

June 2, 2020

Office of the President

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Dear friends and colleagues;

The events of November 20th, 2019, were deeply upsetting to the York University community. We are an institution that embraces diversity and inclusion alongside a commitment to rigorous scholarly inquiry and robust debate on controversial issues. The behaviour on display in Vari Hall on November 20th fell well short of our shared values and responsibilities. Many of you, from within and beyond the York community, have written to me to express your concerns. Please know that I share your disappointment. But in the weeks and months since the incident in question, I am proud of the way York has undergone a thorough review of the relevant policies, processes and community standards to ensure a safe and respectful environment where everyone is free to share their views.

The report before you is the result of this comprehensive review. The recommendations of our Internal Working Group, based on the findings of an external review conducted by former Supreme Court Justice Thomas Cromwell, are the result of months of careful work. The University accepts all of the recommendations put forward, and will immediately begin implementing them. We remain committed to our principles of protecting the safety of our community while respecting the free exchange of ideas. I am grateful to Justice Cromwell and our Internal Working Group for their excellent counsel, which together provide a roadmap for fulfilling our guiding values.

I want to speak directly to the Jewish community for a moment. We have heard your serious concerns and know that we have work to do. Anti-Semitism is a global problem that requires the urgent attention of our political leaders, educational institutions and civil society. York is not immune from anti-Semitism, nor are we unique in grappling with its manifestations within our community. The University has been clear: we condemn anti-Semitism in all its forms, just as we condemn Islamophobia, anti-Black racism, anti-Asian racism, anti-Indigenous racism, and any discrimination and hate based on national origin, race, religion, creed, ability, gender, or sexual orientation. We cannot police the beliefs of our community members, but we can strengthen our policies and procedures to protect our community from abhorrent views and actions. We also have an important role to play in addressing discrimination through research and education. Many of you have reached out to me with offers of educational resources to help build more respectful campus dialogue, and education is a welcome and essential focus of Justice



Cromwell and our Internal Working Group's recommendations. I look forward to deepening our engagement with all of the communities we serve and building a reciprocal and productive relationship where cultural exchange and learning flourishes.

The release of both reports is another step in an ongoing journey towards a more respectful and productive campus dialogue. The task before us now is to implement the thoughtful recommendations of Justice Cromwell and our Internal Working Group through determined community action. Our Internal Working Group will provide regular updates on the implementation process, and I will make this information available to our community. Through this work, we will fulfil our goal of creating a diverse and inclusive intellectual space where free expression and respect are inseparable. If there is a potential positive outcome to the shameful events of November 20th, I hope it will be that our community becomes an example of how deeply held beliefs on controversial issues can become vehicles for greater understanding, rather than sources of conflict.

Sincerely,

A handwritten signature in black ink, appearing to read "Rhonda L. Lenton". The signature is fluid and cursive, with a large initial "R" and "L".

Rhonda L. Lenton, PhD
President and Vice-Chancellor

INITIATIVE ON OPEN AND RESPECTFUL DIALOGUE WORKING GROUP REPORT

MAY 2020

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INTRODUCTION

Diversity plays an important role in Canada's national identity and has resulted in a society of many languages, cultures and religions. As diversity within Canada increases our global interconnectedness, it also facilitates a continued connection to issues and conflicts in other parts of the world. That attachment can continue fundamental, passionate and deep-rooted disagreements within and between communities. Canadian universities as sites of research, teaching and learning often play host to exploration of those disagreements while simultaneously identifying, from a multiplicity of perspectives and disciplines, areas of similarity and connectedness. However, with exploration there can also be eruptions that challenge a university's ability to balance the right to free expression with the expression of views that others find deeply offensive and hurtful to the very core of their identity.

Canadian universities continue to find themselves engaged and entangled within the complex conflict that at its root, reflects an underlying geopolitical conflict between Israel and Palestine and its manifestation(s) within broader communities. It is beyond the scope of the Working Group to identify, articulate or to even fully understand all of the nuances that such a conflict entails. Any effort to do so would inevitably come up short and likely cause further hurts to each community. The fundamental issue for universities is balancing its educative mission with the exercising of freedom of expression. York University is not unique in experiencing this challenge.

On November 20, 2019 York University was the site for an event hosted by a recognized student club that attracted protest led by another recognized student club and counter protests. The activities of the protesters, counter protesters, supporters and York University's response garnered considerable critical attention from both inside and outside York. Following the event, York President Rhonda Lenton established a Working Group co-chaired by Vice-President Equity, People and Culture Sheila Cote-Meek and Vice-Provost Students Lucy Fromowitz, with the mandate to review the event including the actions by the hosting student club, protesters, counter-protesters and York University Administration's policies in addition to preparedness and response with a view that future events did not follow the same trajectory.

The Working Group is grateful for the opportunity to facilitate this Report and provide recommendations to President Lenton on how, as a community, we can foster change not only in York's approach to future events but in ways that are transformative to the culture of the university.

