Over-Policed, Under-Protected

Final Report and Recommendations of the Muslim, Arab, and Palestinian Discrimination Working Group at the University of Toronto

November 2026

Acknowledgements

The chair of MAP DWG and the four sub-committee chairs express their foremost thanks to the members of the Working Group who committed their time and effort to consultations, policy discussions, and deliberations about recommendations. We especially wish to acknowledge the staff and student members of the Working Group, who chose to remain anonymous for the purposes of this report, despite their fourteen-month commitment to this working group. As this Final Report makes plain, Muslim, Arab, Palestinian and allied members of the University have suffered harassment and reprisals for their work and/or speech on issues pertaining to these three identity groups. Students and staff in this working group are no less vulnerable. We also thank the faculty members on the committee—whose identities are disclosed in this report—for bringing their experience and expertise to our consultations, analysis, and recommendations.

We are immensely grateful to the faculty members, staff, students, and librarians—who attended consultations, responded to our survey, and submitted written testimonials—for entrusting us with their stories and lived experiences at the University, many of which were traumatic. We hope that they will find in these pages that we treated their stories with dignity and care. We are also grateful to the senior administrators across the three campuses and divisions who met with us, answered our questions, and allowed us to be "tough on the issues, easy with each other." We understand that some of these conversations were challenging and often raised uncomfortable issues, especially as we discussed them in a polarized political environment. At the same time, we hope that they will find in these pages and recommendations concerted and respectful efforts to think through the difficult governance, administration, and leadership issues confronting an institution as complex as the University of Toronto.

MAP DWG benefitted from the working groups at the University that came before us and broke important ground. In many cases, we drew on their contributions precisely because the categories of "Muslim", "Arab", and "Palestinian" are neither closed nor exclusive, but rather deeply intersectional amongst themselves and with other categories already addressed by prior working groups and task forces. We are immensely grateful to University colleagues who served and supported the Steering Committee for the University of Toronto Response to the Truth and Reconciliation Commission of Canada, the Anti-Black Racism Task Force, the Anti-Asian Racism Working Group, the Antisemitism Working Group, and the Working Group on Civil Discourse. MAP DWG also learned and benefited from the experiences and final reports of sister MAP working groups at UCLA, Stanford University, and Harvard University.

We were fortunate to have the guidance and logistical support of members from the Institutional Equity Office at the University: Jodie Glean, Shari Golberg, Natasha Prashad, Carmen Kehman, Zabrina Fraser, and Saimah Baig. In addition to strategic planning for this nearly two-year endeavour, they also supported MAP DWG by organizing our 85 consultations, coordinating with multiple offices, reviewing our questions to administrative offices for accuracy and efficacy, taking notes at every consultation, and fielding questions and queries directed to MAP DWG. In addition to the secretariat, MAP DWG benefited from the expertise and experience of University staff members who supported MAP DWG as they also fulfilled their existing duties as full-time staff at the University: Lesa Holmes in the Division of People, Strategy, Equity and Culture for communications and survey support, and Andrea Kwan in the Provost's office for institutional guidance.

Former Vice-President, People Strategy, Equity, and Culture (PSEC), Professor Kelly Hannah-Moffat, was instrumental in setting up this working group, and we are grateful for her support throughout the process. MAP DWG expressed gratitude to Provost Trevor Young, who remained steadfast in his commitment to this working group and provided necessary support as needed, including funding to hire graduate students to code and analyze survey data. We also extend our thanks to the three graduate students (who also wish to remain anonymous) for their impressive work coding and analyzing survey responses. The final report benefited from the Provost's allocation of senior staff resources during Summer 2026 to undertake an administrative review of our draft report to support both accuracy in reporting—while respectfully agreeing to disagree in some instances—and efficacy in recommendations.

Professor Anver M. Emon
Chair, Muslim, Arab and Palestinian Discrimination Working Group

Professor Esmat Elhalaby
Palestinian Sub-Committee Chair

Professor Mohammad Fadel
Arab Sub-Committee Chair

Professor Amira Mittermaier
Muslim Sub-Committee Chair

Professor Rania Salem
Survey Design & Analysis Sub-Committee Chair

Working Group Membership

Staff

Anonymous	UTM
Anonymous	UTSC
Anonymous	UTSG
Anonymous	UTSG
Anonymous	UTSG

Faculty

Husseina Dinani	Assistant Professor, Historical and Cultural Studies, UTSC
Esmat Elhalaby	Assistant Professor, Historical and Cultural Studies, UTSC
Anver M. Emon	Professor, Jackman Faculty of Law; Department of History, UTSG
Mohammad Fadel	Professor, Jackman Faculty of Law, UTSG
Atiqa Hachimi	Associate Professor, Historical and Cultural Studies, UTSC
Raed Hawa	Professor, Clinical Faculty, Temerty Faculty of Medicine, UTSG
Malavika Kasturi	Associate Professor, Historical Studies, UTM
Amira Mittermaier	Professor, Anthropology and Religious Studies, UTSG
Rania Salem	Associate Professor, Sociology, UTSC

Post-Graduate Medical Learner

Mazen El-Baba	MSc., MD, PGY5, Emergency Medicine

Graduate Students

Anonymous	Graduate Student, Masters
Anonymous	Graduate Student, PhD
Anonymous	Graduate Student, PhD
Anonymous	Graduate Student, PhD
Anonymous	Graduate Student, PhD

