD should have 8-10 members appointed by the President on the basis of an open and transparent nomination and application process. There should be an equal number of students and faculty/staff members and it should be co-chaired by a student and non-student. The central goal of this body would be to foster an inclusive exploration of important public issues from the widest possible range of perspectives. All members of the SCCD should be selected on the basis of their demonstrated commitment to the achievement of that objective.

42. A primary activity of the SCCD would be to regularly sponsor balanced and high quality discussions, debates, seminars and other academic fora on pressing and timely public issues of global, national and local importance. The SCCD would be provided with a budget in support of its activities, would sponsor and advertise at least one major event or activity on campus each term, and the academic events that it sponsors would be attended by senior University leaders, including the President or the Provost. The SCCD would also advise the President on other initiatives that might be undertaken to foster meaningful debate on campus amongst students, faculty and administrators on issues of public concern.

43. We recommend the development of an Intergroup Relations program at York to promote dialogue and social engagement between students from different groups, similar to successful programs in US and Canadian universities and NGOs (see Program on Intergroup Relations, University of Michigan (<http://www.igr.umich.edu>) ; Intergroup Dialogue Program, University of Maryland (<http://www.ohrp.umd.edu/WE/index.html>) ; Centre for Dialogue and Civic Engagement, Simon Fraser University (<http://www.sfu.ca/dialogue//study+practice/certificate.html>) ; Canadian Community for Dialogue and Deliberation (<http://www.c2d2.ca>); Intergroup Dialogue, Education and Action Centre, Univ. of Washington (<http://www.ssw.washington.edu/idea>) the Public Conversations Project (<http://www.publicconversations.org>) and the National Coalition for Dialogue and Deliberation (<http://www.thataway.org>). This will increase cross-group awareness, knowledge and understanding, resulting in collective engagement in lifelong action for progressive social justice.

44. We note that the Canadian Community for Dialogue and Deliberation (CCDD) is holding its 2009 Conference in Toronto, October 22-25. We recommend that the VP Students, the Office of Human Rights, other relevant University administrators, as well as interested members of the community explore the possibility of partnerships with the CCDD and other such organizations.

45. There are a variety of initiatives underway on other Canadian university campuses aimed at promoting greater dialogue or tolerance and encouraging a sense of global citizenship on the part of young Canadians. These initiatives promote discourse and foster increased mutual understanding between and among Canadian university students from different ethnocultural communities. We recommend that the University explore the possibility of introducing such initiatives at York, potentially in partnership with other universities or with other organizations involved in promoting such efforts.

46. The University should consider creating an annual Award to recognize a student who demonstrates a strong commitment to fostering intercultural awareness and constructive dialogue between students on campus.

(b) Student Space

47. The need for more undergraduate and graduate student space for study and social purposes is one of the highest priorities for students on the York campus. Over the last decade, significant areas that were formerly used or reserved for student use have been converted to other purposes.

48. We recommend a moratorium on conversion of student space to other uses pending a comprehensive review of student space on campus and a plan to develop more student space in the future. This comprehensive review should be undertaken on a priority basis and include the direct participation of students and student governments. The review should consider existing space that could be converted to, or better adapted, or made available for student use as well as the possibility of adding or constructing new student space.

49. We recommend that the University make it a priority to allow Scott Library to remain open 24 hours a day to the greatest extent possible throughout the two main academic terms. The feasibility of extended hours at the other libraries and computing facilities on campus should be investigated. Sufficient security should be provided to students making late use of such facilities on campus.

50. The mortgage for the Student Centre will be paid off in 2012. This means that the student capital levy that has been used to fund the mortgage could be utilized for the development of additional student space. We recommend that the University engage with the Student Centre Corporation to discuss ways in which the student capital levy could be utilized in the context of a longer term space plan for students at York.

51. The student space plan should take into account the fact that the subway may significantly reduce or eliminate the need for public transit buses on campus, making it possible to repurpose some of the roadways that are currently used for buses.

