

RFA EXECUTIVE MINUTES
ILC London/Paris Room
Sept 18, 2018

ATTENDANCE:

<i>Office</i>	<i>Officer</i>	<i>Yes/No/Regrets</i>
President	Ron Babin	Yes
Vice President Internal	Kileen Tucker Scott	Yes
Vice President External	Dave Mason	Yes
Treasurer	Carmen Schifellite	Yes
Secretary	David Naranjit	regrets
Health & Safety Officer	Habiba Bougherara	Yes
Chair, Grievance	Jesmen Mendoza	Yes
Chair, Negotiating	Ian Sakinofsky	Yes
Chair, Professional Affairs	Rachel Berman	Yes
Chair, Equity Issues	Tariq Amin-Khan	Yes
Member at Large	Anthony Francescucci	Yes
Staff	André Foucault	Yes
Staff	Shiraz Vally	Yes
Staff	Agnes Paje	Yes

1. Order/Establishment of Quorum
Meeting began with quorum at 10:04 AM
2. Approval of Agenda
Motion to adopt Agenda (Mason/Tucker-Scott). Carried
3. Approval of Minutes
Delayed until meeting of October 2nd.
4. Business Arising from Minutes
 - a) Motion “The RFA president should participate on the working committee regarding Indigenization of Ryerson faculty” (Mason/Amin-Khan). Carried unanimous.
5. Order(s) of the Day
 - a) Discussion re Freedom of Speech Policy. On behalf of the Equity Committee, Tariq Amin-Khan presented a document that proposes revisions to the Ryerson draft policy. After much discussion, and within 24 hours, a revised RFA policy was circulated and approved by the executive. A copy is attached to these minutes. The RFA proposal has been sent to the Ryerson Senate committee responsible for the new Freedom of Speech Policy. The policy will be presented to Ryerson Senate on Oct 2nd for review and approval. The RFA Executive Committee extends a grateful thank-you to the Equity Committee for their work on this important policy.

- b)* A proposal from the University for a temporary revised role for the Chair of Nursing was debated and strongly rejected as “100% unacceptable” by the Executive Committee.

6. Reports

- a)* Treasurer (Schifellite)
Budget variance reports available but delayed discussion until future meeting.

- b)* Grievances (Mendoza)
The Executives discussed the Faculty Course Survey (FCS) grievance award. The RFA is extremely disappointed that the Administration will not suspend the current FCS which the arbitrator has described as discriminatory and possibly a violation of the Ontario Human Rights code. Ryerson has decided to comply with the bare minimum required by the Arbitrator. The RFA is now preparing to challenge this minimal compliance so that the larger FCS problems identified by Arbitrator Kaplan can be addressed.

In addition to the FCS grievance, Dr. Mendoza provide an overview of current grievances.

- c)* External Affairs (Mason)
- Update from OCUFA – Executive Director Mark Rosenfeld is finishing his term of office; OCUFA has hired a new Exec Director.
 - A committee on the Status of Women in Universities is being formed, Rachel Berman has offered to represent the RFA on this OCUFA committee.
- d)* Internal Affairs (Tucker-Scott)
The first Representatives Council will take place on October 30th. Executives will attend to provide updates on recent RFA activities and directions.
- e)* Professional Affairs (Berman)
A workshop is being prepared for Associate Professors planning to submit their dossier in 2019 for promotion to Professor. The workshop date is Nov 27th.
- f)* Equity (Amin-Khan) (see Order of the day above)
A request: that the RFA communications be mindful of language and phrases that are unintentionally disrespectful of persons with disabilities.
- g)* Health & Safety
No updates to report at this meeting.
- h)* Secretary (Naranjit)
No updates to report at this meeting.

i) Negotiations (Sakinofsky)

Ian Sakinofsky provided an update regarding the Collective Agreement mediation/arbitration process that has begun between the Administration and the RFA. The formal process, with Arbitrator Kaplan, began on Sept 13/14 and will continue into 2019.

7. New Business

None

8. Adjournment (Tucker-Scott/Bougherara) Carried. (12:54 pm)

Preamble to the Revision of the Draft Statement on Freedom of Expression

This preamble provides context to RFA-Equity Committee's revision below of the draft Statement on Freedom of Expression. The insertions in the Statement are yellow highlighted, while the strikethrough function has been used to show deletions of words and phrases in the original draft. Further, where appropriate, passages in the revised draft have been referenced with footnotes. This work has been a collective effort of RFA-Equity Committee colleagues: Jennifer Burwell, Jenny Carson, Lila Pine and Tariq Amin-Khan.

The revision to the Statement recognizes that an absolutist understanding of "free speech" has the potential for harm and injury to targeted and vulnerable marginalized individuals and groups. The revision also recognizes the role of ideology and politics that drives the current push for a completely unfettered right to 'free speech', and it acknowledges the power differential between dominant and subordinate groups in Canadian society.

