

# Initiative on Open and Respectful Dialogue

IMPLEMENTATION GROUP  
REPORT

DECEMBER 31, 2020

YORK 







## INTRODUCTION

In May 2020 the Initiative on Open and Respectful Dialogue Working Group provided its Final Report to President Lenton, in which a series of recommendations were presented to ensure that future events at York University are consistent with the university's policies and procedures. In making its recommendations, the Working Group was guided by the need to "balance our commitment to our free speech policy while at the same time ensuring a safe and respectful environment where community members are able to gather and express diverse views".

Integral to the Working Group's report were the recommendations made by independent reviewer, the Honourable Thomas A. Cromwell C.C., retired Supreme Court of Canada Justice. The Working Group recommended that President Lenton accept recommendations in the Cromwell Review and undertake that the University implement all of the recommendations therein. The recommendations set out by the Independent Reviewer and the Working Group were both accepted by President Lenton (Rec. 1).

The Implementation Group was formed, as per recommendation 2, and created a Terms of Reference that mandates them to oversee the implementation of the recommendations. The Implementation Group is co-chaired by Vice-President Equity, People and Culture, Sheila Cote-Meek, and Vice-Provost Students, Lucy Fromowitz. Membership of the group includes individuals working in areas responsible for the policies/procedures/guidelines identified in the Cromwell Report and/or the Working Group Final Report. In order to differentiate the various recommendations that have been made going forward, our reports will refer to recommendations from the Cromwell Report as "CR recommendations", and to those articulated by the Working Group as "WG recommendations". When referencing the recommendations as a collective, we will simply refer to "the Recommendations".

The Implementation Group committed to reporting on our progress to President Lenton on a quarterly basis (Rec. 3). The quarterly reports will focus on key areas of implementation undertaken in that quarter, rather than reviewing incremental progress on each individual recommendation. Further, the Report will be future-focused and identify key areas of implementation anticipated for the next quarter.

The report that follows is the second quarterly report ending December 31, 2020. Our next report will be on activities to the end of March 2021.

The first quarterly report (September 30, 2020) focused on the initial activities of the group including policy review, drafting and consultations.



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## PRINCIPLES

Immediately following the events of November 20, 2019, York University reiterated the four guiding principles which all groups and individual members of the York community are expected to follow. These Principles are an important guide to the Implementation Group and support our work in realizing York's commitments.

**WE RESPECT THE RIGHT TO FREE SPEECH AND THE FREE EXCHANGE OF IDEAS:** York is committed to the fundamental values of free expression, free inquiry and respect for genuine diversity of thought and opinion. It is the right of all community members and invited guests to express their views within the law and without fear of intimidation or harassment.

**SAFETY IS FUNDAMENTAL:** Every member of the York community must be and feel safe on our campuses. Students, faculty including contract faculty, and staff have the right to fully participate in all facets of university life without harassment, intimidation, threats, disruption or acts of violence.

**WE HAVE NO TOLERANCE FOR DISCRIMINATION:** Targeting any member of the York community based on their race, religion, national origin, or any other identified characteristic is unacceptable and will never be tolerated.

**WE ARE ALL RESPONSIBLE:** Every group and individual member of the York community must uphold these principles. There is a collective and individual responsibility to protect the rights of every member of the York community to a safe environment in which ideas can be freely exchanged.



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## IMPLEMENTATION – HIGHLIGHTS (Q2)

During the second quarter (ending December 2020) the Implementation Group focused on the following:

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### 1. Community Safety

There are a number of recommendations related to Community Safety operating procedures which overlap and complement changes to the Temporary Use of University Space Policy (TUUS).