THE WORKING GROUP'S RECOMMENDATIONS FOCUS ON THREE BROAD THEMES

- Policies/Procedures and Guidelines
 - Review, renew, enhance and develop, as appropriate and necessary, York policies/procedures/guidelines to support events organized by York community members (faculty, staff and students)
 - Ensuring a clear understanding of roles, rights and responsibilities, and accountability
 - Ensure that enforcement mechanisms are transparent, balanced and available to address violations of policies/procedures/guidelines
- Individual and Group Accountability
 - Explore the mechanisms available to the University to hold individuals and groups responsible when there is a suspected violation of a policy/procedure/regulations/guidelines.
- Education Initiatives, Training and Skill Development Initiatives
 - Support and develop education initiatives that explore the parameters of freedom of expression, civility, respectful dialogue in the university context
 - Enhance and develop training resources and opportunities for student organizations and the York community (students, staff and faculty) to understand rights, roles and responsibilities outlined in the various York policies, procedures and guidelines
 - Expand the capacity for the university to provide student organizations with enhanced skill development around event planning and conflict management
 - Educational opportunities for the York community (faculty, staff and students) to explore and debate a range of issues.

The Working Group understands that we have laid out an ambitious plan, but one that is reasonable and necessary. It builds upon the work that has been undertaken so far and identifies steps for implementation with clear timelines.

PRINCIPLES

In the immediate aftermath of the November 20, 2019 event and in anticipation of this Working Group's mandate, York University reiterated the four guiding principles which all groups and individual members of the York community are expected to follow:

- **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.

The Principles provided the Working Group with an invaluable guide to support our work and as a filter for our recommendations to ensure alignment.

EXTERNAL INDEPENDENT/CROMWELL REVIEW

On December 18, 2019 President Lenton announced that she had commissioned the Honourable Thomas A. Cromwell C.C., retired Supreme Court of Canada Justice, to undertake an independent external review of the November 20, 2019 events. More specifically the external review was to make findings and recommendations with respect to the following:

- the University's role in relation to the planning for the event on November 20th
- the preparations and security arrangements for the event
- the University's policies, procedures and practices governing provision of University space for student events
- the University's policies governing freedom of speech on campus; and York's policies, procedures and practices relevant to the safety of all those who attend student events on campus.¹

President Lenton received the Independent Review Report on April 30, 2020 and provided a copy to the Working Group and tasked the Working Group to complete its work and report on its recommendations by May 30, 2020.²

The Cromwell Review provides an overview of the process for gathering information³, an analysis of the intersection and mechanics of the various policies, procedures and guidelines employed to support the November 20, 2019 event and an outline and analysis of the activities leading up to the event and the event itself. It is very helpful to have an external perspective on the events of November 20, 2019 and the Working Group is thankful for the analysis and recommendations set out in Mr. Cromwell's review. The Cromwell Review makes a number of recommendations that are broadly summarized and grouped below:

- Clarifying the parameters of freedom of expression by producing a set of procedures and/or a handbook to supplement the Statement of Policy on Free Speech. The clarifications should include:
 - The offensiveness of an idea alone cannot be an appropriate basis to limit expression
 - Some types of expression are not protected, notably expression in the form of violence and the threat of violence
 - Expression may be limited where the limitation serves an important objective and does not limit expression more than reasonably necessary (examples include hate speech, advocacy of genocide, publicly inciting hatred, and other forms of discriminatory expression)
- The University should strengthen its racism, discrimination and harassment policies
- The University should re-think the Temporary Use of Space Policy (TUUS), in particular to make explicit when the University may cancel or postpone an event

¹ See External Reviewer (Cromwell) website at <http://www2.blg.com/Independent-Review/>

² York University Independent Review dated April 30, 2020 by The Honourable Thomas A. Cromwell C.C. at Appendix "A" - York University Independent Review

³ See External Reviewer (Cromwell) website at <http://www2.blg.com/Independent-Review/> for copies of written submissions and other information

- The University should establish a more robust triage capability as part of the TUUS application process
- The University should establish a small high-level committee to manage and address concerns about the appropriateness of speakers and extracurricular events
- Education and training for the York community to understand the parameters of freedom of expression especially as it intersects with subjective beliefs related to safety as well as the impacts of exclusion that can be caused by the exercise of freedom of expression
- Amendments to the Postering Guidelines, TUUS policy and procedures, Racism Policy. Education and training to ensure that student organizations understand their rights, roles and responsibilities in relation to York University policies
- Clarifying the interaction of free expression and security. The University should adopt security measures for events based on objective risk assessment, and ensuring that security measures are the least intrusive steps that will address identified risks
- The application of the policies towards organized protests
- Amendments to the policies, procedures and guidelines as they relate to student organizations, including Presidential Regulation 4, to enhance accountability and transparency
- Requiring that the York University Student Centre has in place policies which conform to University policy and decision-making related to the hosting of events. Ensuring that where an event has been denied University space it cannot be held at the York University Student Centre

The Working Group recommends that:

President Lenton accepts the Cromwell Review and undertakes that the University will implement all of the recommendations therein.