Undergraduate Students

Anonymous	Undergraduate student
Anonymous	Undergraduate student
Anonymous	Undergraduate student, UTSG
Anonymous	Undergraduate student, UTM
Anonymous	Undergraduate student, UTSC

Graduate Student Survey Research Team (non-members)

Anonymous	Graduate Student, PhD
Anonymous	Graduate Student, PhD
Anonymous	Graduate Student, PhD

Table of Contents

Acknowledgements **2**

Working Group Membership **3**

Executive Summary **7**

Introduction **11**

I.1. History of MAP DWG at U of T 12

I.2. MAP DWG's Audience 12

I.3. MAP DWG's Methodology 13

I.3.A. The University's Institutional Purpose as Our Own 13

I.3.B. The University as Regulated Corporation 13

I.3.C. Muslims, Arabs, and Palestinians: Distinct and Overlapping 13

I.3.D. Global Aspirations Call for Globalized Accountabilities 13

I.3.E. Consultations and Survey Data 15

II. Muslims, Arabs, and Palestinians in the Greater Toronto Area and the University of Toronto **17**

II.1. Muslims, Arabs, and Palestinians in the GTA and at the University 17

II.1.A. The Study of Muslims and Arabs and Palestinians at U of T: A Means-to-End Historiography 20

II.2. On anti-Muslim, anti-Arab, and anti-Palestinian Discrimination and Harassment: The persistence of incurious ignorance 22

II.2.A. The People's Circle for Palestine, May 2-July 3, 2024: A Tale of Two Encampments 22

II.2.B. On an "incurious ignorance" of Muslim, Arab, and Palestinian lives, histories, and cultures 26

II.2.C. Exploring definitions of anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment 27

III. The Over-Policing and Under-Protection of Muslims, Arabs, and Palestinians **34**

III.1. Consequences of University Compliance with National Security Policies 35

III.1.A. National Security, Research Partnerships, and Regulatory Compliance 35

III.1.B. Regulatory Compliance, "Foreign Fighters," and Military Personnel on Campus 36

III.2. Over-Policing and Under-Protection in Risk/Safety assessments in the Ordinary Course of Business 38

III.2.A. On the University's International Partnerships: Human Rights and Security Reviews 38

III.2.B. Bias in Discretionary Decision-Making on Safety, Risk, and Academic Freedom 40

III.2.C. Whose Safety, Which Threat? Risk Assessment and the 'Abundance of Caution' 45

III.2.D. Campus Safety – Over-Policing and Under-Protecting 47

III.2.E. Decanal Over-Policing and Under-Protection 51

III.3. Muslim, Arab, and Palestinian Self-Help Tactics 53

IV. Institutional Statements and the Creep of "Institutional Neutrality" **55**

IV.1. On the Kalven Report and the politics of "Institutional Neutrality" 57

IV.2. Toward a principle of institutional restraint 58

V. Freedom of Speech, Civility, and Professionalism as Regulatory and Policy Restraints on Speech **60**

V.1. The University, Freedom of Speech, and Provincial Directives 61

V.2. Application of University Policies Regulating Speech: Informal Call-ins 61

V.2.A. Vague Standards and a Lack of Procedural Fairness 62

V.3. Formal Complaints Processes 64

V.3.A. Distrust of the University complaints process 65

V.3.B. A test case in using the complaints process 65
V.3.C. The Massey College Example 67
V.3.D. Toward a Restorative Justice Complaints Model? 67
V.4. Regulating Social Media Speech 69
V.5. Protest and Postering Policies 71
V.5.A. Excessive Noise 72
V.5.B. Blocking Access 72
V.5.C. Postering and Signage 72
V.5.D. Discretionary allocation of space to third parties 73

VI. Governance toward Academic Freedom 75
VI.1. On Academic Freedom 76
VI.2. Governing toward Academic Freedom: Political Appointees to Governing Council 77
VI.3. Academic Freedom and the Classroom: Normalizing bias and the pedagogy of smugness 79
VI.4. The "Lawfare" of Procedure 80

VII. Temerty Faculty of Medicine 83
VII.1 A Culture of Bias and the Threat of Reprisals 83
VII.2 Under-Protecting Speech by or on Muslims, Arabs, and Palestinians 84
VII.2.A. Over-Policing Speech by or on Muslims, Arabs, and Palestinians 87

VIII. Professional Schools and Partnership Management 89
VIII.1. The U of T-Hospitals' Agreement and the Forum Shopping Loophole 90

IX. Student Organizations and Student Societies 95
IX.1. Space for Muslim Religious and Cultural life 95
IX.2. The Autonomy of Student Societies: Over-Policing and Under-Protection of Student Union Speech on Palestine 97
IX.2.A. The University of Toronto Mississauga Students' Union: Over-policed speech and under-protected from Ontario Government over-reach 97
IX.2.B. The University of Toronto Graduate Student Union (GSU) and its Boycott, Divestment and Sanctions Caucus 100

X. Divestment 102
X.1. Divestment and the University 102
X.2. UTAM's responsible investment commitments 104
X.3. From Divestment to Investment 107

XI. Resources for Muslim, Arab, and Palestinian Inclusion at the University of Toronto 109
XI.1. Advancement and Academic Prioritization 109
XI.2. Academic Programs and Initiatives 111
XI.3. The University of Toronto Libraries 113
XI.4. Staff Resources 114
XI.5. Students 116