(c) Temporary Use of University Space (TUUS) Policy

52. Respect for the procedures around booking of space on campus is essential. These procedures are designed to protect the rights of users of the space, as well as others whose rights or activities might be infringed or unreasonably impeded by particular uses. At the same time, the procedures must be fair, not unduly onerous or bureaucratic, and applied in a transparent manner. As noted in the previous section of this report, the University is committed to the widest range of debate on issues of public concern. The TUUS policy should be administered consistent with this commitment to free expression.

53. Meetings or other activities should be assigned to spaces suitable for the planned event, based on the numbers of attendees, the structure or format, concerns over security, etc. At the same time, as described in the previous paragraph, access to space should not be determined on the basis of the content of what is to be discussed at the event in question and must not be used to dissuade or prevent discussion of controversial topics from taking place. All events must be booked however; otherwise sanctions must be imposed (proportionate to the size and the nature of the event and proportionate to whether the organizers are aware of the policies).

54. The procedures surrounding the booking of space on campus through the Temporary Use of University Space Policy should be streamlined and simplified. An on-line procedure should be implemented which will allow those wishing to book space to do so electronically. Efforts should be made to shorten the time needed to assess and process requests.

55. We support continued utilization of local reservation agents for booking space within individual faculties or units.

56. Any cancellations of space bookings by the University should be in accordance with a fair and transparent procedure. The grounds for cancellations should be set forth in the TUUS Policy, and in cases of cancellations there should be timely notification to users.

57. There needs to be greater communication with student groups regarding policies and procedures for booking space on campus.

(d) Student Code of Conduct

58. The Student Code of Conduct fulfills an important purpose at York. It is designed to protect students and others in the community and ensure a safe campus and an appropriate learning environment for all members of the community. It was produced through an extensive consultative process involving public fora, focus groups and a working committee that included representatives of student governments, faculty and staff. Over 2500 individuals had input into the creation of the Code and of those who participated in its development, 95 per cent were students. The fundamental principles of respect and safety emerged out of the consultation process, and these tenets are reflected throughout the Code and its provisions. Also pervasive are the values of civility, diversity, equity and respect. The Code calls on students to help make York a safe

learning environment, to support the dignity of individuals and groups, and to uphold essential freedoms. Students serve not only as members of all tribunals in the adjudication process but also as peer mentors to disseminate information to other students on the Code of Conduct.

59. Nevertheless there is a concern amongst some student groups that the Code may unduly limit student freedom or rights of dissent. We believe that a Student Code of Conduct that focuses only on negative conduct by students is incomplete and that the Code could be strengthened and made more complete by moving beyond a focus on negative conduct by students. We recommend that the Student Code of Conduct be amended to include certain student rights, and the Code should be renamed the Student Code of Rights and Responsibilities (SCRR).

60. The SCRR should recognize fundamental student rights including: the right to free expression, association and mobility on campus; the right to participate in all University activities free of harassment, disruption, intimidation or discrimination on prohibited grounds; the right of freedom of thought, conscience, and inquiry; the right of freedom to engage and participate in dialogue and to examine diverse views and ideas; the right to a fair process in any University proceeding determining his/her rights and obligations; and a procedure to enforce such rights when violated.

61. We recommend that the President create a procedure for consulting widely with students and members of the community with a view to developing the SCRR during the current academic year. This consultative process should be similar to the process that was utilized in developing the Student Code of Conduct, and involve students, student governments, staff and faculty. The revised SCRR should be broadly publicized to students through an annual awareness campaign so that they have an understanding of their rights and responsibilities.

62. We recommend that the Office of Student Conduct and Dispute Resolution be renamed to more accurately reflect the recommendations that are made by the Task Force.

63. The University administration, YFS and the GSA should consider the possibility of jointly establishing a student ombudsperson, who would have a mandate to advise and advocate for students in relation to academic and non-academic matters involving students. The student ombuds could be associated with an existing organization on campus, such as the Community Legal Aid Services Program (CLASP), and would prepare an annual public report on his/her activities. The student ombuds would report to a unit or body with representation from the administration, the GSA, and YFS.