TERMS OF REFERENCE

Immediately following the November 20, 2019 event President Lenton established the “Initiative on Open and Respectful Dialogue” and asked the Vice President Equity, People and Culture and the Vice-Provost Students to take a leadership role in establishing a working group to review the occurrences surrounding the November 20, 2019 event.

The purpose of the Working Group is to make recommendations on best practices for ensuring future events are consistent with York University’s policies and procedures.

The Terms of Reference for the Working Group notes:

“We are guided in recognizing and balancing 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. Supporting the work will be members from the Office of the Counsel, Centre for Human Rights, Equity and Inclusion, and the Student Success Centre. This group will seek input as necessary from the York University community.

Action items will include:

- Facilitating an independent external review
- Evaluating the policies and procedures relevant to The Event and making any necessary recommendations where needed. This includes
 - a. Reviewing our Temporary Use of University Space policy to ensure alignment with best practices
 - b. Reviewing our postering guidelines for alignment with best practices
 - c. Review other relevant policies as they relate to The Event
- Recommending initiatives that include educational and other engagement opportunities
- Ensuring the development of a website to keep the community informed of the progress.”⁴

⁴ See President’s Initiative on Open and Respectful Dialogue [here](#)

SUMMARY OF THE NOVEMBER 20, 2019 EVENTS

The Working Group has had the benefit of reading the Cromwell Review, which provides a comprehensive overview of the mechanics and intersections of policies, procedures and guidelines that were invoked as a result of the November 20 event. The Cromwell Review also outlines the November 20, 2019 events in considerable detail. This account provides the context of the environment leading up to the event, activities during the event as well as post-event activities. The Cromwell Review notes further that “The events themselves are not my primary focus. Rather, they provide a context in which to assess the broader issues concerning the University’s capacity to plan, prepare for and manage events of this nature.”⁵ In so far as the Cromwell Review details events leading up to the November 20, 2019 event and a description of activities during the event the Working Group accepts Mr. Cromwell’s statements of the facts as accurate.⁶

YORK FEDERATION OF STUDENTS RESOLUTION

Eight days following the November 20th event, on November 28, 2019, at its Annual General Meeting, the York Federation of Students (YFS) passed a motion entitled “Motion on Fighting Imperialist Propaganda on Our Campus” (the “Resolution”).⁷ The Resolution directly references the November 20, 2019 event, and reads as follows:

WHEREAS an event was organized on campus for Israeli Defense Force (IDF) soldiers to come and speak to students on November 20, 2019; and

WHEREAS the IDF directly carries out the unjust arrest and unjustified killings of Palestinian people and is responsible for the forcible displacement of millions of Palestinians since 1948; and

WHEREAS the Israeli state continues to sow division between the Israeli and Palestinian working class while driving both further into poverty within Israel for the sake of continued profit; and

⁵ Cromwell Review pg.4 at Appendix “A” – York University Independent Review

⁶ There is one exception. On page 13 of the Cromwell Review (see Appendix “A” – York University Independent Review) it reads “York Federation of Students marshals, York security officers and TPS officers are shown acting as physical barriers between event supporters and protesters”. The YFS did not provide marshals for this event. The confusion may lie in the fact that members of SAIA, who did act as marshals, are also members of the YFS Executive.

⁷ See York Federation of Students AGM November 2019 [here](#)

WHEREAS at the November 20 rally, where both Jewish and non-Jewish students were protesting the actions of the Israeli state; members of the Jewish Defense League (JDL), a far-right organization, were present resulting in the assault of a number of students who were peacefully demonstrating; and

WHEREAS student unions have historically played a decisive role in leading anti-war and anti-imperialist movements in Canada and have a duty to oppose Imperialism here at home

BE IT RESOLVED THAT if representatives of the Israeli state or any other imperialist power are invited to gather support for war and occupation in Palestine and elsewhere, the York Federation of Students must organize mass mobilizations of students, workers, marginalized communities in opposition; and

BE IT FURTHER RESOLVED THAT the YFS provides material support for student activist groups fighting against imperialist propaganda by providing resources and using their multi-million dollar apparatus to lead the organizing effort; and

BE IT FURTHER RESOLVED THAT the YFS defend the right of students to speak freely and organize against the far-right, war, and imperialism on campus by defending students from repression by the administration or state forces.

A number of students expressed concerns about the Resolution, and the possible ways that it might be implemented. The tenor of these complaints can be summarized as concerns about feeling unwelcome, threatened and unsafe on campus. In December 2019, the York University Provost wrote to the YFS Executive expressing concerns that the Resolution has “created doubts in the minds of many about whether the YFS promotes a safe and inclusive environment for all to learn, express ideas and dissent.”⁸

Subsequently, York University Administration engaged with members of the YFS Executive to discuss and raise these concerns. In response, on April 29, 2020, the President of YFS wrote to the Vice-Provost, Students the following:

As stated in our public statement released on December 6th, and within our meetings, the York Federation of Students Board and Executive committed to analyzing and considering this motion to determine how it will be implemented. This was done in collaboration with students and campus groups through community consultations, as you are already aware.