Appendix A: MAP DWG Terms of Reference 118

Appendix B: List of MAP DWG Consultations 119

Appendix C: The MAP DWG Survey Findings and Instrument 122
Introduction 122
Survey Methodology 123

Sample Characteristics 124
What We Heard 127
MAP DWG Survey Instrument 140

Appendix D: Canadian and Ontario laws and regulations restraining speech 142

Appendix E: University speech-related policies 144

Appendix F: MAP DWG Frequently Asked Questions 145

Appendix G: Recommendations 147

Endnotes 162

Executive Summary

MAP DWG Mandate

The University of Toronto established the Muslim, Arab, and Palestinian Discrimination Working Group (MAP DWG) in 2024 to address concerns about the conditions of inclusion, belonging, discrimination, and harassment affecting Muslim, Arab, and Palestinian (MAP) students, staff, faculty members, and librarians. Our mandate included reviewing University policies and practices; gathering community experiences; analyzing demographic and institutional data; and generating recommendations that, by strengthening equity and institutional accountability, can foster a supportive climate for Muslim, Arab, and Palestinian members of the University. MAP DWG builds on the legacy of prior working groups that addressed Islamophobia on campus, though without publishing a report or issuing recommendations. We also applaud the University for publishing its educational resource, *Addressing Anti-Muslim, Anti-Arab, and Anti-Palestinian Discrimination at the University of Toronto,* which was prepared in parallel to and independently from MAP DWG's consultations and report drafting.

MAP DWG carried out its mandate using the University's *Statement of Institutional Purpose* as its guide. That *Statement* enshrines an institutional commitment to "radical, critical teaching and research" and the "right to raise deeply disturbing questions and provocative challenges to the cherished beliefs of society at large and of the university itself."

MAP DWG undertook its work knowing that the University of Toronto resides in the most diverse city in the world and is an intellectual home to students from over 175 countries. The University characterizes itself as a global university for good reason. MAP DWG's consultations reveal a necessary corollary of being a global university: *what happens around the world has implications locally on our campus, in our hallways, and in our classrooms*. MAP DWG undertook its work and drafted its report and recommendations in a highly polarized environment. Our consultations began in 2025 as Israel continued its campaign of large-scale violence in the Gaza Strip, the West Bank, Syria, Lebanon, Yemen and Iran. University members explained how their experiences on campus were refracted through this global conflict and its history. Some centred on October 7, 2023, as a lens through which to reflect on—even repudiate—our mandate. Others came to us mourning the violent deaths of family and friends in these regions. A few Palestinian University members shared the story of their families expelled and dispossessed of their ancestral homes in 1948, despite still holding property deeds, while Russian emigres to Israel now reside therein. Many reflected on the University in light of published reports from human rights organizations, genocide scholars, international lawyers, and multilateral and international bodies that increasingly described Israel's actions in Gaza as apartheid and/or genocide. Still others reflected on lessons learned from European imperialism and settler colonialism in the Middle East and Canada as the University now upholds the Truth and Reconciliation Commission's Calls to Action and acts congruently with Canada's ratification of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

This global context informed how members engaged our terms of reference. For instance, we heard outrage in MAP DWG consultations that divisions of the University seemed to limit debate and discussion on international and multilateral findings to avoid the accusation of taking sides in a politically polarizing debate. We also heard complaints that the University's memo on institutional statements—which incorporated by reference the principle of "institutional neutrality"—was brandished by deans and other divisional leaders to restrict events and other activities despite the memo's narrow application to institutional statements. MAP DWG's report and recommendations are both a reminder that what happens elsewhere in the world takes shape locally, and a reflection on how the University can best fulfill its institutional purposes under circumstances of fierce polarization.

Broadly, the concerns shared with MAP DWG describe an exclusion of Muslim, Arab, and Palestinian contributions and lived experiences in everyday decisions by senior administrators (academic and non-academic) across the three campuses and numerous Faculties. We heard complaints about how the University's litigation against the People's Circle of Palestine (a protest encampment established on University grounds from May to July 2024) used longstanding stereotypes of Muslims, Arabs, and Palestinians that ignore their lived experiences.

In our consultations with staff, students, faculty, librarians, and administrators across the three campuses, we encountered a general pattern of **over-policing and under-protecting speech, research, and advocacy by or on Muslims, Arabs, and especially Palestinians**, inconsistent with the University's *Statement of Institutional Purpose.* Members explained how this pattern contributed to adverse implications for student learning and for the professional development of staff, librarians, and faculty members. Members shared with us their perception of procedural inconsistencies in informal meetings and formal complaints processes related to speech; content-specific enforcement of postering and protests guidelines, procedures, and policies; and dubious metrics of risk and safety assessments.

MAP DWG's Approach, Data, and Recommendations: An Overview

MAP DWG examined the experiences of three distinct, overlapping, and internally diverse groups across religious, ethnic/racial, and national registers. The three identity groups have converging and diverging histories, cultures, and practices. MAP DWG endeavoured to avoid collapsing these categories to ensure against bias, prejudice, erasure, or denialism. At the same time, consistent with the global being local, Muslim and Arab University members explained to us that the violence in Gaza against Palestinians offered a lens through which to explain their experiences on campus. MAP DWG's reporting, analysis, and recommendations are based on extensive empirical data. MAP DWG conducted 85 consultations with staff, students, faculty members, librarians, and administrators. Beginning with these individual and group consultations, we took a "bottom-up" approach to identify concerns wherever they may lie across the University's three campuses and different divisions. What we learned from these consultations informed our subsequent meetings with senior administrators, not all of which were easy conversations. We express our gratitude to all who met and discussed our questions and concerns with us openly and with generosity.

