

AD HOC COMMITTEE ON PROTEST AND FREEDOM OF EXPRESSION

MANDATE AND TERMS OF REFERENCE

Overall Mandate:

In light of recent events at McMaster and at other institutions across North America which have involved disruptive protests, as well as calls for invitations to speakers to be revoked and for events to be cancelled, the Ad Hoc Committee is tasked with considering and articulating McMaster's commitment to freedom of expression, and making recommendations with regard to appropriate principles or guidelines for protests on campus and safeguarding academic discourse.

Detailed Requirements:

The Ad Hoc Committee is asked to:

- Consider the meaning of freedom of expression within an academic community and prepare a statement or principles articulating the University's obligations and commitment to freedom of expression and high-quality academic discourse.
- Consider the right to engage in protest and dissent and outline the limitations on such rights, within the context of freedom of expression.
- Make recommendations with regard to principles or guidelines intended to assist event organizers, participants, and members of the University administration in achieving a high level of academic discourse and recognizing and responding appropriately to disruptive protests that might threaten or impede this.
- Consult with interested members of the University community, and gather views, opinions and suggestions, including reviewing the conclusions reached and actions taken by peer institutions with regard to disruptive protests and freedom of expression, as the Ad Hoc Committee deems appropriate.
- Make recommendations for any potential revisions to existing policies, or other actions that the University might consider in response to the work of the Ad Hoc Committee and in support of freedom of expression and high-quality academic discourse on McMaster's campus.

MEMBERSHIP

Dr. Karen Bird
Dr. Ana Campos
Dr. Neil McLaughlin
Dr. Emad Mohammad
Dr. Wil Waluchow
Dr. Peter Graefe
Mr. Curran Egan
Ms. Lauren Arnold

REPORT

The Committee began by reviewing numerous University policies related to the topics of protest and freedom of expression. The policies reviewed include:

- McMaster University Statement on Building an Inclusive Community with a Shared Purpose
- Policy on the Use of University Facilities for Non-Academic Purposes
- Senate Resolutions Re: Group Conflict
- Violence in the Workplace Policy
- McMaster University Program and Guidelines on Violence in the Workplace
- Policy on Discrimination and Harassment: Prevention & Response (DISH)
- Guidelines Regarding Interactions with the Media
- Policy on Student Groups (Recognition, Risk Assessment and Event Planning)
- Student Event Risk Management Policy
- Student Rights and Responsibilities
- Code of Student Rights and Responsibilities
- Tenure and Promotion Policy
- Statement on Academic Freedom
- Code of Conduct for Faculty and Procedure for Taking Disciplinary Action

The policies are diverse and cover a range of topics from a specific viewpoint often targeted at a specific community, e.g., students or faculty or off-campus groups. Many of the policies have relevant and helpful information related to the issues of protest and freedom of expression however few have been written specifically for these issues. The Committee identified a number of gaps and opportunities for improvement.

Additionally, the Committee met or consulted with a variety of individuals and offices, including a number of student leaders, the Equity & Inclusion Office, the University Secretariat, Security & Parking Services, representatives of Student Affairs, and the Ombuds office. These conversations were helpful and enlightening.

Recommendation for the creation of a University Statement on Freedom of Expression

“The fundamental mission of the University is to provide opportunities for education, both within and outside of the classroom.”

--President Patrick Deane

Recent years have witnessed a widespread global political polarization alongside an upsurge in protest movements motivated by pressing social and economic issues that have engaged activists from across the political spectrum. Not surprisingly, the broader political climate is influencing university life today; social movements active in protest have found expression on university campuses and the tone of campus debates has also become polarized. The university's longstanding commitment to freedom of expression, inquiry and protest (henceforth “freedom of expression”) has come into conflict with no less important commitments to human rights and the values of equity, diversity and inclusion. Unchecked freedom of expression can sometimes threaten these latter commitments by shielding various forms of offensive, hurtful and, in some instances, harmful expression. This has led some to argue in favour of more restrictive limits on free expression than contemporary universities have been comfortable observing since they became open to more critical perspectives in the 1960s. Defenders of a robust freedom of expression reply that unduly limiting its reach can threaten the very foundations of a liberal society and the core mandate of its universities. Arguably a greater threat to these values is to allow harmful, even hateful ideas, beliefs and traditions to continue to roil and fester in some underground and unpredictable existence--unexposed, unchallenged and unaccountable. In addition, creating a political process within the university controlled by the administration, students or faculty who decide who gets to speak at public events on campus threatens both basic free speech and academic freedoms and creates a dynamic whereby discussions become dominated by differences over who gets to speak as opposed to the merits of the relevant ideas themselves.