Following our statement, we held several consultation meetings with various clubs and organizations, in addition to launching our community consultation survey. Our goal was to define the intent behind the motion in a way that protects and reaffirms our commitment to free speech and the right to organize, while upholding our paramount principles of peaceful and nonviolent activism. We were pleased with the level of feedback we received from our membership that allowed us to shape and define parameters for the motion. Based on the

⁸ See President’s Initiative on Open and Respectful Dialogue [here](#)

collective feedback, the YFS board passed the following recommendations, which now serve as the parameters of the respective motion:

1. Imperialism be defined as: *The policy, practice, or advocacy of extending the power and dominion of a nation especially by direct territorial acquisitions or by gaining indirect control over the political or economic life of other areas.*
2. Material support includes: banner material, placards, postering credits, and food donations. All material support is to be decided upon by the Executive Committee on a case-by-case basis, and that all costs associated with material support be associated with the campaigns and equity line item.
3. Anti-war events include: teach-ins, panels, and rallies with the intention of raising awareness and providing education spaces on the impact of war and violence.
4. Promotion of any anti-war events be published on the Federation's official social media platforms, as well as the newsletter, to inform students.

Furthermore, as a guiding principle, any and all events, services, and campaigns that the Federation endorses or hosts are to be organized in an equitable, inclusive, and non-violent fashion, as per our Equity policy. Please also note that the campaigns and equity budget is voted upon by the Board of Directors, as per our By-laws and the Ontario Not-for-profit Corporations Act.

The York Administration remains disappointed with the YFS response as it fails to adequately address the concerns raised by students. As outlined further in this Report one of the recommendations of the Working Group is to review and strengthen the University's ability to respond to student concerns by amending Presidential Regulation 4.⁹

⁹ See Presidential Regulation 4 [here](#)

ACTIVITIES OF THE WORKING GROUP

The Working Group began meeting in December 2019 to commence its work in facilitating the review of York's policies, procedures and guidelines, facilitating the Cromwell Review, assessing whether groups or individuals may have violated any of York's policies and/or code of conduct which may warrant disciplinary action, and assessing how to respond to individuals or groups who come to campus with the intent of instigating conflict and mischief. As well, the Working Group began to consider educational initiatives and opportunities to promote open and respectful dialogue at York University

The Working Group drew upon the expertise of York staff responsible for the implementation of the various policies to undertake a review of all relevant policies, procedures, guidelines and safety measures that apply when an event is planned at York. That work has already begun and will be assisted by the comprehensive recommendations outlined in the Cromwell Review.

The Working Group also considered opportunities for education and engagement through education initiatives training and skill development. In particular, the Working Group engaged in a number of opportunities, including:

- Training and resources for students and student organizations:
 - Hosting successful events including understanding roles, responsibilities and enforcement mechanisms of applicable policies, procedures and guidelines
 - Understanding Human Rights and enforcement of those rights within the York environment - enhancing existing training
 - Supporting inclusive environments
 - Respectful dialogue, civility and challenging conversations
 - Understanding the parameters of freedom of expression and the role of the university
- Peer support program on conflict resolution and successfully participating in challenging conversations
- Engagement with student organizations to support opportunities for engaged dialogue and discussion in “bridging” differences.
- Forums, panel discussions, podcasts and communication campaigns that focus on:
 - Understanding freedom of expression¹⁰ outside the rubric of academic freedom, and the role of the university
 - Understanding the parameters of freedom of expression and the role of civility and respectful discourse appropriate to a university setting
- Engagement and collaboration with academic colleagues whose teaching and research intersect with Jewish and Islamic issues and perspectives

¹⁰ This Report intentionally does not address freedom of expression within the context of academic freedom

The Cromwell Review invites the university to consider whether issues of racism and discrimination were at the heart of the events of November 20, 2019. Regarding the event, both sides claimed their actions fell within the moral high ground of free expression while denying that the other was exercising those same rights. Further, each side viewed the other's words and actions as being either anti-Semitic or Islamophobic, as well as discriminatory on several *Human Rights Code* grounds. The Working Group notes that these sentiments permeated throughout the feedback received by the university. In turn the university, through its actions or inactions (perspective dependent) is perceived to be allowing or perpetuating spaces that are hostile to, or unsafe for, one group or the other separately and simultaneously. The Cromwell Review, while making no finding on the truth of these sentiments, recommends that nonetheless York address these issues through a combination of boundary setting in terms of acceptable conduct, greater clarity and effectiveness of its policies, and articulating free expression in the York context.

