

GUIDELINES FOR EVENT ORGANIZERS, PARTICIPANTS AND PROTESTORS: FREEDOM OF EXPRESSION, PROTEST AND DISSENT

Fundamental Commitment

As an institution of higher learning, McMaster University upholds a fundamental commitment to freedom of expression and association for all its members. United in our pursuit of knowledge, and our belief in the power and importance of education, we are committed to the free exchange of ideas, to questioning and challenging received wisdom, engaging in respectful debate and discussion of even the most potentially controversial issues, and supporting the right of members of our community to engage in peaceful protest and dissent.

In exercising these freedoms, all members of the University community are required to respect the rights and freedoms of others; comment or conduct that constitutes, promotes or incites harassment, intimidation, discrimination, violence or hate are unacceptable and have no place within the McMaster community. The University seeks to promote an environment where respectful, meaningful discourse and discussion can occur and where diverse viewpoints can be advanced and deliberated in a spirit of inclusiveness and academic integrity.

Members of the McMaster community are expected to engage with one other in a spirit of mutual tolerance, respect and understanding. It is only with the support of the entire McMaster community that the University can maintain and support an environment in which the free exchange of opinions can flourish, and where knowledge and understanding can be advanced as a result.

Purpose and Scope

These guidelines are intended to assist event organizers and participants, as well as those seeking to engage in protest or dissent. They apply to all members of the University community and their invited guests. The guidelines are intended to be applied without regard for the subject matter or content of any particular speech, performance or event held on McMaster University property.

As an academic institution, McMaster has an obligation to ensure that the regular academic and administrative business of the University (regularly scheduled lectures, classes, exams, administrative meetings, etc.) continues unhindered. The University will accordingly take such steps as are necessary to ensure appropriate conditions to enable a conducive learning, working and living environment, and that academic and general facilities, property and equipment are available for use for their regular purposes as part of the ongoing academic and administrative business of the University.

General Principles

Within the framework of the University's policies and processes, members of the McMaster community are free, and encouraged, to organize and promote events, invite speakers and hold meetings, as well to express their dissent or disagreement with the opinions or views espoused at such events.

Given the fundamental importance of freedom of expression to the mission of the University, the institutional goal is to enable planned events to proceed wherever reasonably possible. The

cancellation, suspension, or postponement of events are not desirable outcomes and such measures should be taken only in extreme cases, such as where there are serious concerns for public safety that the University is not confident of being able to mitigate.

Protest and Dissent

The right to dissent is the complement of the right to speak, but these rights need not occupy the same forum at the same time. A speaker (whether a member of the University community, invited speaker or performer) is entitled to communicate their message to the audience during their allotted time, and the audience is entitled to hear the message and see the speaker during that time. Individuals or groups engaged in protest or dissent must not substantially interfere with the speaker's ability to communicate or the audience's ability to hear and see the speaker.

Examples of Acceptable/Unacceptable Dissent

The following guidelines, which are not intended as an absolute or exhaustive list, suggest the limits of acceptable dissent:

- a. Picketing; Literature - Picketing in an orderly way or distributing literature outside the meeting is acceptable so long as it does not impede access to the meeting. Distributing literature inside a meeting is acceptable before the meeting is called to order, or the speaker begins speaking, and after the meeting is adjourned or the speaker has finished speaking.
- b. Silent or Symbolic Protest - Protesting noiselessly, such as by displaying a sign, wearing clothing, gesturing, or standing, is acceptable so long as the protest does not interfere with the audience's view, or prevent the audience from paying attention to the speaker. Any use of signs, prolonged standing, or other activity likely to block the view of anyone in the audience should be confined to the back of the room.
- c. Noise - Responding vocally to the speaker, spontaneously and temporarily, is generally acceptable, especially if reaction against the speaker is similar in kind and degree to reaction in their favour. Chanting, blowing horns or whistles, or making other sustained or repeated noise in a manner which substantially interferes with the speaker's communication is not permitted, whether inside or outside the meeting.
- d. Boycotting; Hosting an Alternative Event – Boycotting an event and providing a public explanation of the rationale for such a boycott is an acceptable form of protest. Similarly, hosting an alternative event to present a different perspective or viewpoint is acceptable.

