



Annual Report to HEQCO on Freedom of Speech

York University
August 31, 2022

YORK 

SECTION A: INSTITUTIONAL POLICY

York University's Free Speech Statement of Policy (the "Statement of Policy") continues to effectively recognize the University's long-standing commitment to freedom of speech as fundamental to the academic enterprise and to the promotion of open and respectful dialogue within a diverse academic community. The importance of enabling and protecting free speech has been enshrined for many years in several institutional statements and policies which also recognize that free speech comes with responsibilities and does not encompass hate speech or speech that is harassing, threatening, discriminatory or otherwise contrary to law. The Free Speech Statement of Policy brings together in one place a clear statement on free speech as well as a comprehensive list of those existing institutional policies and the procedures and mechanisms to facilitate complaints, enforcement, remedies and dispute resolution to ensure compliance with these policies. The Statement of Policy applies to all University activities and every York community member.

Free speech on campus continues to benefit from this consolidated Statement of Policy as approved by its governing bodies in December 2018 (Appendix A).

Policy Updates and Improvements

York continued to engage with its community members and others to implement a comprehensive update to its policies, procedures, guidelines and practices as well as other matters relating to freedom of speech and community safety at campus events.

York has continued to work toward enhancing its commitment to some of its most core principles relevant to free speech and events on campus:

1. **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.
2. **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.
3. **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.
4. **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.

The Working Group on the President's Initiative on Open and Respectful Dialogue has concluded its work to implement a series of recommendations to ensure that future events at York University are consistent with the University's policies and procedures. See the President's Initiative on Open & Respectful Dialogue at: <https://www.yorku.ca/president/presidents-initiative-on-open-respectful-dialogue/>



Education

The Centre for Student Community and Leadership Development, in collaboration with the Centre for Human Rights, Equity and Inclusion and the Vice Provost Students division, developed a series of resources to educate students on Freedom of Expression. From October 2020 and throughout the reporting period, the tools were developed, and education was delivered to students and others, including workshops and case studies, guides, templates and toolkits for Student Organizations, as well as resource websites.

York's Statement of Policy draws from and preserves several specific University policies which address free speech issues arising in a wide variety of contexts. Each of these specific policies provides for complaint procedures or other mechanisms designed to address the specific situation which a complainant may face and ensures compliance with the Statement of Policy.

Depending on how a free speech complaint arises and the type of concern or concerns being raised by the community member, the relevant policies and procedures set out the appropriate process to be followed in the specific situation a complainant may experience. The relevant policies are listed in the Statement of Policy, with electronic links on the webpage. For example, should a student wish to complain about harassment by other students for expressing an opinion at an event, the student can refer to the Code of Student Rights and Responsibilities which directs them to the Office of Student Community Relations: oscr@yorku.ca. The [complaint form](#) under the Code is on that Office's website. If a community member wishes to make a complaint relating to the expression of views by others around sexual violence, the member can refer to the Policy on Sexual Violence which directs the member to the Centre for Sexual Violence Response, Support and Education at 301 York Lanes, 416-736-5211 (24/7); <https://thecentre.yorku.ca/>.

The revised Temporary Use of University Space (TUUS) [Regulation](#) was approved by the Board of Governors effective July 4, 2022. The Regulation sets out the privileges and obligations associated with the issuance of permits granting temporary use of University space to eligible users.

Two University offices coordinate requests for campus space for various non-curricular events. The Office of Temporary Use of University Space receives event application requests from the University community, including student organizations. The Office of Accommodation and Conference Services receives requests from parties external to the University community to use campus space on a commercial or paid basis for their own meetings or events.

The TUUS Regulation requires an application for an event to be submitted at least 10 or 15 working days prior to the date of the proposed event to allow for appropriate assessment, logistics and safety planning (the time period depends upon the amount of assessment, supplemental information, safety planning and University services required). For large and/or more complex events requiring special planning for facilities and support services, a three-month advance application is required. In the event shorter notice is provided, the University always works with hosts to attempt to enable events to take place, if possible.

When there are potential safety or security concerns with respect to events, the Department of Community Safety and/or Risk Management Services review the requests for events on campus, consult with the appropriate University offices and relevant student groups, as appropriate, and an event-specific safety plan may be required. The TUUS Event Review Committee reviews proposed events that require special planning to provide guidance and support and make recommendations and/or require decisions to be taken to enable events to take place on campus. If the TUUS Event Review Committee's assessment concludes that the event poses risks to the security and well-being of persons, damage to property or non-compliance with law and/or University policy or rules, the Campus Relations Committee will suggest modifications to the event to allow it to proceed. The TUUS Regulation provides that, if necessary, the Committee will provide its decision and reasons for which an event cannot be permitted. There were no instances during the reporting period where a non-curricular event did not proceed due to security concerns.

To date, the practice has been that security costs for events have been absorbed by the University.

SECTION B: COMPLAINTS

During the reporting period, no member of the University community or guest made an official complaint related to free speech other than one student complaint described below.

The Vice Provost Students received an email in October 2021 from a student expressing a view that language used at a student organization event condoned or promoted violence. The Vice Provost Students reviewed the matter including a recording of the event. She then communicated with the student and explained that the speakers were exercising their legal rights to free speech and did not breach University policy or the law.