The Working Group has addressed the Cromwell Review recommendations in its implementation plan along with its own recommendations.

The Working Group recommends that:

- **"The Open and Respectful Dialogue Working Group" transition to an "Implementation Group", charged with ensuring that the recommendations in the Cromwell Review and in this report are acted upon in a timely manner.**
- **The Implementation Group report directly to the President on a quarterly basis on the implementation progress**

IMPLEMENTATION PLAN

The Working Group prioritized developing an implementation plan that incorporates the recommendations set out in the Cromwell Review in addition to any recommendations and actions identified by the Working Group. Where appropriate, the Working Group directed that administrative staff begin gathering information and research on best practices related to policies, procedures and guidelines from a variety of sources to enhance and strengthen our own policies. The Working Group also began to gather information and research on education initiatives that will assist York in transforming the approach to future events.

REVIEW OF POLICIES/PROCEDURES AND GUIDELINES

The Working Group brought together senior administrative staff responsible for the implementation of the various policies, procedures and guidelines which are (or could be) employed during events. Staff were tasked to review, renew, enhance or develop (as appropriate) the various policies, procedures and guidelines to ensure that from a process perspective all the necessary tools are in place to host successful events. Significant work has already begun and will be enhanced by the comprehensive recommendations outlined in the Cromwell Review. The policies reviewed include:

- Postering Guideline
- Temporary Use of University Space Policy and Procedure
- York University Student Organization Recognition Guideline
- Policy on Racism
- Presidential Regulation 4

The Working Group recommends that:

- **Staff responsible for specific policies continue their review and incorporate the recommendations set out in the Cromwell Review.**
- **Draft policies may be circulated for input from key 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**

INDIVIDUAL AND GROUP ACCOUNTABILITY

The events of November 20, 2019 saw a large number of individuals gather to both support and protest the event. Many of the critics of the November 20, 2019 event are quick to point out the problematic behaviours of the other student group or their supporters and to lay blame on how the event transpired. In the way that the evening unfolded, however, it was not possible to identify individuals and attribute specific problematic actions to them. Going forward the Working Group recommends that Community Safety undertake an immediate investigation and bring forward complaints under the appropriate regulation or policy in an expeditious manner.

One individual, who is not a current York Community member but whose identity is known to Community Safety, may have violated the Criminal Code and we understand that this is being reviewed by the Toronto Police Services. The Working Group recommends that 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. Additionally, if Community Safety has current contact information for this individual that a Notice of Trespass be delivered.

Further, it became apparent that while the Student Code of Rights and Responsibilities addresses the actions of individual students, it is less effective when the named respondent is a student organization. While the complaint process under the Student Code of Rights and Responsibilities may, by its terms, be engaged for student organizations, the Cromwell Review has clearly identified this as an issue. Student organizations must bear responsibility for the actions of club members and guests. A review of Presidential Regulation 4 reveals that there is not an articulated or effective process in place to hold student organizations responsible to abide by the policies, guidelines or processes of the University including the kinds of activities that took place on November 20, 2019. The Working Group recommends that a clear understanding of roles and responsibilities, coupled with transparent enforcement and appeal processes, in keeping with the principles of natural justice, should be reflected in an updated Regulation as a way forward.

There were many people in attendance at the event on November 20th who were not York community members. Unfortunately, the actions of many of them were highly problematic and played a major part in creating an event that was not respectful of York community members and guests on either side of the debate. The Working Group recommends that, if necessary, some events be restricted to only York community member attendees (separate from invited speakers). This is not without its own inherent issues as York wishes to be a welcoming member of the vibrant community in which it sits, however, there may be times in which such a restriction would be reasonably necessary. Restrictions, if necessary, should be part of the TUUS application process and considered when reviewing that policy and procedure.

The Working Group Recommends:

- **At future events Community Safety undertake an immediate investigation and file its complaints under the appropriate regulations and policies 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.**
- **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.**
- **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**
- **Under the TUUS policy and procedure create a mechanism to allow York University to limit attendance to current York community members. The TUUS policy and procedure should set out clear criteria when such limitations are necessary**

EDUCATION, TRAINING AND SKILL DEVELOPMENT INITIATIVES

The Working Group believes that York is a welcoming place of teaching, learning and research. We recognize that this is not everyone's experience while at the University. In the context of the scope of the Working Group's mandate we are focused on shifting the culture of engagement that led to the events of November 20, 2019. The Working Group recognizes that for others their feelings of exclusion are based on race, creed, disability, sexual orientation, gender, gender identity and other identities. In many instances intersectionality further complicates feelings of exclusion. The many forms of discrimination are not specifically unpacked or addressed in this report. The Working Group is focused on making changes to better understand freedom of expression and exercising that freedom within the University experience. We would be remiss, however, if we did not acknowledge the outstanding work that is being done within our Faculties. Day after day, lecture after lecture, students are encouraged to engage in topics that challenge their thinking and beliefs about the "Other", as well as to learn about and understand the broader global environment. The Working Group met with several faculty members who teach in Jewish and Islamic studies and who have found ways to address differences through expanding what students know of the "Other".