#### Recommendation:

*The University should endorse the principle that that security measures will be appropriate when: a) they are based on objective risk assessment which is founded on reliable information; and b) they are the least intrusive measures that will satisfactorily mitigate the identified risk. (CW 5.2)*

*The University should develop and publish a list of criteria informing its risk assessment process. All advice to the senior administration about the risk posed by an event should be provided on the basis of the assessment of these criteria. (5.3)*

*The University should develop and publish a suite of security measures, in ascending order of intrusiveness that can be applied to mitigate the risk associated with an event. (CW 5.4)*

*The University should implement a requirement for meetings between protest organizers and members of York's Community Safety department. The substance of what is discussed at those meetings should be documented by Community Safety and the notes made available to the senior administration as needed for planning and review purposes. (CW 5.6)*

*The University should clarify its policies to explicitly prohibit outside security personnel, including volunteer security, on campus without written permission from the University. The policy should be clear that these restrictions do not apply to those carrying out administrative roles or to marshals drawn from the University community that protestors and counter- protestors have appointed to ensure appropriate discipline within a protesting group. (CR 5.7)*

*At future events Community Safety undertake an immediate investigation and bring forward complaints under the appropriate regulation or policy in an expeditious manner. Also, that Notices of Trespass be delivered by Community Safety with respect to non-community members in a timely manner including during the event. (WG 4)*

#### > Action:

Community Safety has engaged in a full review of its Standard Operating Procedures (SOPs) to address recommendations related to pre-event engagement with event and protest organizers, re-enforcing York's responsibility for safety during events and event risk assessments. Draft of a revised SOP is underway. Where appropriate the TUUS policy and procedures have been strengthened or reviewed to ensure that these recommendations are addressed.





### **Recommendation:**

*For the one known non-York Community member identified who we reasonably believe committed an assault, Community Safety prepare a Notice of Trespass under the Trespass to Property Act and be prepared to deliver a copy of the Notice to the individual should they return to campus or if current location can be obtained, deliver a Notice immediately. (WG 5)*

### **> Action:**

Community Safety has prepared the Notice of Trespass under the Trespass to Property Act and is prepared to deliver a copy to the individual should they return to campus or a current location is obtained.

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## 2. Review and Draft Amendments - Policies/Procedures/Guidelines

### Recommendation:

*Staff Responsible for specific policies continue their review and to incorporate the recommendations set out in the Cromwell Review. Draft policies may be circulated for input from appropriate stakeholders, including the Freedom of Speech Working Group, where appropriate. Draft policies should be reviewed by the University Secretariat to ensure continuity within and amongst all York University Policies. (WG 3)*

### > Action:

York Administrative Staff continued to review and draft amendments for the following policies/procedures/guidelines:

- Postering Guideline
- Temporary Use of University Space Policy and Procedures
- York University Student Club Recognition Rules
- Policy on Human Rights

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### i) Postering Guidelines

#### Recommendation:

The Postering Guidelines should be clarified and amended as detailed in the text of this Review. (CR 2.2)

### > Action:

Following the drafting of the new Postering Guidelines and procedures consultation began with key community stakeholders. Staff responsible for the review are now reviewing the feedback and incorporating changes.

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### ii) Temporary Use of University Space Policy and Procedures (TUUS)

There are a number of recommendations focused on amendments to the TUUS Policy and Procedures. The recommendations have been grouped together and illustrate the comprehensive review of the Policy and Procedures.

#### Recommendations:

*The TUUS Procedure should be amended to address the issue of security costs as detailed in the text of this Review. (CR 2.3)*

*The University should establish a more robust and clearly defined triage capability as part of the TUUS application process. (CR 4.3)*

*The University should clarify whether the TUUS process applies to organized protests and that the limitations on use of sound amplification equipment apply to protestors as well as participants. (CR 4.5)*

*Under the TUUS policy and procedure create a mechanism to allow York University to limit attendance to current York community member attendees. The TUUS policy and procedure should set out clear criteria when such limitations are necessary. (WG 7)*

*The University should create a policy framework establishing when it may refuse to provide a space for an event, including cancellation of a previously approved event. The policy should include a number of elements explored in the review. (CR 4.1)*

*The University should create a policy framework setting out the circumstances under which it may postpone a planned event. The policy should address a number of parameters explored in this review. (CR 4.2)*

**➤ Action:**

Following the extensive review of the TUUS Policy and Procedures stakeholder consultation was undertaken. That feedback is now being incorporated into the draft policy and procedure and it is anticipated that the Final Draft will be ready for approval in Q3.