(e) More effective communication with and between students

64. Students do not receive enough information about matters of interest to them at York in ways that are easily accessible. We recommend that the University make greater

and more effective use of online media (YouTube, social media such as Facebook and Twitter, RSS feeds, podcasts) to communicate with students. There should be more celebration of student achievements and acknowledgement of successes of all York community members and attention should be paid to the location of such information on the web.

65. We recommend the installation of electronic bulletin boards at central locations on campus that can be used to provide information to students regarding University activities or other matters of interest. We also recommend the provision of additional space on campus where students can post flyers or posters in accordance with the University's Postering Policy. In particular, we support the creation of one or more community "marketplace" bulletin boards in strategic locations on campus that will allow students and other members of the community to post information, notices, posters or other matters of interest.

66. We recommend a more visible and enhanced information booth in or near Vari Hall, in place of the current operation in the Vari Hall/Ross Building link, to provide information of interest to members of the community as well as visitors.

67. Although there has been an increase in the posting of campus maps in recent years, this should be reviewed in order to assess whether additional maps should be provided in high traffic locations on campus, including in Vari Hall.

68. In certain circumstances, it may be appropriate to make greater use of email to communicate with students on matters of particular concern. However we recognize that any increase in the use of email must be carefully considered in order to avoid overburdening students with information. The University should consider whether more targeted use of email to specific groups of students who may be interested in particular subjects could be utilized.

(f) Vari Hall

69. Given the concerns over lack of student social and study space noted earlier, we recommend that the President establish a process that will result in better use of Vari Hall as a student space, both the rotunda as well as the balcony areas. The kinds of possible uses could include a student lounge(s), food service(s), cultural displays, information services, or a forum for debate and dialogue. In the event that any of these uses generates revenue, this revenue should be used to fund student activities, either in Vari Hall itself or elsewhere on campus. An opportunity should be provided to members of the community to propose and debate designs for the better use of the Vari Hall rotunda as a student space. Students and other members of the community should be provided with a transparent and open means (i.e., through an online voting procedure) through which they could review and select the preferred design(s) for making better use of Vari Hall for students. Recognition for the creator(s) of the winning design(s) should be provided.

70. An outdoor venue should be developed in a central area of the campus for demonstrations and other major public events that are inappropriate for an indoor venue. Such a space would be bookable through the TUUS policy. The University should work with students and student organizations such as the YFS and the GSA on the development of such a venue to ensure that it meets the needs of students.

(g) Better Enforcement

71. There are significant safety and security concerns amongst many members of the York community, particularly students. As is indicated by a survey conducted by METRAC pursuant to the safety audit currently underway (the survey results having been shared with the Task Force), these concerns relate both to personal safety as well as community safety. A safe and secure learning environment is very important for our students, as well as other members of the community. We believe that these safety and security concerns need to be addressed through an enhanced role for York Security Services and, generally, more effective enforcement of University policies relevant to personal and community safety on campus.

72. As noted above, respect for the procedures around booking of space on campus is essential. Where violations of the TUUS policy occur, York University Security Services should inform those involved of the requirements of the policy, request that the activity cease and, if it continues, serve a notice of violation. These notices and a report should be filed with and followed up by the appropriate office.

73. The Student Code of Rights and Responsibilities needs to be enforced in a fair and transparent manner. York Security Services need to take a proactive approach in enforcing the SCRR. Where they observe an apparent violation of the SCRR they should request that the activity cease, serve a notice of violation (if appropriate or feasible) and, in any event, file a report on the incident with the appropriate office. These reports should serve as a sufficient basis to initiate enforcement proceedings under the SCRR.

74. Consideration should be given to reducing the time required to adjudicate complaints under the SCRR, e.g. the hiring of trained, third party, external adjudicators to assist in complex, difficult cases where a timely response is important, or where concerns over impartiality and independence are particularly important. A communication/awareness plan needs to be developed to ensure that students are aware of their rights and responsibilities under the SCRR. Orientation programming in the Colleges could assist with the awareness campaign.