The Working Group heard from faculty members of many examples of positive experiences that are playing out in various classrooms at York. Through the exploration of common themes, using a variety of disciplines and mediums, students are having learning experiences that challenge perspectives on

issues about which students might differ in their views. The Working Group recommends that these constructive and critical dialogues continue and that we create more of these kinds of experiences for students. Successes and different narratives of shared understandings must be celebrated and highlighted as they reflect a different experience for many students that does not just revolve around conflict.

The Working Group recommends:

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

In the Working Group's assessment, echoed and supported throughout the Cromwell Review, education, training and skill development are essential to obtaining the cultural transformation we seek at York University.

Educational initiatives can be undertaken in a number of forums. From supporting the classroom learning outlined above to creating educational opportunities to engage in discussions on freedom of expression using planned conferences, forums, podcasts and other tools. Thoughtful discourse on the scope of freedom of expression, civility and respectful dialogue while in a university environment that encourages diversity of thinking are avenues to explore.

Opportunities for students to engage in training in the areas of conflict resolution, in its broadest sense, provide the kind of transformative skill-based learning and development that is at the root of a university's mission. These opportunities would allow for the development of the skills necessary to exercise free expression but still maintain a respectful learning environment for all York community members.

We must also educate the community on concepts of human rights, including discrimination and harassment, while respecting and encouraging exploration of these rights from multiple perspectives. This would be combined with training on the University's processes should conflict arise amongst community members.

We must support student organizations in hosting successful events especially when the topics or speakers are controversial. Training on the York policies, procedures, regulations and guidelines that intersect with hosting events would be an essential part of that training. Understanding roles and responsibilities along with enforcement processes are important to understand when organizing a successful event. There are opportunities to support student organizations who are focused on bringing people together, especially to have constructive dialogue across differences.

The Working Group sees an opportunity for peer leaders and the role they can play in creating an environment of inclusion and belonging. Inclusion and feelings of belonging can co-exist even when individuals and groups have deeply held beliefs which are in opposition to the other. Through peer training on conflict resolution and supporting challenging conversations we can provide skills to the future generation of leaders.

The Working Group recommends:

That a procedure document and resource guide be prepared to supplement the Statement of Policy on Free Speech. The procedure document and resource guide would reflect the guidance provided in the Cromwell Review and include clarity on the parameters of Freedom of Expression including the scope and limits.

Training and educational resources be developed for students and student leaders:

- **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 their 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 of freedom of expression and the role of the University**

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

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

Development and delivery of a peer support program that focuses on conflict resolution skills. The goal of the program is to create peer ambassadors who can assist student organizations in managing conflict and create opportunities for respectful dialogue on difficult and challenging issues.

Deploy Peer Leaders to assist student organizations that are hosting events that have the potential to attract conflict or opposing views.

Engage with faculty, staff and students in the development of a conference/forum/panel discussion on the following suggested topics:

- **Freedom of expression**
- **Civility and respectful dialogue**

Develop the lecture series into a monthly podcast

Communication Campaign on freedom of expression

ADDITIONAL CONSIDERATION

The Cromwell Review made three specific recommendations with respect to the York University Student Centre Incorporated which operates both student centres on the Keele Campus.¹¹ The Working Group believes these recommendations when implemented will serve York students and the broader community very well.

The Working Group recommends:

- **That York University engages the York University Student Centre Incorporated to implement the recommendations set out in the Cromwell Review specifically 6.2, 6.3 and 6.4**

CONCLUSION

The members of the Working Group appreciate the challenge it sets out in these recommendations. York is a community that deeply values inclusion and equity. Core to our mission is the advancement of learning and dissemination of knowledge and as such we are well prepared to meet the challenge and play a leadership role in the university sector to cultivate an environment where freedom of expression is supported by a culture of respect and civility.

¹¹ For additional clarity these recommendations apply to the two student centres, The Student Centre 1 and The Student Centre 2 at Keele Campus

PLAN

	Recommendation (CR= Cromwell, WG=Working Group)	Implementation	Category	Responding Unit
1	(WG 1) President Lenton accepts the Cromwell Review and undertakes that the University will implement all of the recommendations therein.	The Implementation Group (IG) will incorporate Cromwell's recommendations as it carries out its work.		President
2	(WG 2) That the Initiatives on Open and Respectful Dialogue Working Group transition to an Implementation Group, charged with ensuring the recommendations in this report are acted upon in a timely matter. The Implementation Group will report directly to the President on a quarterly basis on the implementation progress.	The President charges the IG to engage the appropriate university offices to action the recommendations cited in this plan.		President
3	(WG 3) 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.	The IG will ensure that the staff developing policies are aware of the relevant Cromwell Review recommendations.	PPG	IG
4	(CR2.1) The University should clarify the parameters of free expression by producing a set of procedures and/or a handbook to supplement its Statement of Policy on Free Speech. These clarifications should include the following elements. (a.) The Statement and related documents apply to "expression" which extends to an "activity" that "conveys or attempts to convey a meaning." (b.) The offensiveness of an idea alone cannot be an appropriate basis to circumscribe expression. Expression cannot be suppressed simply because some or even most people may find it unwelcome, disagreeable or even deeply offensive. (c.) Free expression is subject to two types of limits: Some types of expression are not protected and some expression may be limited when doing so is demonstrably justified, that is, where the limitation serves and important objectives and does not limit expression more than reasonably necessary to achieve it. (d.) The University should provide the community with more detailed descriptions of the sorts of expression that exceed the limits of free expression.	The IG will work with other stakeholders to draft the procedure document and resource guide.	PPG	Provost

