

Background

In 1969, a Presidential Committee on Rights and Responsibilities of Members of York University, chaired by the Honourable Mr. Justice Bora Laskin, presented its Report. This Report included reference to human rights policy in the province and its application to York. Although the Report itself did not become official University policy, it did influence subsequent policies and regulations with regard to student conduct.

In November, 1982, then President H. Ian Macdonald convened a meeting with members of the community to discuss the incidence of anti-semitism on the York campus. In a subsequent address, President Macdonald offered a more general articulation of the responsibilities of the University in this area of increasing concern. There followed a Presidential Statement dated 2 December, 1982, enunciating a policy of tolerance within the community.

In April, 1983, President Macdonald established a Special Review Committee, mandated initially to review a racial incident in the York apartments. The Commit-

tee was also to report on the state of race relations at York and mechanisms to handle problems. After a preliminary Report dated 28 April, 1983, the work of the Special Review Committee led to the appearance of two later reports, both of which the administration of the University, on the receipt of legal advice, deemed unsuitable for general publication and dissemination.

The responsibility for continuing discussion of the issues and for development of general policy was assigned, in February, 1984, to the newly appointed Provost of the University. In March, 1984, Professor T.A. Meininger established the Committee on Race and Ethnic Relations whose terms of reference were to find ways "to increase the sensitivity to, and appreciation for, social and ethnic harmony," and "to promote tolerance among people of differing racial and ethnic backgrounds within the University community." This Committee, after 20 months of hearings, interviews, a survey, considerable research and much discussion, has now issued its report.

Membership of the Committee

The following people have served as members of the Committee on Race and Ethnic Relations: Peter A. Cumming (Chairperson), Irv Cooper, George Eaton, Harry Glasbeek, Munyonzwe Hamalengwa, Brenda Hanning, Frances Henry, Elspeth Heyworth, Louise Jacobs,

Clifford J. Jansen, Billie Mullick, Carole Yawney, and Andrew Zarnett. The Committee was aided by the following researchers: Hugh Ashford, Effie Ginzburg, Howard Piafsky, Lyal Sunga, and Mary Ellen Turpel.

Submissions

The Committee received written submissions from the following: W. Burnett (Glendon College, Faculty of Education), G. Doxey (McLaughlin College), D. Hobson (Vanier College), D. Lumsden (Norman Bethune College), C.E. Rathé (Founders College), the E.S.L. Coordinating Committee, and the Federation of Indian Students. Oral presentations were made by: M. Elliott (Winters College), L. Lawrence (Fine Arts),

D. Moore (SHEACC), I. Pengelly (Jane-Finch community), O. Quamina (Personnel Services), L. Sanders (E.S.L. Coordinating Committee), E. Scarponi (COSTI-IIAS), A. Shefman (League for Human Rights), T. Trantor and C. Oliver (Ethnic Relations Unit, Metro Toronto Police), Caribbean Students Association, Federation of Indian Students, and Security and Safety Services.

TERMS

Racism — a term which denotes discrimination on the basis of race, ancestry, national or ethnic origin, or colour.

Racial Incidents — they may be defined for the purposes of this report as verbal or physical interaction among any member of the institution that expresses a negative attitude, derogation or hatred for a person based on race, ancestry, national or ethnic origin, or colour. These incidents may take the form of racial slurs, threats, discriminatory evaluations and placement decisions, insults, verbal abuse, name-calling, jokes, racist graffiti, intimidation and physical assault. Although the number and extent of incidents are not in themselves deterministic, the factors of frequency and repetition must be taken into account. A minor incident causing annoyance when repeated frequently may escalate to constitute major harassment.

Apprehended Violence — a term used to describe an element inherent in many racial incidents. It may be used in one sense to describe fear on the part of a victim of potential physical violence resulting from harassment. It can also be used to describe violence inherent in non-physical aggression such as that felt in continuing verbal harassment.

—from the Committee's Report

Report of the Committee on Race and Ethnic Relations

[Note: What follows is a condensation of the Committee's lengthy report. The condensation seeks to provide all members of the community with a convenient published version of the report that conveys the salient findings and recommendations. Responsibility for the condensation rests not with the Committee itself, but with the Provost of the University.]

[The body of the report is organized as follows: 1) Introduction; 2) The University and the General Law; 3) Perceptions of Racism on Campus; 4) Existing and Possible Methods of Redress for Human Rights Complaints at York; and, 5) Recommendations. This condensation will follow the organization of the report.]

1. Introduction

[In this section of the Report, the Committee discusses its mandate, describes the methods it developed to study the question, relates in the abstract the presence of occasional racist incidents and their implications, and raises the issues that face the University, concentrating in particular on freedom of expression.]