In addition to consultations, MAP DWG administered a survey open to all members of the University with responses coming from Muslim-, Arab-, and Palestinian-identified groups (56%) and non-MAP identified groups on campus (44%). Non-MAP respondents included those who have witnessed anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment; those mistakenly targeted for being Muslim, Arab, and/or Palestinian; and others perceived as expressing solidarity with Muslims, Arabs, and Palestinians, whether through scholarship or advocacy.

The report provides 57 recommendations organized under eleven (11) headings (see Appendix G) concerning issues as wide-ranging as data collection, institutional capacity-building, online harassment, and risk assessment. We also address implications for institutional autonomy and academic freedom that result from how the University complies with Canada's national security and sanctions regimes. MAP DWG's recommendations relate to issues wherever in the University they may occur, across divisions, campuses, and senior leadership offices in the University. Where issues took place outside the University, our recommendations pertain to amendments to affiliation agreements with partners that support the University's mission and purpose. Adopting this whole-of-University approach to fashioning our recommendations, MAP DWG recognizes that movement on our recommendations will require a coordinated effort between University administrators, divisional leaders, and others.

What we learned

Across our consultations, the patterns of experiences we learned about fall into three themes, which we address in greater particularity in the report:

Theme 1: In consultations and survey responses, MAP DWG heard instances of malicious and bigoted attitudes among University members (see Survey Report, Appendix C) as well as assumptions that traded on long-standing stereotypes of Muslims, Arabs, and Palestinians as terrorists, misogynists, and antisemites. The most prevalent pattern we encountered, however, was a generalized ignorance of the histories, cultures, and lived experiences of Muslims, Arabs, and Palestinians, and the ways in which anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment take shape. MAP DWG uses the phrase "incurious ignorance" to raise concerns not only about the lack of knowledge, but also about how discretionary decision-making under facially neutral policies can and does perpetuate this ignorance contrary to the *Statement of Institutional Purpose* and *Statement on Equity, Diversity, and Excellence*. Examples include lack of awareness of Muslim religious obligations; limited appreciation of socio-cultural and linguistic diversity between Arabic speaking peoples; academic planning and priority assessments that exclude Muslim, Arab, and Palestinian lived experiences and histories; and most notably, the Palestine exception, or suppression of the study of or advocacy about Palestine. Relatedly, we learned about instances when innovative research or outreach activities on issues of interest to Muslim, Arab, or Palestinian members of the University were viewed as instances of antisemitism calling for disciplinary action.

Theme 2: We learned that many Muslim, Arab, Palestinian and other members of the University community fundamentally distrust the institution and do not consider it open to, let alone aware of, their diverse lived experiences. We repeatedly heard complaints about the University's litigation against the People's Circle for Palestine, and that the University's institutional commitment to radical, critical teaching and research suffers from a Palestine exception. Amid distrust of the University's *Policy on Social and Political Issues with Respect to University Divestment*, we nonetheless heard increasingly forceful demands for divestment as MAP DWG consultees referenced the concurrent decisions from the International Court of Justice and other international bodies that described Israel's occupation as illegal and racially discriminatory.[1] As a further consequence of their distrust of the institution and its promised inclusiveness, Muslim, Arab, Palestinian and other members of the University engage in self-protection

measures that include self-censorship; reliance on third-party civil liberties organizations; and private professional insurance packages. Many do not use existing University mechanisms to lodge complaints, even when entitled to do so. They have no confidence that there will be meaningful redress. Even worse, they fear that complaining will only bring reprisals.

Theme 3: Another consistent theme that cuts across MAP DWG consultations and survey responses was the over-policing and under-protection of Muslims, Arabs, and Palestinians at the University. Originally established pursuant to a royal charter, and later continued in accordance with Ontario provincial legislation, the University is a corporation subject to provincial and federal laws and regulations. In recent years, new national security policies (e.g., on international research partnerships) have applied to universities, with implications for those communities on campus that have a history of being over-policed and surveilled. We observed a pattern of over-policing and under-protection at the University pertaining to three areas. First, we noticed this potential pattern in discretionary decisions about localized considerations of risk, safety, and academic freedom. Second, the pattern appeared in experiences of institutional decisions on academic freedom and freedom of speech, including in cases of plausible foreign influence in the form of online harassment (e.g., Canary Mission). Third, we identified this pattern in institutional practices because of national security compliance, with too few measures to mitigate against downstream adverse consequences to the University's mission and purpose, its institutional autonomy, and its members' academic freedom (see Section III). MAP DWG had hoped to delve deeper into the risk and security models used by various offices at the University, but our requests for meetings with the Office of Research Security, Campus Safety at UTSG, and Safety and High Risk were declined in favour of written responses that did not allow for robust discussion.