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5	(CR 2.1e) Protest is a form of permitted expression, but not when it significantly interferes with the expressive rights of others. The University must provide guidance on campus protesting – specifically on the forms of protest that are permissible and those that are not.	The IG will work with appropriate university offices to enact this guidance and enforcement mechanisms.	PPG, Education	VPFA
6	(CR 2.2) The Postering Guidelines should be clarified and amended as detailed in the text of this Review.	Along with amending the guidelines, the VPFA will take a lead role in the development of a poster policy for the University.	PPG	VPFA
7	(CR 2.3) The TUUS Procedure should be amended to address the issue of security costs as detailed in the text of this Review.	The IG will work with the VPFA to develop a framework that outlines when security costs should be paid for by those hosting and/or protesting an event as well as under what parameters the university should absorb the expense.	PPG	VPFA
8	(CR 2.4) The University should make clear that subjective beliefs about safety that are created by the permitted free speech of others, and which have no objective basis in fact, may not reduce the scope of permitted expression by others. At the same time, the University should recognize and respond to the sense of exclusion that some types of permitted speech may create.	The IG will incorporate this understanding in its educational plan.	PPG, Education	Provost, VPFA, VPEPC, VPS
9	(CR 2.5) Increased training and education are necessary to do everything reasonably possible to ensure that the community members understand and internalize the principles of free speech. In other words, the basic parameters of free expression need to become part of the culture of the University. In addition and to the extent practicable, training and education are also necessary so that community members recognize that some forms of expression are deeply offensive and that the outer limits of free expression should not be understood as a license to inflict harm.	The IG will take the lead to develop and implement an education plan that engages the various areas of the York Community on this topic.	Education	Provost, VPEPC, VPS
10	(CR 3.1) 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.	VPEPC, through REI will take a lead in developing the policy on harassment and discrimination.	PPG	VPEPC

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11	(CR 3.2) The University should develop a clear, effective and transparent process to address concerns and complaints about alleged racist, harassing and discriminatory conduct, including in the context of extra-curricular activities and by student organizations.	In keeping with 3.1, VPEPC and VPS will take the lead to develop this process.	PPG, Education	VPS, VPEPC
12	(CR 3.3) The University should put in place educational opportunities for students and student organizations similar to what I have suggested in relation to free expression issues.	The IG will work with REI and SCLD specifically, to action an education plan that will include dedicated sessions on anti-Semitism, Islamophobia and other forms of discrimination.	Education	VPEPC, VPS
13	(CR 4.1) 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.	VPFA will take a lead to develop this framework, as part of a revamped TUUS policy and associated procedures.	PPG	VPEPC, VPFA, VPS
14	(CR 4.2) 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.	VPFA will take a lead to develop this framework, as part of a revamped TUUS policy and associated procedures.	PPG	VPEPC, VPFA, VPS
15	(CR 4.3) The University should establish a more robust and clearly defined triage capability as part of the TUUS application process.	VPFA will take a lead to develop this framework, as part of a revamped TUUS policy and associated procedures.	PPG	VPFA
16	(CR 4.4) The University should establish a small, high-level committee whose role will be to manage and address concerns about the appropriateness of speakers and extra-curricular events that require intensive prior planning.	The IG working with VPFA develop terms of reference for this committee.	PPG	VPEPC, VPFA, VPS
17	(CR 4.5) 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.	VPFA will revise the TUUS policy to reflect that organized protests apply, and the appropriate limits to sound amplification.	PPG	VPFA
18	(CR 5.1) Free expression and security should be understood as complementary and not as competing values. The University has considerable discretion to control the time, place and manner of extra-curricular expression on campus. This includes putting appropriate security measures in place.	Community Safety, under the direction of VPFA, will ensure that Security measures are in place that complement free expression.	PPG, Education	Provost, VPFA