In the Canadian context, our right to freedom of expression is circumscribed by hate speech laws. However, these limits do not mean that universities are not spaces to debate ideas, examine controversial topics, and challenge differences of opinion, which the draft Statement captures quite well. Debate though can and should take place in universities in a respectful manner that acknowledges that politics and ideology usually undergird such controversies. *The pretense of depoliticizing the role of politics and ideology removes the important principle of freedom from harm in the concept of 'free speech'*. 'Free speech' that targets particular people, or that does not acknowledge the harm and injury that it can cause would be inconsistent with the responsibilities of the public university. This responsibility is not about seeking not to offend but a fundamental approach to equity in education and in the classroom, while safeguarding academic freedom and protecting the principle of freedom from harm.

That said, the right to free speech has been selectively asserted in the past few years by the mainstream media, certain ideological groups, and even by universities in Canada. There has been a sense of outrage in the media about the events of late 2017 at Wilfred Laurier, and an apology was promptly issued by the university administration to the student/teaching assistant who employed the debate about identity pronouns used by trans people to teach "complexities of grammar." In contrast, when the student at Dalhousie University offered her critical perspective on the Canada 150 celebration in the context of Indigenous oppression and exclusion, she was promptly criticized in the media and by certain groups, while the administration at Dalhousie disciplined her. The comparison of the two situations can be seen here: <http://montrealgazette.com/opinion/opinion-free-speech-concern-seems-all-too-selective>.

A concern that emerges from such selective application and politicization of the right to freedom of expression is to disregard the issue of differential treatment, harm, and oppression faced by trans people, Indigenous and racialized peoples, queer folks, women, people with disabilities and other targeted groups.

RFA-Equity Committee's Revision to the DRAFT Statement on Freedom of Expression

The primary purpose of a university is to discover and disseminate knowledge by means of research, scholarship and teaching. To fulfill this academic function, a free interchange of ideas is necessary not only within its walls but with the world beyond as well. It follows that the university must do everything possible to ensure within it the fullest degree of intellectual freedom. To curtail free expression strikes twice at intellectual freedom, for whoever deprives another of the right to state unpopular views necessarily also deprives others of the right to listen to those views. However, this support for freedom of expression does not mean that the University grants the right to express views that harm marginalized and vulnerable groups.

Of course, the ideas of different members of the University community will often and quite naturally conflict. It is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive; however, the University is committed to protecting targeted groups from harm. Though the fostering of friendship, solidarity, harmony, civility, or mutual respect are important in the University, they cannot supersede its primary purpose. Other institutions may properly assign them the highest, and not merely a subordinate priority; and a good university will seek and may in some significant measure attain these ends. We value freedom of expression precisely because it provides a forum for the new, the provocative, the disturbing, and the unorthodox. Free speech is a barrier to the tyranny of authoritarian or even majority opinion as to the rightness or wrongness of particular doctrines or thoughts.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. The University may restrict expression that violates the law, that falsely defames a specific individual or groupⁱ, that constitutes genuine harassment or the threat of harm that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University. In addition, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the University. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the University's commitment to a completely free and open discussion of ideas. be consistent with the University's commitment to instill in the community the ability to think critically, express ideas clearly and persuasively, and articulate positions that are based on reason, evidence, and frameworks of knowledge. The university is distinct from a public square, or an online forum; as an academic institution it is committed to advancing intellectual excellence rooted in diversity of thought in an inclusive learning environment.ⁱⁱ

The University's fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-

headed. It is for the individual members of the University community, not for the University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. In fact, there is a responsibility on the part of the University to protect targeted groups from harm. Indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of the University's educational mission.

As a corollary to the University's commitment to protect and promote free expression, members of the University community must also act in conformity with the principle of free expression. Although members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus, ~~they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, the~~ The University has a solemn responsibility ~~not only~~ to promote a lively and fearless freedom of debate and deliberation, ~~but also to protect that freedom when others attempt to restrict it.~~ and to protect the right of individuals and groups to engage in non-violent protest where the expression of views threatens their safety, harms them, or violates their dignity.ⁱⁱⁱ

In the event that a conflict arises between the provisions of this policy and any relevant collective agreement, the terms of the collective agreement prevail.

Portions of the statement were previously drafted and adopted by Yale University and Princeton University.

ⁱThe phrases "the ideas of different members of the University community will often and quite naturally conflict"; "The freedom to debate and discuss the merits of competing ideas," and the "lively and fearless freedom of debate and deliberation" all disguise the fact that not all members of the University community and beyond have equal power to be heard. These phrases suggest that ideas compete, are debated and are deliberated in a vacuum, when in fact the expression of ideas involves power relations wherein some individuals and groups have more power to speak and to be heard than others.

ⁱⁱ This passage, which has been taken from Wilfred Laurier's Statement on Freedom of Expression, has been inserted to compensate for the fact that this document makes little to no reference to the values of intellectual rigour, reason, and evidence that should inform the University's mandate and that serve in part to protect against false and misleading claims made by those targeting marginalized or vulnerable groups.

ⁱⁱⁱ This passage corrects for the fact that the final phrase suggests that the University reserves the right to limit public protests against the expression of views that cause harm to specific individuals and groups.