What we recommend

MAP DWG's terms of reference called upon us to address "University policies, services, and practices and provide recommendations to advance inclusion and belonging for Muslim, Arab and Palestinian community members." MAP DWG's whole-of-university approach means that our recommendations cut across administrative units at the University (e.g. divisions, campuses, and central administration). We appreciate that our recommendations will require collegial governance mechanisms at the local and institutional levels to decide how best to respond, including in coordination with each other. We nonetheless issue these recommendations, both in the spirit of collegial guidance and to mitigate against generalized ignorance in discretionary decision making, out of an abundance of caution.

To summarize, MAP DWG's recommendations fall into a series of categories, as follows:

Over-Policing, Under-Protection. MAP DWG's recommendations call upon the University to ensure that all members of the University are equally and fairly allowed to enjoy their academic freedom and freedom of speech. Our recommendations include reviewing safety and risk metrics and how they get applied; ensuring content-neutral policing of protests and postering; and mitigating against the adverse effects of doxing by platforms that are reasonably subject to foreign influence. We advise divisional leaders to enhance measures that ensure student-, staff-, librarian-, and faculty-led initiatives and/or events are subject to fair, transparent, and impartial methods of review, and to exercise, under the auspices of its institutional autonomy, measures that would mitigate harms to University members, including autonomous student organizations, arising from external influence and/or surveillance.

Enhance Policies Protecting Speech and Academic Freedom. MAP DWG identifies numerous areas where the University can enhance its institutional commitments to ensuring freedom of speech, academic freedom, and institutional autonomy. Recommendations include revision of the Provost's and Vice-President, Communications' memo on institutional, divisional, and departmental statements; more robust guidance to administrators on procedural fairness in formal and informal proceedings on civility and professionalism; amendments to policies on the temporary use of space and protest management guidelines to maximize freedom of speech; and development of new guidance for government appointees to Governing Council.

Capacity Building. MAP DWG's recommendations include building institutional capacities to help redress the "incurious ignorance" that Muslim, Arab, and Palestinian members of the University community experience. We issue recommendations to different divisional units with special competencies to increase knowledge creation and dissemination on Muslims, Arabs, and Palestinians (e.g., University of Toronto Libraries, Faculty of Arts & Science). Moreover, we call upon University officials to draw on the expertise and lived experience of its students, staff, librarians, and faculty members when addressing issues related to Muslims, Arabs, and Palestinians.

Managing Partner and Third-Party Relations by Centering Equity and Fairness. The University delivers on its mandate in partnership with numerous third-party organizations. These include, for instance, school boards to support student-teacher placements; federated universities subject to the Federation Framework Agreement; and hospitals subject to affiliation agreements. MAP DWG appreciates that these partnerships vary in depth, scope, and scale based on the nature of the

parties and the anticipated role each partner plays in the University's mission and purpose. MAP DWG's consultations raised concerns that across these partnerships, Muslim, Arab, Palestinian and other members of the University suffer anti-Muslim, anti-Arab, and anti-Palestinian bias. In all cases, MAP DWG identifies a problem that requires careful attention to the independence of each partner and the terms of the agreements that memorialize their partnership with the University. MAP DWG recommends that before the next round of negotiations on hospital, federated, and other partner affiliation agreements (e.g., school boards), the University consult on Muslim, Arab, and Palestinian experiences to inform measures that benefit all members of the University.

On Temerty Faculty of Medicine. The MAP DWG report devotes a section to Temerty Faculty of Medicine. We were grateful for the engagement from the newly appointed Dean and the executive leadership of TFOM. We are also grateful to the clinical faculty and medical learners who spoke with us. Across our consultations, MAP DWG received an inordinate number of complaints from faculty members and learners at TFOM about their experiences of anti-Muslim, anti-Arab, and anti-Palestinian bias, harassment and discrimination. In some cases, the problems they described pertained to TFOM and its programming. In other cases, they described a culture of procedural unfairness in hospital management of complaints, as per the previous section. MAP DWG addresses TFOM specifically given the empirical data we received.

Additional Recommendations. Other recommendations pertain to narrow issues, such as instilling trust in the processes for the University to consider divestment and upholding corporate social responsibility in its investments; further study of the pedagogic impact of the small subset of world-wide military personnel enlisted or serving as reservists in militaries subject to investigation under the Rome Statute on the student learning environment, given our diverse, global student body; and the need for more spaces on the three campuses to support Muslim religious observance.

Further Resources

Our report concludes with an overview of University resources that serve the University's Muslim, Arab, and Palestinian members, as well as important resources that are missing. We were surprised that UTM and UTSC had no academic fundraising priorities pertaining to Muslims, Arabs, or Palestinians under paragraph 3 of the *Provostial Guidelines on Donations,* with consequences for academic initiatives, programming, student learning and research opportunities, and curricular development. We were pleased to find certain priorities at the Faculty of Arts & Science (e.g., the Muslims in Canada Archives, the Islamophobia Lab, and the Islamic Art and Material Cultures Collective). However, discussion with faculty members and staff leading those priorities revealed considerable obstacles to develop new capacities in the study of Palestine.

Appendix C of this Final Report provides a separate and independent analysis of survey responses from which we drew extensively to inform the report and its recommendations.

Conclusion

MAP DWG members were privileged to have met staff, students, faculty members, and librarians who devote their professional efforts to the pursuit of truth in times of polarization, alternative facts, and the Palestine exception to both academic freedom and freedom of speech. These members of the University expend their efforts educating University members and others about how all-too-common stereotypes about Muslims, Arabs, and Palestinians (e.g., as terrorists, violent, extremist, misogynistic, antisemitic, homophobic, etc.) are rife with biases and prejudices that translate into discriminatory action and harassing behavior on campus and beyond. These members of the University community manifest the University's *Statement of Institutional Purpose* every day.