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19	(CR 5.2) The University should endorse the principle 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.	Community Safety will adopt an externally validated, objective risk assessment tool and ensure staff are trained on it.	PPG	VPFA
20	(CR 5.3) 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.	VPFA and Community Safety will identify and publish this list as part of its TUUS process.	PPG	VPFA
21	(CR 5.4) 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.	VPFA and Community Safety will identify and publish this list as part of its TUUS process.	PPG	VPFA
22	(CR5.5) The University should consider whether it should have some members of its Security Service sworn and trained as special constables.	VPFA is tasked with exploring the feasibility of York adopting the special constable model for campus security. In the development of this recommendation, there will be appropriate consultations with the York community.	PPG	VPFA
23	(CR 5.6) 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.	VPFA will incorporate this into the revision of the TUUS procedure.	PPG	VPFA, VPS
24	(CR 5.7) 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.	VPFA and Community Safety will take the lead in documenting the prohibition of outside security personal, including volunteer security, and it will be included in meetings with groups as part of 5.6.	PPG	VPFA

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25	(CR 6.1) Clarify the policy framework and process for club recognition and student group accountability as outlined in the Review.	VPS via SCLD will take the lead in developing recommendations for club recognition. VPS will take the lead in developing recommendations for PR4.	PPG	VPS
26	(CR 6.2) If the University amends the TUUS Policy along the lines that I have suggested, it should satisfy itself that the York University Student Centre Incorporated has in place policies that conform to that revised policy. In addition, any potentially controversial event or speaker at the Student Centre should be subject to the triage process under the TUUS Policy.	VPFA and VPS will engage the Student Centre to satisfy this recommendation. They will also develop a process to ensure there is the proper communication and triage.	PPG	VPFA, VPS
27	(CR 6.3) The University and the Student Centre should have a clear understanding that an event cannot be held at the Centre if it has been refused the use of University space or has been postponed because the expression at the event will exceed the proper ambit of free expression or that it cannot be held safely.	VPFA and VPS will engage the Student Centre to satisfy this recommendation as part of 6.2.	PPG	VPFA, VPS
28	(CR 6.4) The University and the Centre should put in place a notification process so that the Centre is promptly made aware of the University's decisions of this nature.	VPFA and VPS will engage the Student Centre to satisfy this recommendation as part of 6.2.	PPG	VPFA, VPS
29	(WG 4) 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.	Community Safety will incorporate this into their event management procedures.	I&GA	VPFA
30	(WG 5) 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.	Community Safety will carry out this recommendation.	I&GA	VPFA
31	(WG 6) 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.	VPS will incorporate this recommendation in the revision to PR4	I&GA/PPG	VPS, Provost

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32	(WG 7) 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.	VPFA will incorporate this mechanism to limit attendance to members of the York community into the revision of the TUUS procedure.	PPG	VPFA
33	(WG 8) Opportunities for faculty to engage in co-teaching courses in Jewish and Islamic studies, a joint lecture series or other intersectional learning opportunities.	Provost and VPEPC will work with faculty to create and promote these opportunities for intersectional learning opportunities.	Education	VPEPC, Provost
34	(WG 9) Training and educational resources be developed for students: <ul style="list-style-type: none"> • 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 of freedom of expression and the role of the University 	SCLD and REI will collaborate on the development and implementation of these training and educational resources.	Education	VPS, VPEPC
35	(WG 10) That all student organizations engage in yearly training on the following: <ul style="list-style-type: none"> • Roles, rights and responsibilities under the various policies • Hosting successful events 	SCLD will require the completion of this training as a requirement for University recognition. P4 will be ammended to make this a requirement for the receipt of levies.	Education	VPS, VPEPC
36	(WG 11) Development and delivery of a peer support program that focuses on conflict resolution skills. The goal of the program is to create peer ambassadors who can assist student organizations in managing conflict and create opportunities for respectful dialogue on difficult and challenging issue.	VPS, via SCLD and in consultation with REI will take the lead in developing this conflict resolution peer support program.	Education	VPS
37	(WG 12) Deploy Peer Leaders to assist student organizations that are hosting events that have the potential to attract conflict or opposing views.	SCLD will expand its Student Engagement Peers supports to provide advice on hosting events with the pottential for conflict or opposing.	Education	VPS

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38	(WG 13) Engage with faculty, staff and students in the development of a conference/forum/panel discussion on the following suggested topics: <ul style="list-style-type: none"> • Freedom of expression • Civility and respectful dialogue 	The IG will work with appropriate, interested members of the York community to deliver these events.	Education	Provost, VPEPC, VPS
39	(WG 14) Develop the lecture series into a monthly podcast.	SCLD and REI will develop and implement the podcast.	Education	VPS, VPEPC
40	(WG 15) Develop a communication campaign on freedom of expression.	The IG will work with CPA in the development and implementation of a communication campaign on freedom of expression.	Education	CPA
41	(WG 16) That York University engages the York University Student Centre Incorporated to implement the recommendations set out in the Cromwell Review specifically 6.2, 6.3 and 6.4	VPFA and VPS will engage the Student Centre to satisfy this recommendation. They will also develop a process to ensure there is the proper communication and triage.	PPG	VPFA, VPS