

YORK 

# The Guide to Freedom of Expression

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for Student Organization Events



## Overview

The aim of this guide is to assist student organization's event planners at York University to understand freedom of speech and expression at York University: what it is, what its limits are, and considerations for promising practices for a safe and accessible event experience.

## Key Principles



- York University protects and supports freedom of speech and freedom of expression.



- York University recognizes, within limits, the rights to offensive and controversial expression while securing the freedom not to listen, and the ability to protest.



- York University recognizes that freedom of expression is always subject to reasonable limits.



- York University recognizes that all forms of expression do/may have both personal and community impact.

# Defining Freedom of Speech (Expression) at York University

**KEY PRINCIPLE:** York University protects and supports freedom of speech and freedom of expression.

The University’s Statement of Policy on Free Speech defines “freedom of speech” broadly as “the right to **seek, receive, share and impart information and ideas of all kinds**, in a variety of forms, including orally, in writing, in print, and in the form of art or music, or through any other media of one’s choice.” This definition recognizes that speech can be expressed in many different forms. This guide will use the phrase “freedom of expression” to make it clear that expressive activity is not limited to speech.

“Expression” includes any activity that **conveys or attempts to convey a meaning**, and freedom of expression broadly protects such expressive activities. These can include, among other activities:

- speeches
- music
- sit-ins
- carrying signs and billboards
- postering
- art
- dance
- handing out leaflets
- protesting



# Limitations to Freedom of Expression at York University

**KEY PRINCIPLE:** York University recognizes that freedom of expression is always subject to reasonable limits.

Broadly, the freedom of expression is not without certain limitations. **These limits exist to prevent harm.** These limitations are ‘reasonable’ where they allow the broadest amount of freedom of expression without inhibiting the real safety of individuals or the legal and planned objective of an event. A non-exhaustive list of examples of legal limitations on expression is included below.

In addition, at York University, there are limits on expression that are incompatible with the statutory mandate of the institution. The objects and purposes of York University, as set out in its [governing statute](#), include the advancement of learning and the dissemination of knowledge, as well as the intellectual, spiritual, social, moral and physical development of its members and the betterment of society. Some kinds of expression are inimical to and destructive of these objectives and are therefore limited at York University.

Examples of these limitations on expressive activities at York University include:



1. unprotected expressions, and



2. the creation of an intimidating and hostile environment



## Unprotected Expressions

The following examples of expressive activity exceed the limits of free expression *and are prohibited at York University:*

- **hate speech**, including speech that vilifies the targeted group by:
  - blaming its members for the current problems in society
  - alleging that its members are a “powerful menace”
  - alleging that members of the group are carrying out secret conspiracies to gain global control or plotting to destroy western civilization
  - suggesting its members are engaged in illegal or unlawful activities
  - suggesting that its members are themselves illegal or unlawful, such as by labelling them as “pure evil”
  - describing its members as animals or as subhuman, or calling into question whether group members qualify as human beings



- **violence or threats of violence**, including intimidation designed to instill a sense of fear in its recipient
- **harassment** (engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome), including:
  - physical harassment
  - sexual harassment
  - harassment through digital means
  - stalking
  - hazing
- **advocacy of genocide**
- **discrimination** against or promoting hatred against an identifiable group

- expressive activity that is **directly incompatible with the objects of York University**, which include the advancement of learning, dissemination of knowledge and the betterment of its members. This includes expressive activity that:
  - degrades, denigrates or vilifies persons or groups
  - harasses persons or groups
  - creates an **intimidating or hostile environment** for York University members such as by bullying or engaging in a course of vexatious or bad faith comments or conduct
- conduct otherwise creating an intimidating or hostile environment to members of York University



Such expressive activity is not protected regardless of the medium in which it is expressed, including whether that is in-person, through visual or audio media (such as signs, posters, and songs), on an internet platform or social media, or through telephone, broadcasting or other audible or visible means.

As set out in the [Code of Students Rights and Responsibilities](#), *in exercising their freedom of expression, York University students have the responsibility to behave in a way that does not harm or threaten to harm another person's physical or mental wellbeing and the responsibility to uphold an atmosphere of civility, honesty, equity, and respect for others, thereby valuing the inherent diversity in the University community.*

## The Creation of an Intimidating or Hostile Environment



Members of the York Community are **entitled to express points of view or opinions that are controversial and offensive**, and which others may find uncomfortable and disturbing. Free and open inquiry and debate are essential to the advancement of learning and the achievement of York University's aims.

However, if the expression moves from advocacy for a particular view to targeting persons or groups on the basis of that view, it creates an **intimidating and hostile environment** and exceeds the limits of free expression. The creation of an intimidating or hostile environment is **prohibited** at York University.



**\* Example:** Students who express a political position that other students find disagreeable, or distressing would still be protected by freedom of expression. However, if the students advocating that position began to target those who disagreed by bullying, harassing, or otherwise repeatedly engaging in bad faith comments or conduct, that expression is not protected.

## Offensive and Controversial Expression: the rights to express, not to listen, and protest

**KEY PRINCIPLE:** York University recognizes, within limits, the rights to offensive and controversial expression while securing the freedom not to listen, and the ability to protest.