MAP DWG members formulated the recommendations herein knowing that many University staff, students, faculty and librarians consider the University irredeemably hostile to Muslim, Arab, and Palestinian interests. During consultations, we encountered some University members who considered our efforts to change the University's culture futile at best and collaborationist at worst. At the same time, every member of MAP DWG values the academic mission of the University, while also recognizing that on a day-to-day operational basis, no one is perfect, least of all an institution as big, complex, and decentralized as the University of Toronto. *Over-Policed, Under-Protected* represents our collective belief – substantively supported – that within the University are opportunities to do better.

Introduction

The University of Toronto established the Muslim, Arab, and Palestinian Discrimination Working Group (MAP DWG) in 2024 to address concerns about the conditions of inclusion, belonging, discrimination, and harassment affecting Muslim, Arab, and Palestinian (MAP) students, staff, faculty members, and librarians. Our mandate included reviewing University policies and practices; gathering community experiences; analyzing demographic and institutional data; and generating recommendations that, by strengthening equity and institutional accountability, can foster a supportive climate for Muslim, Arab, and Palestinian members of the University. MAP DWG builds on the legacy of prior working groups that addressed Islamophobia on campus, though without publishing a report or issuing recommendations. In addition, it applauds the University for publishing the educational resource *Addressing Anti-Muslim, Anti-Arab, and Anti-Palestinian Discrimination*. Though this was done independently from MAP DWG's consultations and report drafting, we draw on that work in formulating our recommendations.

Faculty members, staff, undergraduate, and graduate students from across all three of U of T's campuses applied to join MAP DWG in a highly charged and polarizing context.[2] The University of Toronto established MAP DWG in November 2024 as Israel continued its campaign of large-scale destruction in the Gaza Strip, East Jerusalem, the West Bank, Syria, Lebanon, Yemen, and Iran. University members explained how their experiences on campus were refracted through this global conflict and its history. Some centred on the violence of October 7, 2023, as a lens through which to reflect on—even repudiate—our mandate. Others came to us mourning the violent deaths of family and friends in Gaza, the West Bank, and later Iran. A few Palestinian University members shared the story of their families expelled and dispossessed of their ancestral homes in 1948, still possessing the property deeds, as Russian emigres to Israel now reside therein. Many reflected on the University as they read in real time published reports from genocide scholars, international lawyers, and multilateral and international bodies that increasingly described Israel's actions in Gaza as genocide. Still others reflected on lessons learned from European imperialism and settler colonialism in the Middle East and Canada as the University now upholds the Truth and Reconciliation Commission's Calls to Action and acts congruently with Canada's ratification of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Though that violence took shape on the other side of the globe, Muslim, Arab, Palestinian and other members of the University felt its impact on campus life and experience. They explained the impact of events far away on their experiences in the classroom, in laboratories, in student unions, and so on.
On university campuses across North America, students expressed their opposition to Israel's destruction of Palestinian life by erecting encampments on university campuses. Each university had its own response.[3] At the University of Toronto, students encamped on the green space at King's College Circle from May 2-July 3, 2024, erecting what they called the People's Circle for Palestine. Many University members who met with us described the People's Circle at the University of Toronto as a 'counter-university' that centred Palestinian experience and narratives in contrast to their experiences of its absence in formal University academic priorities and planning, curriculum development, and classroom discussion.

As these far away events made themselves felt locally, other more local events were equally significant to MAP DWG consultations. MAP DWG commenced our consultations in 2025 as a Canadian federal election campaign was underway, and shortly after Donald J. Trump was inaugurated as President of the United States for a second term. Many consultees to MAP DWG expressed concerns that across the US and Canada, higher education has become a partisan political issue. The Trump administration, within weeks of assuming power, began eradicating equity, diversity, and inclusion programming (EDI) across US institutions receiving federal support, including universities, and launched a not-so-hidden campaign specifically targeting Middle East Studies programs.[4] The Conservative Party of Canada, campaigned on an agenda that included, in part, putting an end to the "imposition of Woke ideology" by limiting federal funds for research, and adopting the "Chicago Principles" on free speech on campus, which hold generally that a university's fundamental commitment must be 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."[5]

As much as these global issues took place outside the University, they were nonetheless relevant to those who met with MAP DWG. Many consultees to MAP DWG addressed our questions about inclusion and belonging in light of this global context and its reception locally. They invoked this context as a real-time lens through which to address MAP DWG's mandate, terms of reference and our questions. Whether they identified as Muslim, Arab, Palestinian, or merely a member of the University, many members addressed our questions using the violence in Gaza (and the region more broadly) and its reception across North America and in local institutions to reflect on their experiences at the University.

This report is driven by data drawn from extensive consultations, a University-wide survey, independent research, and an appreciation of the University as a publicly supported institution and corporation subject to provincial and federal laws and

regulations. We adopted a bottom-up approach, examining issues wherever they may occur across the complex bureaucracy and jurisdictions of the University. Moreover, during summer 2026, the report underwent an administrative review with members of the Provost's and President's offices. While we did not always agree on every part of this report, the back-and-forth discussions helped make the report itself more exacting. Our recommendations reflect a "whole-of-University" approach. MAP DWG is cognizant that our recommendations to different divisions will require local governance considerations, all the while subject to engagement from the senior administration. In these cases, we offer the recommendations in the spirit of collegial guidance out of an abundance of concern for what we identify in this report as a pervasive incurious ignorance about the lives, histories, and cultures of Muslims, Arabs, and Palestinians (see Section II).