The Committee on Race and Ethnic Relations at York University was struck as an advisory body to the Provost. By its terms of reference, the purpose of the Committee is to increase the sensitivity to, and appreciation for, race and ethnic harmony, and to promote tolerance among people of differing racial and ethnic backgrounds within the University community.

York University, reflecting the composition of Metropolitan Toronto, has a rich and varied ethnic makeup. Indeed, this is one of York's significant advantages. However, as much as York reflects the population of the city, it is also a microcosm of the larger society and is unable to escape manifestations of racism among members of the community. Although enjoying a relative peace on campus, incidents of intolerance occurring at York over the past few years have demonstrated that an undercurrent of racism exists among a few members of the York community. This challenge emphasizes the need for an official institutional response.

As well as being obligated to deal with the problems on campus, the University also has an educational role in providing an example of commitment and leadership in the area of human rights to the larger community.

The Committee, in the hope of grounding the recommendations in the reality of facts, carried out a survey of the nature and extent of racial incidents on campus. The Committee reviewed the experience of other universities. Oral and written submissions from students, student groups, faculty members and various groups from on and off-campus were received. The Committee also developed a legal framework through which complaints of racial and ethnic harassment could be resolved in an expeditious, consistent, fair and effective manner. Finally, the Committee has recommended certain educational and preventative initiatives to alleviate sources of potential misunderstandings and conflicts.

The Committee found that members of

the community have been victims of name-calling and racist and ethnic insults. Such insults have been sometimes made by students to students directly or indirectly (e.g. through graffiti on washroom walls). Some students have also reported discriminatory attitudes against certain racial and ethnic minorities on the part of professors and teaching assistants. For example, some students have felt that foreign students are assumed to be academically inferior and that some minority groups are viewed as stereotypes by some professors and teaching assistants.

Students also reported that racism is experienced not only in the classrooms, but also in administrative offices, residence, libraries, and campus cafeterias. Moreover, staff and faculty who are members of minority groups can also be subject to similar harassment.

That there is racism at York is no surprise despite the fact that York is an academic community. The people who make up the University community are as exposed to cultural biases and stereotypes as anyone. An institution within society, York can expect some degree of intolerance but it also has a role to play in dealing with difficult problems that arise in the conflict between the freedom of individuals and groups to act as they please on the one hand, and the requirement of basic respect for individuals and their human rights, on the other.

The pursuit of justice and fair play ought never to be neglected or forgotten. The protection and promotion of the human rights of individuals and of groups is today considered a cornerstone of the social foundations of democracy. Careful attention must be paid to the dignity of individuals, minority groups, the poor, the disadvantaged and the powerless. Similarly, people must be able to express dissenting opinions and different perspectives. Young people whose talents and contributions are yet to be recognized would be discouraged, or find their initiative smothered completely, by forced conformity or outright intolerance.

Dealing with racial and ethnic discrimination can raise concerns about freedom of expression of opinion. The free exchange of ideas and opinions is a critical necessity to society and its universities. Freedom of speech is highly valued in Canada. Indeed, it might be considered the most essential human right.

Some kinds of conduct, however, obviously do not advance understanding, the goal of freedom of expression. If we assume as a general moral principle that individuals *prima facie* ought to be accorded an equal and basic measure of respect, then conduct which denies respect to an individual is not morally permissible. Insofar as racial jokes and slurs infringe this principle, they ought not to be permitted in the university.

[The Committee goes on to discuss the grey areas that arise in putting such principles to work in a university, attempting to create an intellectual context for establishing a balance among freedom of expression, bona fide academic inquiry and respect for human dignity.]

In the university community, it is difficult and impractical to prohibit the use of specific language. A better solution might be to establish mechanisms to deal with concerns that arise among members of the university community. These mechanisms would provide students with a means of airing grievances they might have vis-a-vis instructors. Such a mechanism is more difficult in the case of student-to-student conflicts, and it could be argued that this area should be left to the law of the land.

More generally, and as another kind of example of the issues, a speaker who argues that apartheid is a justifiable political system ought to be allowed to offer his or her opinions free of disciplinary action from the university. But so should others be allowed to protest the speaker's opinions. And if the speaker is not a student, but a speaker from off-campus, students ought to have their right preserved to protest peacefully the speaker's very presence on campus. Such is the right of free speech. The offering of unpopular opinions should be allowed, but so should objections, peaceful protest and demonstration also be allowed. This approach to the right of free speech means that sometimes a speaker may not be heard. This implies a balance must be struck. What speaker ought to be heard regardless of strong objections to his or her presence or opinions? No speaker enjoys, or ought to enjoy, an absolute right to inflict his or her opinions on the public. Allowing both speaker and audience rights elevates the freedom to speak to the political level.