SECTION C: SUMMARY DATA

<i>Number of official complaints received under the free speech policy relating to curricular and non-curricular events.</i>	One
<i>Number of official complaints reviewed that did not proceed.</i>	One
<i>Number of official complaints where the institution determined that the free speech policy was not followed appropriately.</i>	None
<i>Number of official complaints under the free speech policy that resulted in the institution applying disciplinary or other institutional measures.</i>	None
<i>To your knowledge, were any free speech complaints forwarded to the Ontario Ombudsman?</i>	No

The number of non-curricular events held at the University was significantly impacted by public health restrictions related to the pandemic. During the reporting period, 154 non-curricular events took place at the University, including leadership workshops, student organization events, camps and conferences.

The University does not track non-curricular online events.

York University looks forward to continuing to promote ongoing dialogue around free speech.



Statement of Policy on Free Speech

Legislative History:

Approved: 2018/12/13 by Senate; 2018/12/14 by Board of Governors

Approval Authority: Board of Governors and Senate

1. Purpose

York University wishes to affirm its longstanding protection of and support for free speech as a fundamental principle upon which it pursues its mission. This Statement of Policy has been informed and enhanced by submissions, comments and suggestions shared by many members of the York community who participated in consultations over a number of weeks in the Fall of 2018.

2. York's Definition of Free Speech

In light of York University's policies, and the laws governing the University, freedom of speech is 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. In the words of the Task Force on Student Life, Learning & Community (2009), the "University has an unwavering commitment to fundamental values of free expression, free inquiry, and respect for genuine diversity of thought and opinion." Preservation of free and open exchange of ideas and opinion for and by all members of the community through respectful debate, including robust rights to protest and express dissent, are central to the mission of York University. Attempts to prevent such free inquiry, whether from other members of the University community or from external groups, are inconsistent with this mission.

3. York's Policy on Free Speech

1. As set out in the *York University Act*, the objects and purposes of York University are, (a) the advancement of learning and the dissemination of knowledge; and (b) the intellectual, spiritual, social, moral and physical development of its members and the betterment of society. York University is committed to the goal of a welcoming and approachable campus, embracing global perspectives and differences in cultures, people and thinking, by engaging communities in collegial dialogue and supporting diversity awareness and cross-cultural knowledge.
2. York University reaffirms its commitment to provide an environment conducive to freedom of enquiry and expression where all members of the community may learn, teach, work and live, free from prejudice, inequality and discrimination based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, religion, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.
3. A range of York policies reflect the right of all community members and invited guests to express their views within the law without fear of intimidation or harassment. To guarantee this right, it is recognized that community members may be exposed to ideas or opinions they find disagreeable or offensive. Freedom of speech is not absolute and does not protect expression that constitutes hate speech, harassment, threats, discrimination or otherwise violates the law. Consequently, the University will not tolerate members of our community or guests engaging in threatening speech or actions which violates York's commitments to ensure the safety of community members, as noted in various policies such as Disruptive and/or Harassing Behaviour in Academic Situations, Racism, Sexual Violence which address the priority of community safety and the harm that can arise from some forms of expression. These policies also provide recourse for those affected by such speech.
4. All persons having access to and use of University property must comply with York's policies and the laws of Canada, which circumscribe where, when and how speech may be permitted. Students, for example, are responsible for upholding an atmosphere of civility, diversity, equity and respect in their interactions with others, and should strive to make the campus safe, support the dignity of individuals and groups, and uphold individual and collective rights and responsibilities. The autonomy and responsibility of student groups over activities they organize or sponsor, and the development of their own policies in relation to freedom of speech and expression, are also affirmed.
5. This Statement of Policy draws from a number of policies at York University (set out in the Related Policy Section below), and the specific procedures in relation to complaints, dispute resolution, enforcement and remedies are set out under each underlying policy and also under applicable collective agreements.
6. York University affirms that it has in place mechanisms to deal with complaints and ensure compliance. Each of the existing policies underlying this Statement of Policy include mechanisms for interpretation, compliance and enforcement. Complaints that remain unresolved may be referred to the University Ombudsperson and to the Ontario Ombudsman. Additional guidelines, tool-kits, education and training with respect to free speech will be developed from time to time as needed. Relevant policies will be reviewed in a timely, consultative and effective manner pursuant to applicable governance processes.
7. York University will prepare an annual report on implementation progress, publish it online and submit it to the Higher Education Quality Council of Ontario (HEQCO).

8. This Statement will be reviewed coincident with the release of the first annual report, then two years following that and thereafter every five years.

Related Policies:

- [Code of Student Rights and Responsibilities](#)
 - [Computing and Information Technology Facilities Policy](#)
 - [Disruptive and/or Harassing Behaviour in Academic Situations Policy](#)
 - [Firearms and Weapons Policy and Procedures](#)
 - [Hate Propaganda Guidelines](#)
 - [Healthy Workplace Policy](#)
 - [Policy Concerning Racism](#)
 - [Policy on Acceptance and Display of Commemorative Artwork](#)
 - [Postering Policy](#)
 - [Presidential Regulation Number 4 Regarding Student Government/Organizations](#)
 - [Prohibiting On-Campus Essay Writing Services Policy](#)
 - [School of Nursing Policy on Social Media](#)
 - [Sexual Violence Policy](#)
 - [Special Events and Visits of High Profile Guests Policy](#)
 - [Student Professional Behaviour Policy \(BScN\)](#)
 - [Student Professional Behaviour Policy \(BSW\)](#)
 - [Temporary Use of Space Policy](#)
 - [Workplace Harassment Prevention Policy](#)
 - [Workplace Violence Prevention Policy](#)
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