Freedom of expression protects activity that many or most people may find disagreeable, disturbing, controversial, or deeply offensive. Just because expression is disagreeable, or offensive doesn't mean it will necessarily be suppressed under the limits of free expression. Expression may well be hurtful and upsetting and be protected so long as it does **not exceed the limits of freedom of expression** at York University.



**Example:** A protest in which some students advocated a political position that other students disagree with is still protected by freedom of expression. However, if the protesting students advocated genocide, engaged in violence or threats of violence, or promoted discrimination against an identifiable group, it would not be protected.

York University **may limit the place, time, and extent** of offensive and controversial expression to ensure that the freedom not to listen is protected, and that individuals who find the expression offensive are not forced to listen to it.



**Example:** York University may limit where disturbing or controversial materials are posted on campus so that people seeking to avoid them are able to do so.





## Limitations to the Right to Protest

The exercise of freedom of expression by protestors **cannot obstruct other parties** from engaging in their own expression. In other words, a protest is not a veto: protestors may not prevent others from exercising their freedom of expression, or their freedom to listen to a message being expressed.

**✳ Example:** Where a protest is being carried out peacefully, and it attracts a counter-protest in which the counter-protesters engage in acts or threats of violence towards the original protestors, the counter-protest will cease to be protected by freedom of expression and may be terminated by York.



A peaceful **protest may not directly or indirectly obstruct, physically impede, or blockade** an authorized York University event, exits to a university space, or other lawful activity. York University may regulate the place and manner of protest to ensure that they do not interfere with York University events.

A protest is also not entitled to a captive audience. A protest that seeks to force others to listen to its expression by, for example, blocking all entrances to a building or access to a space, is not protected. Furthermore, protestors **cannot use their expression to prevent others from engaging in expressive activity**, or members of the audience from hearing the speaker.

**✳ Example:** Protestors should not engage in coordinated chanting or use of megaphones with the intention of preventing counter-protestors from speaking. Instead, once the protestors have devoted a reasonable amount of time to advocating for their position, they should allow those with opposing views a reasonable opportunity to advocate for their own positions.

A speaker is entitled to communicate their message during their allotted time, and the audience is entitled to hear the message and see the speaker during that time. Individuals or groups engaged in protest or dissent should not substantially interfere with the speaker's ability to communicate or the audience's ability to hear and see the speaker.

# Prioritizing Well-being: Campus and Community Resources

**KEY PRINCIPLE:** York University recognizes that all forms of expression do/may have both personal and community impact.



## Quick Reference Supports

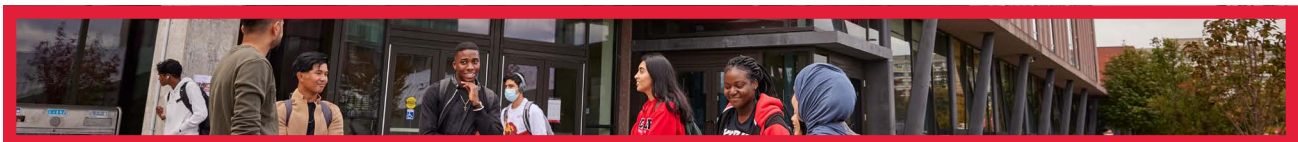
(Courtesy YU Student Counselling, Health, and Wellbeing)

- [Relaxation Techniques](#)
- [Stress and Relaxation Self-Reflection Worksheet](#)
- [Common Stress Reactions to Trauma](#)
- [Unhealthy Thinking Styles](#)
- [Coping with Race Related Stress](#)

## Campus Supports

The following supports are available to help you prioritize well-being at your event.

- [Student Community & Leadership Development](#)
  - [SCLD's Event Resource Website](#)
- [Student Counselling Health and Well-Being 416-736-5297](#)  
N110 Bennett Centre for Student Services  
90 Ian Macdonald Boulevard  
Toronto, ON M3J 1P3
- [Centre for Human Rights, Equity and Inclusion](#)
- [The Centre for Sexual Violence Response, Support & Education](#)
  - [Building SAFER SPACES Toolkit](#)



## Community Supports

The following community supports are available to help you prioritize well-being at your event.

- [Good2Talk](#) is a free, confidential helpline for Ontario post-secondary students, providing professional counselling and information, and referrals for mental health, addictions and well-being. It operates 24 hours every day of the year.  
Phone: 1-866-925-5454  
Text: GOOD2TALKON to 686868
- [keepme.SAFE](#) provides international students and students residing outside of Ontario with access to free, real-time and appointment-based support from anywhere in the world in any language. To learn more, download the [MySSP app](#) or call the toll-free numbers: 1-844-451-9700 (Canada & USA) or 1-416-380-6578 (international).





This Guide to Freedom of Expression for Student Organization Events has been developed in partnership by the Centre for Student Community and Leadership Development and the Centre for Human Rights, Equity and Inclusion at York University. This guide will continue to be updated and evolve to support student organizations plan, host, and facilitate successful events.

This guide was last revised April 2022.