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### **iii) Discrimination and Harassment Policy**

**Recommendation:**

*The University should develop a clear policy framework defining what constitutes racism, harassment and discrimination, particularly in relation to extra-curricular activities and conduct by student organizations. (CR 3.1)*

**➤ Action:**

Stakeholder consultation has begun with particular efforts to seek input from a variety of community members. That feedback is being incorporated, including sustainability measures, into the Final Draft. We anticipate that the Final Draft will be brought to the Board of Governors at its May 2021 meeting for review and approval.

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### **iv) Presidential Regulation 4**

**Recommendation:**

*Presidential Regulation 4 be updated to provide a clear understanding of roles and responsibilities for student organizations coupled with a transparent enforcement process consistent with the principles of natural justice. (WG 6)*





### ➤ Action:

At the President's request, the Vice-Provost Students and the Executive Director Student Engagement have undertaken a consultation process with student organizations to explore the principles related to Presidential Regulation 4. Through these consultations and open fora, they heard directly on aspects that are working well and areas for clarification and improvement that should be considered in the revised draft regulation.

More information on this process may be found at: <http://vp.students.yorku.ca/presidential-regulation-four>

The consultations are concluding with a draft regulation forthcoming. Once the draft is released, we anticipate that additional consultations will begin in Q2.



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### 3. Education Initiatives

There are several recommendations that call upon York University to develop education initiatives for students, student organizations and other community members. The recommendations addressed in Q1 are noted below in Appendix “A”:

#### Recommendation

*Opportunities for faculty to engage in co-teaching courses in Jewish and Islamic studies, a joint lecture series or other intersectional learning opportunities. (WG 8)*

*Training and educational resources be developed for students:*

- *Hosting successful events*
- *Understanding roles, rights and responsibilities under the various policies*
- *Understanding Human Rights and the enforcement of those rights within the York environment*
- *Understanding the contribution to inclusive environments*
- *How to engage in respectful dialogue while also navigating challenging conversations*
- *Understanding the role of civility and how it can co-exist with freedom of expression*
- *Understanding the parameters (WG 9)*

*That all student organizations engage in yearly training on the following:*

- *Roles, rights and responsibilities under the various policies*
- *Hosting successful events (W10)*

#### > Action:

Through the ongoing collaboration between the Centre for Rights, Equity and Inclusion and the Student Community and Leadership Development office the following two workshops have been developed:

##### ▪ Allyship and Inclusion Part 1

Through a series of engaging activities and reflection exercises participants who take part in this workshop will be able to:

- Contextualize their social location based on their identity.
- Deepen their understanding of allyship on a personal and institutional setting.
- Practice active allyship and develop strategies to have brave conversations.

##### ▪ Respectful Dialogue Across Differences

Through a series of engaging activities and reflection exercises participants who take part in this workshop will be able to:

- Identify personal limitations to engagement in dialogue across differences.
- Identify what they need to engage in meaningful conversation through respectful dialogue without the intention of persuasion.
- Develop personal strategies to manage emotions in order to look past individual differences and hear the humanity of someone's lived experiences.

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## NEXT STEPS

For the next quarter (January to March 2021) the Implementation Group will be focused on the following:

- **POLICY CONSULTATION, DRAFTING AND APPROVAL** – consultation will continue throughout Q3 on a variety of amended policies and procedures. Feedback to be incorporated with the view to have Final Drafts prepared for review and approval in Q3 and Q4.
- **PRESIDENTIAL REGULATION NUMBER 4** – draft revisions to the Regulation and complete consultation with the York Community
- **EDUCATION INITIATIVES – WORKSHOPS** “Allyship and Inclusion Part 1” and “Respectful Dialogue Across Differences” offered to the student community. Development of the following workshops continues:
  - Freedom of Expression and Protest
  - Collaborative and Responsible Hosting of Events
  - Allyship and Inclusion Part 2