

46 Freedom of Speech and Campus Activities

PDAD&C #46, 2004-2005

MEMORANDUM

TO: Principals, Deans, Academic Directors and Chairs
FROM: Frank Iacobucci, Interim President
Vivek Goel, Vice-President and Provost
DATE: January 18, 2005
RE: **Freedom of Speech and Campus Activities**

In the past couple of weeks, a number of situations have been brought to our attention that touch on matters of freedom of speech and academic freedom. We thought that it would be worthwhile to remind you of our principles in these matters as they have been previously expressed and to remind you of some of the relevant policies related to freedom of speech and campus activities.

The University has a unique role in society in guarding the principles of freedom of inquiry and free speech. These principles have been won over the centuries in the face of numerous attempts to thwart them.

Academic freedom, freedom of speech and freedom of association are among the most important values held in the University. Of necessity, this means that there must be freedom to examine, discuss, debate and communicate controversial issues. However, we must also remind ourselves that such freedoms do not give licence to prejudice. The University, as a community of scholars, has an equal responsibility to expose hate for what it is, and condemn hatred in all its guises. This is best achieved by reinforcing the values of civility and diversity and supporting the basic principles that define the Academy.

Often, at times of international strife and conflict, strongly-held statements and communications are made on campus that can be perceived as biased, uncomfortable or intimidating by those on the opposite side of an issue. On such occasions we need to show tolerance and respect for the human rights and fundamental freedoms of all members of our community by calling on our traditions of civility and freedom of expression. We must remind ourselves that opposing ideas and criticism are not inherently intolerant, or synonymous with hatred.

Ideally, academic freedom and freedom of speech should coexist with a respect for human rights and fundamental freedoms of all individuals. This approach eschews intolerance and intimidation by acknowledging that freedom of speech does not extend to defamation, or to communication of hate literature, which is, after all, a criminal offence. Various University of Toronto policies reflect the sensitivity that faculty, students and staff must exercise in facilitating the coexistence of these rights. Attached are links to some of the relevant policies.

In addition, statutes such as the [Ontario Human Rights Code](#), the [Charter of Rights and Freedoms](#), and the [Criminal Code](#), as well as the common law, subject all members of the University community to obligations in exercising rights such as freedom of speech.

During these turbulent times in many parts of our global community, it is especially important that all those on campus respect the University's policies and the law, so that freedom of speech, academic freedom and freedom of association may be safely enjoyed in an environment of tolerance and mutual respect, free of harassment. The University administration will work to ensure that these freedoms are respected. We emphasize that anyone who engages in activities that compromise these freedoms, and those who violate university policies and/or the law, will be held responsible for their actions.

Relevant policies related to freedom of speech and campus activities

Many University of Toronto policies deal with the delicate process of ensuring that freedom of speech can co-exist with the similarly important values of respect for human rights and liberties, all in the context of the applicable laws of the land. The following provides a brief summary of some of the relevant portions of these policies. Please refer to the policies for further details.

[Statement on Freedom of Speech](#) - the Statement identifies the fundamental importance of freedom of speech, but also notes that the purpose of the University requires an environment of tolerance and mutual respect. It indicates that every member of the University community should be able to work, live, teach and learn in an environment free from discrimination and harassment.

[Statement of Institutional Purpose](#) - among other things the Statement notes that freedom of speech, academic freedom, and freedom of research are meaningless unless they entail the right to raise deeply disturbing questions, and provocative challenges to cherished beliefs. The statement also refers to the University's vigilant protection of human rights.

[Statement on Human Rights](#) - in the Statement, the reference to the University's "fundamental and distinctive commitment to freedom of thought, inquiry and expression" is followed immediately by an affirmation of its commitment to the values of equal opportunity, equity and social justice, and later, by a commitment to act "within its purview to prevent or remedy discrimination or harassment " on listed prohibited grounds.

[Policy on Recognition of Campus Groups](#) - the Policy states that in its relations with campus groups, the University "is guided by a commitment to the right of University members to communicate and discuss and explore all ideas, to organize groups for any lawful purpose, to move about the University and to use its facilities in a reasonable way, to distribute on campus, in a responsible way, published material provided that it is not unlawful, to hold meetings, to debate and engage in peaceful demonstrations, and to freedom from discrimination on the basis of sex, race or religion."

[Policy on Disruption of Meetings](#) - the Policy affirms that the essential University function of being open to question and debate on any subject "requires, as a prerequisite, freedom of speech, keeping in mind that all persons on campus are subject to the law of the land, and to University policies, when these apply." Moreover, the Policy states that every member of the University "is obligated to uphold freedom of speech and the freedom of individuals and groups from physical intimidation and harassment." The Policy sets out recommended steps for dealing with disruption that has the effect of denying freedom of speech. The steps start with a request to desist, a warning that disciplinary action could result, and eventually a request to leave. Adjournment may be necessary, during which time the University may take steps to protect the basic right of freedom of speech (including obtaining injunctive relief if necessary, and obtaining outside assistance), with a goal of restoring freedom of speech.

[Statement on Prohibited Discrimination and Harassment](#) - The Statement reiterates "the University's commitment to the rights of freedom from prohibited discrimination and harassment and to the rights of freedom of expression and inquiry" and "recognizes that the task of implementing and respecting those values within the unique environment of the University is a delicate one...". It states that the University aspires to achieve an appropriate balance between these rights in order to maximize the capacity of every individual to flourish to the fullest extent possible." The Statement unequivocally states the University's commitment to be vigilant in the protection of human rights, and to foster an environment free from discrimination and harassment, in accordance with the [Ontario Human Rights Code](#).

[Code of Student Conduct](#) - Among other things, the Code lists offences that include threatening or causing someone to fear for bodily harm; creating a condition that endangers health or safety; threatening damage to person or property; engaging in a course of vexatious conduct directed at an individual or group based on listed prohibited grounds of discrimination, and that exceeds the bounds of freedom of expression and academic freedom as those are understood in University policies and practices; and causing or threatening a disturbance that obstructs organized University activities or the right of members of the University community to carry on their legitimate activities, to speak or to associate with others.

[Code of Student Conduct](#), [the Code of Behaviour for Academic Matters](#), [the Ontario Human Rights Code](#), and [the Criminal Code of Canada](#) in concert with various rules and guidelines adopted in local units. **Everyone bears the primary responsibility for the material he or she chooses to access, send or display. The facilities may not be used in any manner to create, send or display material which contravenes the relevant policies or statutes."**

[University of Toronto Police Policy](#) - The Campus Police are charged with maintaining a peaceful environment and ensuring that all members of the community can pursue their business without fear of safety or security. Among the values by which the police fulfill this mandate are respect for the dignity, privacy worth and diversity of all persons, and equality of access and protection of civil rights and liberties.