

# **FREEDOM OF EXPRESSION, PROTEST AND DISSENT: GUIDANCE FOR EVENT ORGANIZERS AND PARTICIPANTS**

## **Fundamental Commitment**

As an institution of higher learning, McMaster University upholds a fundamental commitment to freedom of expression, association and peaceful assembly for all its members. United in our pursuit of knowledge, our belief in the power and importance of education, and our determination to be an inclusive community, we support the rights and freedoms of members of our community to exchange ideas, question and challenge received wisdom, engage in respectful and informed debate, discuss even the most potentially controversial issues, and 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 and are expected to engage with one another in a spirit of mutual respect, understanding, and regard for human dignity. While recognizing the imbalances in power that exist within our community and the disproportionate impact such imbalances have upon marginalized groups and individuals, McMaster aspires to be a place where respectful, meaningful discourse and discussion can occur, where all voices have an opportunity to be heard, and where diverse viewpoints can be advanced and deliberated in a spirit of inclusiveness and academic integrity.

It is only with the support of the entire McMaster community that the University can achieve its vision of fostering and maintaining an environment in which the free exchange of opinions and ideas can flourish, and where knowledge and understanding can be advanced as a result.

## **General Principles and Goals**

As outlined above, as an academic community, it is crucial that McMaster be a place where a diverse range of opinions and perspectives can be held, and where respectful debate and critical enquiry can take place in an atmosphere of mutual respect and understanding. The guidance contained in this document is intended to facilitate this and is to be interpreted and applied in that spirit.

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 as 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 community safety that the University is not confident of being able to mitigate.

## **Purpose and Scope**

The guidance contained in this document is intended to assist event organizers and participants, as well as those seeking to engage in protest or dissent. It applies to all members of the

University community and their invited guests, and is 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.

## **Guidance**

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 should not substantially interfere with the speaker's ability to communicate or the audience's ability to hear and see the speaker.

### **1. Responsibility of Audience Members**

#### **a) Examples of the Scope and Limits of Acceptable Protest and Dissent**

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

- 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.
- 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 and hearing 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.
- 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.
- 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.

Members of the audience, like the speaker and event organizers, are expected to respect the right to protest and dissent. Members of the audience, as well as the speaker and event organizers, should not inhibit acceptable forms of protest and dissent.

**b) Examples of Unacceptable Behaviour**

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

- Using or threatening force or violence, whether against a speaker or a member of the audience;
- Inciting violence or hatred against an individual or a group, either verbally or through the display of signs, slogans or symbols;
- Physically intimidating the speaker or members of the audience;
- Engaging in acts that may endanger the safety of others;
- Causing damage to property.

**2. Responsibility of Event Organizers**

- a) Event organizers are responsible for communicating this guidance and the expectations of the University to invited speakers or performers and for securing their agreement to them in advance of the event. Whenever possible, event organizers are encouraged to keep open lines of communication with dissenting individuals or groups prior to and during the event.
- b) 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 various 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); event organizers are then expected to work with the University in advance of their event to ensure that appropriate measures are put in place. Such preparation 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 or a pre-event registration process, as may reasonably be necessary to enable the planned event to proceed in an orderly fashion.
- c) In cases where event organizers know or expect that a particular speaker or topic will be controversial, event organizers are responsible for enlisting a skilled moderator, such as a senior faculty member. The role of the moderator is to maintain an impartial position while discharging their duties as facilitator.

### **3. Role of Moderators/Facilitators**

- a) The moderator is responsible to make clear at the outset of the event that their role is as an impartial facilitator seeking to ensure that the event is able to proceed, and that the rights of the speakers are balanced with the rights of those who disagree.
- b) While facilitating the event and presiding over any question and answer period, the moderator should remind audience members of the expectations of the McMaster community for the conduct of the event, as outlined in this guidance.
- c) The moderator is also responsible for determining at what point an individual or group engaged in forms of unacceptable protest or dissent, as outlined in this guidance, should be asked to leave.

### **4. Promotion of Dialogue**

Speakers should be 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 are encouraged not to 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 and communicated, at the outset, to those attending the event.

### **5. Seeking Assistance**

In the case of unacceptable forms of dissent or protest from audience members, the event organizer or any moderator/facilitator should first notify the relevant individual or group that their behaviour is not acceptable and is unduly interfering with the event, and that they will be asked to leave should they continue to do so. If the behaviour 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. The moderator/facilitator and/or event organizers should seek to re-establish the event as quickly as possible.

Any individual who is concerned that conduct at an event violates or appears to violate laws, University policies or codes of conduct, is encouraged to notify the relevant University office (which may include the Equity and Inclusion Office, Student Support and Case Management, Employee/Labour Relations, Faculty of Health Sciences Professionalism Office, Security Services) so that the relevant conduct can be investigated and addressed in accordance with the University's usual processes and policies. Similarly, any individual or group who is in need of support or assistance before or after an event is encouraged to contact one of the offices listed above or any of the other supports and resources available to members of the McMaster community (which may include the Student Wellness Centre, Ombuds Office, Chaplaincy Centre and McMaster Students Union, or other supports and services as appropriate).