75. In the event that these changes do not adequately address the concerns regarding the proper enforcement of University policies, the possibility of seeking the appointment of York Security Services as Special Constables under the *Police Services Act* should be considered. Special Constables have the authority of a police officer, and can enforce federal and/or provincial laws, within a defined territory (such as a university campus). The benefit of conferring enhanced policing powers on a university security service is

that it may reduce the need for municipal police officers on the University campus. The security services at a number of other Ontario universities, including the University of Toronto, the University of Western Ontario, and University of Waterloo, have been appointed as Special Constables.

76. Consideration should be given to creating a student emergency response team on the York campus. The mandate of such a team would be to provide first-aid response on campus, as well as to increase first-aid awareness within the York University community. The role and function of such a team should be explored with interested students and student organizations, the York University Security Services (where students already play an important role in campus security as Student Safety and Parking Officers) and draw on the experience with such response teams on other Canadian university campuses.

77. As noted in an earlier section of this report, the free and open exchange of ideas is the lifeblood of the University. This requires protection for the expression of controversial, critical or unpopular ideas. It is inappropriate and unacceptable in a university to attempt to disrupt, shut down or prevent the free exchange of ideas deemed unpopular or unacceptable by some members of the community. Where disruptions involve members of the community, they should be dealt with through the applicable dispute-resolution processes in a fair manner, with a view to ensuring that such activities do not occur in the future. Where disruptions arise from activities of non-members of the community, the University should utilize the legal means at its disposal, including the *Trespass to Property Act*, to ensure that such individuals are not permitted on campus in the future.

(h) Organizational Change

78. There is a perception that the University is not paying adequate attention to issues of relationships between ethnic/cultural groups on campus. Creating an officer that is charged with issues around cultural awareness and anti-racism training would address this perception. The person should take a proactive approach and reach out to groups before conflicts arise. It would also provide us with an opportunity to continue to examine issues of cultural relationships on campus and to provide services to groups that require assistance (e.g., training for York Security Services). This officer could also support and initiate dialogue that promotes the sharing of ideas around challenging and sensitive issues.

79. Better horizontal coordination and communication needs to be established between the York University Security Services, the Centre for Human Rights, and the office of Student Conduct and Dispute Resolution (SCDR) especially when a member of the York community files a complaint. Consideration should be given to locating these offices in closer physical proximity to each other. The Centre for Human Rights needs to work more closely with Security Services to identify and/or prevent violations, as well as address those that may occur under the Ontario Human Rights Code.

(i) External Groups

80. Non-community members must more assertively be restricted from access to campus when they violate University regulations through first a written warning and, if there is a failure to comply, restrictions on access to on-campus events through the use of the *Trespass to Property Act*. We note that demonstrations by non-York community members should not be permitted on the York campus. These expectations and requirements with respect to non-York community members should be widely communicated and consistently enforced.

(j) Education and Training

81. The University has an obligation to foster an environment open to free inquiry and diversity of viewpoints amongst students and faculty. The University should undertake to provide greater awareness within the classroom of the importance of creating and maintaining “an environment where ideas are challenged, not attacked; an environment where every member of this community feels welcome and respected” (President’s statement to Senate, June 18/09). This commitment to the free exchange of ideas in the classroom should be incorporated in TA training programs as well as new faculty day.

82. We support anti-oppression training for all members of the community including students, faculty and staff to create greater awareness of issues of racism, gender and human rights issues generally on campus, and see the proposed human rights tutorial, as well as the Respect and Inclusivity training for Residence Dons and Orientation leaders, as important first steps. The Centre for Human Rights should work closely with other groups on campus, e.g. YFS, GSA, SC&LD, Colleges, Centre of Support of Teaching, Human Resources, and clubs to create greater awareness of the significance of these issues on campus.

V: Conclusion

83. The student experience at York University is, on the whole, a positive one. Our students are provided with a learning environment that encourages and contributes to their intellectual and social development and prepares them for active participation in today's society. Nevertheless, certain conflicts and tensions have emerged in the recent past – primarily relating to the ongoing conflict in the Middle East that have been characterized by excessive direct conflict between students, attempts to silence or delegitimize opposing views and, generally, a failure to engage in the kind of reasoned debate appropriate for a university campus. The President created this Task Force in order to consider how these tensions might be reduced and the climate for students improved.