McMaster University thus remains unequivocal in its commitment to freedom of expression, inquiry and protest and, with the exception of those forms of expression already outlawed nationally by harassment, libel and hate speech legislation, continues to stand for the vigorous, open and civil dialogue and debate of all ideas, including those that some find offensive or odious, or that appear to conflict with the university's values of equity and inclusion. Indeed, it is precisely because McMaster is committed to expanding and deepening the diversity and inclusivity of its intellectual community that it will support and encourage the free exchange of ideas, an exchange that has allowed humanity historically to triumph over inhumanity. Censorship by definition is non-pedagogical and collides with the university's mission to provide meaningful “opportunities for education, both within and outside of the classroom.”

The Committee believes strongly in the right to protest, and equally strongly on the importance of informed discussion and debate. McMaster is an institution of higher learning and the community should be able to engage thoughtfully, meaningfully and civilly on all issues, even ones that some members of our community find deeply controversial. The temptation to ‘shut down’ or prevent events from occurring is troubling. Censorship is not an option. There are very narrow grounds under which McMaster should restrict or stop a speaker or an event, essentially those dealt with in federal and provincial laws governing harassment, libel, slander and hate speech. In all these instances, a very high threshold must be met before legally restrictive steps can be taken. These thresholds have all been set in recognition of the vital role free expression plays in a free and democratic society. McMaster should be prepared to follow suit. However, it should also be

fully prepared to act in circumstances where the prescribed threshold(s) have been surpassed, and to support affected members of its community who may nevertheless suffer the ill effects of offensive, hurtful expression even if and when the prescribed limits have not been exceeded. Therefore, it is important that McMaster work closely with campus groups and provide guidance on how to manage and prepare for speakers and events that have the potential to generate controversy and even protest and contention. It is equally important that steps continue to be taken to help ensure that all members of our community, but especially traditionally marginalized groups, have a strong voice and are empowered to peacefully debate, protest and/or host alternative events to speakers/events with whom they disagree.

McMaster's core educational mission is to provide opportunities for students to develop the knowledge, skills, competence and confidence to explore, evaluate and when necessary vigorously challenge all manner of ideas and arguments. The University cannot succeed in this mission without the cooperation of its members; it is in this sense that one of McMaster's core principles is to "[w]herever possible...reduce or eliminate obstacles to cooperation." So while the right to engage in peaceful protest must be honoured and protected, such protests must take place in a manner that does not impede normal academic procedures or interfere with the rights of others to have access to ideas, to explore, learn and challenge. Nor can campus demonstrations be used to harass or intimidate other individuals or groups.

McMaster faculty members have an obligation and responsibility to explore difficult topics and to educate the McMaster community on issues of free speech, activism, safe space, debate, cyber bullying, etc. There is a concern that we are sometimes experiencing "activism without understanding". **The committee recommends an on-line lecture series (pod-casts or YouTube videos) be created and posted to generate high-quality academic discourse on the above topics.** Faculty members should develop the curriculum and deliver the lectures. Ideally, the lecture series would be sponsored or funded by a research institute or the MacPherson Institute.

The Socratic teaching method calls for students and teachers to challenge and question unexamined ideas, assumptions and arguments. This can sometimes be troubling for students who often come to see their fundamental beliefs and worldviews as under threat. **The Committee recommends the MacPherson Institute develop resources for instructors who are teaching controversial and/or potentially challenging material.** The resources should be sensitive to these potential difficulties and provide guidance on how to navigate them successfully. They should help build communities of practice and include classroom management techniques that will allow for questions and discussions to be pursued in fruitful, respectful ways.

Recommendation for the creation of a University policy on the issue of protest and the review of related policies.

Currently, there is no comprehensive policy to address the issue of protest. This, the committee believes, is highly problematic. **The Committee therefore recommends the creation of an official Protest Policy.** Ideally, it should provide guidance to the community on the various forms protest can take and what is appropriate/effective protest, (e.g., what protest should look like in the room/at the event, what protest can look like outside the event [picketing] and the effectiveness of alternative events and/or non-attendance) and the management of protest (e.g., advice for event organizers, distribution of respectful behaviour expectations at events, etc.) The McMaster Peace Initiative document is a good starting place and should

be used when drafting the policy. It should include guidelines for on-line civility before and after events. The Committee reviewed other institutions policies and was particularly impressed with the protest policy developed by New York University. This would be a good place to start when constructing a policy specific to McMaster.

The Committee recommends that McMaster policies be reviewed to accurately reflect the current environment and to make provision for early identification of events that may generate disruptive exchanges or protest. The following policies should be reviewed:

- Policy on the Use of University Facilities for Non-Academic Purposes
- Senate Resolutions Re: Group Conflict
- Violence in the Workplace
- Policy on Student Groups (Recognition, Risk Management and Event Planning)
- Student Event Risk Management Policy

SUMMARY OF RECOMMENDATIONS

- Creation of a University Statement on Freedom of Expression
- Creation of an on-line lecture series (pod-casts or YouTube videos) to generate high-quality academic discourse on topics related to freedom of expression and protest, e.g., free speech, activism, debate, safe space, etc.
- The MacPherson Institute develop resources for instructors who are teaching controversial and/or potentially challenging material.
- Creation of a University policy on the issue of protest and the review of related policies.