



2024 Annual Report on Free Speech

York University

August 1, 2023, to July 31, 2024

YORK 

As indicated in the December 14, 2018, and September 12, 2018, memos from the Ministry of Colleges and Universities, York prepares a Freedom of Speech Annual Report on the implementation of a free speech policy. The current report covers the period from **August 1, 2023**, to **July 31, 2024**.

As directed by the Ministry, this report is posted on York's website and submitted to the Higher Education Quality Council of Ontario (HEQCO) by **September 3, 2024**

SECTION A: INSTITUTIONAL POLICY

York's *Statement of Policy on Free Speech* has not been amended since the posting of the previous report.

Free speech at York 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 continuously engages with its community members and others to review its policies, procedures, guidelines and practices. The review of policies referenced in the *Statement of Policy* is carried out with an aim to protect freedom of expression within the University Community.

Education

The Centre for Student Community and Leadership Development, in collaboration with the Centre for Human Rights, Equity and Inclusion continues ongoing education and delivery of workshops, case studies, and resources. The educational resources are included as part of the annual student leadership development programming and offered upon request. The Centre for Student Community and Leadership Development generates and maintains a Freedom of Expression resource catalogue including guidance on how each resource is integrated into annual programming and timelines for review.

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 establish the appropriate process to be followed for the specific situation a complainant may experience. The relevant policies are listed in

the [Statement of Policy](#) available online, 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 located at 301 York Lanes, 416-736-5211 (24/7); <https://thecentre.yorku.ca/>.

The revised Temporary Use of University Space (TUUS) [Regulation](#) as 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 (-90- day minimum) advance application is required. In the event a shorter notice is provided, the University always works with the 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 reviews the requests for events on campus, 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 before allowing 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 was not allowed to proceed due to security concerns.

Over the reporting period, the University experienced an increase in events (primarily student-led) related to the Israel-Hamas conflict. Dozens of events, including rallies and vigils, were held and the University received additional requests from recognized student organizations/clubs for tabling. The University provided additional planning and security support to groups organizing events/tabling as part of our ongoing commitment to free speech.

SECTION B: COMPLAINTS

Between August 1, 2023, and July 31, 2024, did any member of the institutional community (or guests) make an official complaint about free speech? If yes, please provide a general description that protects the privacy of complainants.

Although no complaints were received that would give rise to a formal process under the Policy, the University did receive much correspondence conveying an opinion as to perceived breaches of freedom of expression regarding statements made following the attack of October 7, 2023, and the War in the Middle East.

These opinions centered around (a) statements made by the University and student leaders in response to the war in the Middle East, (b) the demand from the University for student leaders to retract their published statement related to the war in the Middle East, (c) the announcement of recourses against student leaders under York's Code of Student Rights and Responsibilities related to the aforementioned statement, and (d) the removal of a pro-Palestine encampment at the Keele Campus.

What were the issues under consideration? Please identify any points of contention (e.g., security costs, safety, student unions and/or groups, operational requirements, etc.).

(1) As per the statement from the University in response to the attack of October 7, 2023, some argued that the condemnation of the attack by the University's leadership



was repressive of those members of the Community with a differing opinion.

- (2) Some correspondence regarding the statement by student leaders on October 13, 2023, purported that the statement was hateful and, thus, not protected speech; that the statement condoned violence against Jews, which was regarded by some as having a chilling effect on freedom of expression of Jewish members of the University Community.
- (3) Correspondence received after the University’s demand that student leaders retract their statement of October 13, 2023, argued that the University’s demand was repressive of the freedom of speech of student leaders and, by extension, students.
- (4) Following the announcement by the University of recourses under the Regulation on Student Organizations, correspondence was received to the effect that such recourses were repressive of the freedom of expression of student leaders and student unions.
- (5) A statement from several academic units regarding the Israel-Gaza conflict was received by some academic colleagues as an infringement of their right to express differing views or conduct free inquiry.
- (6) CUPE3903 published a *Toolkit on Teaching Palestine* that was regarded by York as potentially compromising academic freedom.
- (7) Comments received regarding the removal of a pro-Palestinian encampment at Keele Campus opined that York’s actions were repressive of the right to protest.

How did the institution manage the free speech complaint(s)? Was the complaint addressed using the procedures set out in the policy? How were issues resolved?

- (1) The University responded to correspondence about the statements/events by providing information about the university’s position on free speech, reasonable limitations to free speech in higher education and the necessity to protect the University and its Community.
- (2) Although recourses were not initiated as a result of a formal free speech complaint, the University did invoke provisions of the Regulation on Student Organizations in regard to a statement made by student leaders on October 13, 2023.

- (3) In response to the statement by a Committee of the Department of Politics, York responded via a statement on May 29, 2024, reasserting its support for academic freedom of expression within the limits of the laws.
- (4) On February 7, 2023, York communicated to CUPE3903 its concerns regarding the Toolkit and ask that they address several concerns.

SECTION C: SUMMARY DATA

Summary Data	
<i>Number of official complaints received under the free speech policy relating to curricular and non-curricular events.</i>	None
<i>Number of official complaints reviewed that did not proceed.</i>	None
<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

During the reporting period, 317 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 has continued to work toward enhancing its commitment to some of its most core principles relevant to free expression 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 as well as individual responsibility to protect the rights of every member of the York community for a safe environment in which ideas can be freely exchanged.

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).

Related Policies:

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