84. We have worked together by consensus over the past five months to develop a series of recommendations which we believe will begin to address these concerns. In developing these recommendations we have attempted to chart a balanced position between, on the one hand, a permissive approach (in which students are largely expected to regulate their own behaviour) and, on the other, a regulatory approach (relying on prohibitions, sanctions and penalties).

85. The balanced course that we propose focuses first, and primarily, on creating ways to promote genuine and respectful debate on campus. We propose the creation of a Standing Committee on Campus Dialogue that will proactively create additional opportunities for reasoned and respectful debate. We believe that the Student Code of Conduct should be expanded to include student rights as well as responsibilities. We also identify the need for additional student study and social space as a priority need for York students. We have also recommended a series of institutional changes, including enhanced communication, the creation of a cultural awareness and anti-racism officer, as well as a student Ombudsperson.

86. In addition, we also have found there needs to be better enforcement of York's policies and procedures, such as the Student Code of Conduct and the Temporary Use of University Space policy, that play a key role in ensuring a safe and secure campus environment for students (as well as other members of the community). We propose specific changes in enforcement procedures that will produce more consistent outcomes and ultimately increase the sense of security amongst those students on campus who have felt intimidated or threatened by recent events.

87. The members of this Task Force are a diverse group of students, faculty and administrators, representing a wide range of viewpoints and perspectives, and we recognize that this Report will not be the final word on the issues and concerns that we have considered. Nevertheless, in the time we have had available to us we have succeeded in fashioning a report that reflects the strong consensus of the group. We believe that the fact we have been able to come together and find common ground in this way is a reflection of the fact that the York community remains a vibrant one with a shared commitment to the welfare of our students and of the University as a whole. We

submit this report to the President with a continuing respect and optimism for York University's future.

TASK FORCE ON STUDENT LIFE, LEARNING & COMMUNITY
August 31, 2009

VI: APPENDICES

Appendix A Terms of Reference

Terms of Reference of the Task Force on Student Life, Learning & Community

Since its founding, York University has been committed to diversity, social justice and challenging the status quo, as exemplified by our motto: "The way must be tried". York has always celebrated the diversity of the community and, while the free exchange of ideas has at times been lively and even heated, it has generally been conducted in an atmosphere of civility and respect for differing opinions. Yet recent events on campus have raised serious concerns over whether our most cherished values and commitments are being undermined by excessive conflict, intolerance and even intimidation.

As an institution of higher learning committed to the free exchange of ideas, a university has a responsibility to ensure that all members of the community can pursue their academic activities in an environment free of intolerance, harassment or intimidation. Given the recent events and concerns that have emerged within the York community, the president has created a Task Force on Student Life, Learning & Community, chaired by the provost-designate, to examine the current learning environment for students at York.

The task force will consult broadly with the community, with a view to developing principled recommendations that reflect this University's unwavering commitment to fundamental values of free expression, free inquiry and respect for genuine diversity of thought and opinion.

The task force will examine the broad spectrum of student life, the learning environment, and student community at York University, with special attention to the relationships between and among students, as well as between students and other parts of the community. Without limiting this mandate, the task force will review in particular the following matters:

1. Are the University's current policies and practices adequate to ensure that the free exchange of ideas can occur in an environment free of discrimination, harassment or intimidation?
2. Are there measures that can and should be undertaken to enhance the learning environment for students at York, both inside and outside of the classroom?
3. How do we provide opportunities for students to be intellectually challenged, exposed to provocative issues and discussions, and encouraged to examine their beliefs and decisions?
4. Are the University's current policies and practices regarding the use of community space by individuals and groups appropriate?; and

5. How should the University respond to incidents or behaviours that do not meet the community's expectations with respect to tolerance of and respect for diversity of views of members of the York community?
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Appendix B Task Force Membership (with affiliation at the time of appointment)

Patrick Monahan, Dean of Osgoode Hall Law School and Vice-President Academic and Provost Designate (Chair),

