

# 1. Introductions : basic considerations

The Presidential Committee on Rights and Responsibilities of Members of York University was charged, in the words of its Terms of Reference (which are set out in full in Appendix A) "to make recommendations as to the norms that should govern the behaviour and activities of faculty and students in those areas in which the Committee considers that the University has a legitimate concern and as to the institutions or machinery for their enforcement."

The Committee has not taken this as a mandate to reconsider the structure and government of the University, nor as an invitation to inquire into academic programmes offered by the University. It has seen its task as an equally telling one, however, consisting of three main divisions: (1) sorting out relevant issues of on-campus and off-campus conduct of teaching and student members of the University in their extra-curricular activities; (2) expressing its views on the social and ethical and academic values involved in those issues as they pertain to the community of York University; and (3) fashioning domestic machinery through which particular grievances, whether by or against faculty members, students or members of the administration, may be considered and, failing adjustment or accommodation between the parties involved, may be equitably resolved through impartial adjudication.

In addressing itself to these matters the Committee realized how difficult it is to distinguish between the academic and the non-academic involvements of members of the University. Nonetheless, it has sought to draw a line between them in the knowledge that under the York University Act, academic matters are for the Senate and for the constituent teaching faculties and departments. In making this distinction, the Committee has not been affected or influenced by the Act because its terms, by their very generality (and reference is made particularly to sections 10 and 13 (2) (b) (c) (f) (g) and (h), which are set out in Appendix B) do not limit the Committee on any of the matters on which it has chosen to report. Moreover, the Committee did not consider that its terms of reference obliged it to confine its recommendations to those only that could be implemented without amendment of the Act.

The Committee thinks it appropriate to say that it was not called into being by the President because of any existing or looming urgency. It is not that the transformations in University operations and University government, with which faculty and students are intimately involved, have left York untouched. York is very much in the current of changes affecting all aspects of University life. This is not the place to judge whether the pace of change and the character of change have satisfied the most impatient and the most radical or have outraged the most serene and the most contented. The fact is that there has been a healthy balance in the mix of persons who constitute the York University community, and as a result the University has been operating on consensus rather than on reaction to ultimatata, on prevention rather than on cure.

Prudence — common sense is perhaps the better term — dictated that the time had come to have a comprehensive look at the University's approach to discipline, at its regulations in that field and at its administrative practices. Faculty and student concern in matters of national and international, social and economic and political policy, their quite legitimate wish to express themselves as citizens as well as members of a University, and the consequential impact of any overt expression of their concern within and beyond the geographical limits of the University, made it wise to turn attention to the ways in which the University may accommodate their interest, consistent with the maintenance of its institutional integrity. Such a reconciliation is necessary for any accommodation which takes account, as it must, of differences of opinion on issues of common concern.

In addition, faculty and student appraisal of their own teaching and learning environment, their assessment of courses, methods, decision-making, financing and a host of other matters pertaining to their welfare and to that of the University, is no longer muted. They are entitled to be heard, whether or not they speak in the same vein; and orderly ways of ensuring a confrontation of ideas



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and of policies, academic and administrative, are obviously to be preferred to the risk of physical conflict or disruption which could be the result of frustration in being denied a forum for expression or an ear willing to listen.

The purposes or aims of a University have been and continue to be variously stated, but for the purposes of this Report, it is enough to say that the University is a community of faculty and students dedicated to the pursuit of truth and the advancement of knowledge and a place where there is freedom to teach, freedom to engage in research, freedom to create, freedom to learn, freedom to study, freedom to speak, freedom to associate, freedom to write and to publish.

These freedoms can only be realized fully if the University is secure from external constraint, and if internally an environment is nourished which is free from upheaval and disruption and which is characterized by a mutual consideration, restraint, and tolerance among all its members so that the advantages of teaching, research, and study will be available to all to the extent to which they can or choose to benefit from them.

An implicit commitment is made by any faculty member or student joining the university community to respect and strengthen its fundamental values and purposes. A university is not a marketplace — even of ideas; it is not a shop or factory involving some kind of producer-consumer relationship between faculty and students. Nor is the university a political arena for resolving the class and party struggles of the society in which it is situated. Truth follows no political standard. Instead, the university should be conceived of as a vibrant shared experience in a life devoted to intellect and imagination.

An essential characteristic of such an experience must be a capacity to tolerate unsettling opinions; and another must be the absence of any official doctrine or ideology. The University as a corporate community must be neutral so as to permit its members to be protagonists of widely diverse and conflicting views, except when those views are inimical to the values and purposes of the University itself.

Like any community the University must continuously resolve the problem of liberty and order. But whatever be the approach in other communities, the University must in marginal cases show a preference for liberty, and risk its judgment in such cases for that preference. Only in a climate of openness of debate and discourse, of unhampered assembly and association, can the University community survive and adapt itself to a changing world. The exaltation of order at the expense of liberty would threaten the very foundations of the University. If all members of the University community except one were of a single view, and this one member opposed that view, the University would have no more justification for silencing him than he would have, providing he possessed the power, of silencing them. Nevertheless, liberty in regard to action as well as expression in the University does not mean anarchy, without consideration and toleration for the action and expression of others, nor does it mean destruction of the University itself. This is the least that is owed to others as fellow human beings regardless of their intellectual, social, and political views, and it is central to the obligation entailed by all who become members of the University community. The mounting of physical force or violence

continued next page