The scope of our recommendations reflects our duty per our Terms of Reference, namely, to convey what we learned and offer recommendations that we believe University officials can implement to support meaningful change. In the end, we hope this report speaks for itself and will allow others to draw their own conclusions about its merits or shortcomings. By no means is this report exhaustive of every feature and detail of University life and governance. Instead, we present this report as a first step toward accountability and Muslim, Arab, and Palestinian inclusion in University administration, operations, and academic life.

I.1. History of MAP DWG at U of T

Prior to establishing MAP DWG, the University hosted an Institutional Advisory Table in 2017 to guide the University on issues of Islamophobia affecting the University. In 2019, this Table evolved into the Anti-Islamophobia Working Group (AIWG). Neither of these efforts resulted in a report with recommendations.

In the meantime, the University established other working groups to examine its policies and practices concerning other University communities: a Steering Committee examining the University's response to the Truth and Reconciliation Commission's Calls to Action (2017); the Anti-Black Racism Task Force (2021), the Antisemitism Working Group (2021); and the Anti-Asian Racism Working Group (2023). Each of these produced respective reports and recommendations.

In November 2024, Provost Trevor Young and former Vice-President People Strategy, Equity, and Culture (VP PSEC) Kelly Hannah-Moffat inaugurated MAP DWG to address the conditions of inclusiveness for Muslim, Arab, and Palestinian members of the community and issue recommendations to the University. MAP DWG's *Terms of Reference* are provided in Appendix A. MAP DWG had the benefit of reviewing prior U of T working group reports, as well as those completed by other North American MAP working groups at UCLA, Stanford University, and Harvard University.

Simultaneously with the launch of MAP DWG, the University launched a separate and parallel consultation on its guidance document entitled *Addressing Antisemitism at the University of Toronto*. Later, the University leadership invited individual members of MAP DWG to assist in developing a similar educational resource on Muslim, Arab, and Palestinian discrimination and harassment. As MAP DWG concluded its consultations and prepared its initial draft report, the VP PSEC initiated consultations on an adapted version of that educational resource, which is now publicly available as *Addressing Anti-Muslim, Anti-Arab, and Anti-Palestinian Discrimination at the University of Toronto*.

I.2. MAP DWG's Audience

Given the polarized historical moment in which MAP DWG was formed, we recognize that this report will garner attention both from within the University and beyond; however, MAP DWG's principal audience consists of academic and non-academic administrators at the University who have oversight of institutional portfolios, Faculties and divisions, and specialized units providing services across the three campuses (e.g., University of Toronto Libraries, Campus Safety, etc.).

At the same time, we appreciate that other members of the University are no less our audience (e.g., staff, students, faculty members, and librarians). They are constituent of the day-to-day environment that we all inhabit and within which we collaborate, listen, criticize, and regularly disagree, sometimes vehemently, all the while jointly committed to the pursuit of the truth under the auspices of institutional autonomy, academic freedom, and freedom of speech.

Beyond our University community, MAP DWG recognizes that despite other Canadian academic institutions contending with the same or similar pressures, with limited exceptions, none have undertaken a review of policies and practices as they affect Muslim, Arab, and/or Palestinian constituents on their campuses.[6] MAP DWG commends the University of Toronto's administration for its leadership in this context and appreciates that its work may have implications for other Canadian universities.

I.3. MAP DWG's Methodology

Various principles and approaches informed how MAP DWG approached its consultations, survey design, and analysis.

I.3.A. The University's Institutional Purpose as Our Own

MAP DWG adopts as a central standpoint for all our recommendations the University's 1992 *Statement of Institutional Purpose*, which provides that:

> The University of Toronto is dedicated to fostering an academic community in which the learning and scholarship of every member may flourish, with vigilant protection for individual human rights, and a resolute commitment to the principles of equal opportunity, equity and justice.
>
> Within the unique university context, the most crucial of all human rights are the rights of freedom of speech, academic freedom, and freedom of research. And we affirm that these rights are meaningless unless they entail the right to raise deeply disturbing questions and provocative challenges to the cherished beliefs of society at large and of the university itself.
>
> It is this human right to radical, critical teaching and research with which the University has a duty above all to be concerned; for there is no one else, no other institution and no other office, in our modern liberal democracy, which is the custodian of this most precious and vulnerable right of the liberated human spirit.[7]

In every consultation and meeting, MAP DWG members were keen to identify whether, to what extent, and with what limitations (however explained or justified), the University is a space where research, speech, and advocacy by or on Muslims, Arabs, Palestinians—and which centres their lived experience, archives, and histories—can openly raise "deeply disturbing questions" and "provocative challenges" despite offending what some consider the "cherished beliefs of society at large and of the university itself."