Marie-Hélène Budworth, Professor, Atkinson Faculty of Liberal Arts & Professional Studies

Paul Delaney, Professor, Faculty of Science & Engineering

Asma Fatehi, Undergraduate Student, Faculty of Arts and Faculty of Education

Seth Feldman, Professor, Faculty of Fine Arts

Nimmy George, Undergraduate Student, Atkinson Faculty of Liberal Arts & Professional Studies

James Murayama, Graduate Student, Faculty of Arts

Elena Prager, Undergraduate Student, Schulich School of Business

Saeed Rahnema, Professor, Atkinson Faculty of Liberal Arts & Professional Studies

Aaron Rosen, Undergraduate Student, Faculty of Health

Rob Tiffin, Vice-President Students

Sandra Whitworth, Professor, Faculty of Arts

Denise Williams, JD Student, Osgoode Hall Law School

Marty Williams, Senior Policy Analyst, Vice President Students (Administrative Support to Task Force)

Appendix C List of Individuals or Organizations that submitted written briefs

Afriyie, Akosua	Jamil, Zaria	Perlis, Morris
Aiken, Sharryn	Khalidi, Amal	Prutschi, Edward
Barbera, Andrea	Khan, Zahran	Roth, Jonathan
Benda, Stan	Kissendal, Andrea	Ryder, Bruce B.
Brainis, Ruth	Koldorf, Amir	Samole, Sarah S.
Broadley, Steven	Lackie, Elyse	Saravanamuttu, Krisna
Camenzuli, Adam	Launchbury, Samantha	Schacter, Aaron
Caporiccio, Marc	Launchbury, Shane	Selvasivam, Darshika
Cappadocia, Frank	Lawee, Eric	Shah, Sameem
Cerjanec, Robert	Levy, Yoni	Sharma, Amrisha
Dalton, Jennifer	Lim, Louis	Silver, Paula
Drummond, Susan G.	Lobel, Tom	Solomon, Jay
Durocher, William	Lockshin, Martin	Spiegel, Miryam
Ehrlich, Carl	Lowry, James	Spiro, David
English, Howard	Malcolm, Sandra	Stettner, Shannon
Feagan, Mathieu	Masri, Mazen	Schoenfeld, Stuart
Ferman, Daniel	McLeod, Phyllis	Vance, Chris
Freeman-Maloy, Dan	Mills, Jennifer	Vijayakumar, Tharshan
Golden, Tyler	Mir, Shahbaz	White, Kevin
Green, Leslie	Morgan, Ed	Winer, Reesa
Holloway, Kelly	Morris, Kevin	Wong, Gail
Horowitz, Sara	Mustafa, Ali	Woods, Alastair
Ikram, Fazila	Peart, Staci	Zimmerman, Jesse
Jaggernaut, Christopher		

Centre for Human Rights

Graduate Students Association

Organizing Committee for “*Israel/Palestine: Mapping Models of Statehood and Paths to Peace*” conference

Student Community & Leadership Development

Student Conduct & Dispute Resolution

Students Against Israeli Apartheid

Thaqalayn Muslim Association at York University

The Commission on the Quality of Life for Jewish Students at York University

York Federation of Students

Appendix D Individuals or Organizations that met with the Task Force

Concordia University
Frank Cappadocia, Director, Student Community and Leadership Development
Glendon College Student Union
Glenn Craney, Executive Director, Office of Institutional Research and Analysis
Graduate Students Association
Hillel at York
Michael Markicevic, AVP Campus Services and Business Operations
Muslim Students Association
Noël A. J. Badiou, Director, Centre for Human Rights
Professor Jamie Cameron
Professor Pat Bradshaw
Professor Susan Dimock
Professor Thomas Kuttner, Faculty of Law, University of New Brunswick
Ryerson University
Shadell Permanand, Director, Student Conduct and Dispute Resolution
Steve Dranitsaris, Senior Executive Officer, VP Finance and Administration
Students Against Israeli Apartheid
University of Toronto
York Federation of Students
York University Black Students Alliance