Promotion of Dialogue

Speakers are encouraged to accept and respond to questions and to exchange ideas and engage in dialogue with audience members so that points of contention can be addressed. Event organizers are accordingly encouraged to arrange with speakers for the incorporation of a question and answer period and to provide a reasonable opportunity for dissenting opinions to be heard. Event organizers should not accept stipulations by invited speakers or performers that seek to limit opportunities for discussion or the expression of alternative views. In certain cases it may be appropriate to arrange for a formal right of reply to be given by a representative member of a dissenting group; arrangements for such formal responses should be made in advance of the relevant event.

Responsibility of Audience Members

Members of the audience, like the speaker and event organizers, are expected to respect the right to dissent. A member of the audience or event organizer who substantially interferes with acceptable dissent is violating these guidelines in the same way as a dissenter who violates the rights of the speaker or audience.

Responsibility of Event Organizers

Event organizers are responsible for communicating these guidelines and the expectations of the University to invited speakers or performers and for securing their agreement to them. Whenever possible, event organizers are encouraged to keep open lines of communication with dissenting individuals or groups prior to and during the event.

Event organizers are responsible for considering whether there are any potential safety concerns relating to their event, identifying any issues of accessibility that should be addressed, and considering the potential impact of their event on other groups or individuals so that any relevant University supports can be put in place. Any such issues should be identified initially to Environmental & Occupational Health Support Services (EOHSS) and event organizers are then expected to work with the University in advance of their event to ensure that appropriate measures are put in place. This may include obtaining advice and support from Security Services, engaging in additional risk assessment and contingency planning processes in conjunction with EOHSS, providing accessible options for the event, making available appropriate University supports for concerned groups or individuals, or putting in place additional measures, such as requiring tickets, as may reasonably be necessary to enable the planned event to proceed in an orderly fashion.

Use of Moderator/Facilitator

In cases where event organizers know or expect that a particular speaker or topic will be controversial, use of a neutral and non-partisan moderator/facilitator, such as a senior faculty member, should be considered.

The moderator/facilitator should make clear at the meeting that their role reflects no position for or against the views of the speaker or event organizers and should seek to ensure that the event is able to proceed and that the rights of the speaker are balanced with the rights of those who disagree. The moderator/facilitator should preside over any question and answer period and should also determine at what point an individual or group engaged in an unacceptable level of protest or dissent should be asked to leave.

Unacceptable Behaviour

Comment or conduct that constitutes, promotes, or incites harassment, intimidation, discrimination, violence or hate is not acceptable. Although not intended as an exhaustive list, the following are examples of unacceptable behaviour:

- a. Using or threatening force or violence, whether against a speaker or a member of the audience.
- b. Inciting violence or hatred against an individual or an identifiable group, either verbally or through the display of signs, slogans or symbols.
- c. Physically intimidating the speaker or members of the audience.

- d. Engaging in acts that may endanger the safety of others.
- e. Causing damage to property.

Sanctions

In the case of an unacceptable level of dissent or interference with a speaker or event, the event organizer or any moderator/facilitator should first notify the relevant individual or group that they are unduly interfering with the event and will be asked to leave should they continue to do so. If the disruption to the event continues, the relevant individuals should be asked to leave; the assistance of Security Services can be sought in the event that individuals fail to leave when asked to do so. Following the period of disruption the moderator/facilitator and/or event organizers should seek to re-establish the event as quickly as possible.

Where conduct at an event violates or appears to violate laws or University policies or codes of conduct, such conduct will be investigated in accordance with the University's usual processes, and appropriate sanctions for violations of policies or codes of conduct will be applied.

Overall Goal

As an academic community, it is crucial that McMaster's campus is a place where a diverse range of opinions and perspectives can be held, and where respectful debate and critical enquiry are able to flourish in an atmosphere of mutual tolerance and understanding. These guidelines are to be understood and applied in that spirit.