I.3.B. The University as Regulated Corporation

Across consultations with senior administrators, we were repeatedly reminded that our recommendations could not counsel the University to violate the laws and regulations to which it is subject. The University is a corporation registered as a charity with the Canada Revenue Agency, and subject to directives by the Ontario Ministry of Colleges, Universities, Research Excellence, and Security. As an employer, it is subject to provincial laws regulating the workplace and numerous collective agreements with labour unions and a faculty association. In addition, it is subject to federal regulations on national security and research guidelines. All of MAP DWG's recommendations had to account for these regulatory and labour relations realities.

Some of our analysis and recommendations require (a) contextualization within the broader federal and provincial regulatory context, and (b) examination of the University's compliance practices and their implications on its institutional autonomy. As scholars of academic freedom have long explained, "institutional autonomy and academic freedom go hand in hand. In order to better fulfill the mission of the university, faculty members…need academic freedom. In order to have academic freedom, the institution needs to have autonomy. Academic freedom is thus embedded in institutional autonomy."[8]

MAP DWG appreciates that universities as corporate employers are required to comply with various forms of governmental regulation to steward public funds, to ensure a safe workplace, and to account for public safety considerations, for example. MAP DWG expresses concern, however, as evidenced at various points in this report, that *how* the University of Toronto exercises its discretion to comply—even over-comply—with various laws and regulations has downstream adverse consequences on the University's institutional autonomy and its members' experience and exercise of academic freedom (see Section III).

I.3.C. Muslims, Arabs, and Palestinians: Distinct and Overlapping

By its very name, MAP DWG has a broader scope than our predecessor groups, which centred on Islamophobia only. MAP DWG refers to three distinct identity categories across religious, racial/ethnic, and national registers. In one sense, all three are subject to a common dynamic of racializing logics, some of which stereotypically associate Muslims, Arabs, and Palestinians with violence, terrorism, misogyny, and antisemitism. These discourses draw on a crude view of civilizational conflict and hierarchy,[9] positing Muslims, Arabs and Palestinians as belonging to inferior civilizations. MAP DWG objects to the regular conflation of these three distinct identities in Canadian public discourse, including at the University, and the limited appreciation of their overlapping relation to other forms of discrimination (e.g. anti-Black racism).[10] The conflation of these three distinct yet sometimes overlapping groups can and does erase, over-determine, and under-determine the lived experiences of these groups in Canada and at the University. **MAP DWG emphasizes that the categories of Muslim, Arab, and Palestinian are both overlapping and distinct, and within each category, they are internally pluralistic.**

I.3.D. Global Aspirations Call for Globalized Accountabilities

The University's International Strategic Plan, 2022-2027, makes the institution's global aspirations plain:

> The University of Toronto is a uniquely global university situated in one of the most diverse city-regions in the world. Our student

> body, campus communities, alumni networks, and varied partnerships foster international experiences and opportunities that drive critical skills development, innovation, creativity, discovery, and solutions to critical global problems.[11]

Guiding the plan, therefore, are core principles that underpin the University's activities: academic excellence, global impact, societal responsibility and a series of values "including respect, relevance, reciprocity, and responsibility."[12] This means, among other things, that

> U of T is deeply committed to supporting and contributing to our diverse, internationally connected communities in Mississauga, Scarborough, and Toronto. Thus, we will ensure that amplifying the university's positive impact is a key component of our strategic plan overall. This includes understanding and measuring how the international collaborations we support translate into deeper levels of community engagement…[13]

MAP DWG repeatedly found that the University positions its international diversity as a defining feature that is key to its advancement to excellence. Indeed, in its *Statement on Equity, Diversity and Excellence*, the University explains that "[w] e believe that excellence flourishes in an environment that embraces the broadest range of people, that helps them to achieve their full potential, that facilitates the free expression of their diverse perspectives through respectful discourse, and in which high standards are maintained for students and staff alike." Moreover, in his affidavit in the University's injunction against the People's Circle for Palestine, the head of the Division of University Advancement explained that critical to the University's pursuit of excellence is "our ability to foster a sense of belonging and inclusion among the University's diverse community of alumni and donors – widely regarded as the most diverse alumni and student body in the world, both rooted in and reflecting the world's most diverse city region."[14] Among the University's international strategic objectives is an aim to share these institutional commitments to *diversity as excellence* as constitutive of "*the distinctive U of T story* with a wider audience, both locally and globally, in a way that clearly and intentionally demonstrates and inspires the university's positive impact in our community and beyond."[15] MAP DWG's final report raises concerns about the University's ability to integrate the Muslim, Arab, and Palestinian lived experience and contribution to the University as constitutive of the "distinctive U of T story", a trope to which we will refer repeatedly in this report.

MAP DWG appreciates the University's global aspirations. However, we insist that such a global aspiration comes with a necessary corollary principle, namely that what happens elsewhere in the world impacts our campuses, our office spaces, our laboratories, and our classrooms. For instance, as we consulted members of the University across the three campuses and among faculty members, librarians, staff, and students, they repeatedly explained to MAP DWG how the discourse of genocide in Gaza – particularly at the University (or, more often, the lack thereof) – provided a lens through which they assessed the University's climate of inclusion and belonging for Muslims, Arabs, and Palestinians.[16] That lens grew sharper and more critical as genocide scholars, international lawyers, and multilateral and international bodies found that Israel is committing, if not genocide against Palestinians in the Gaza Strip, widespread crimes against humanity.[17]

> *Why would we wait for a colonial genocidal government to recognize a genocide when we can make a decision ourselves based on the research already done?* (MAP DWG Survey respondent).

> *Despite numerous recent UN sanctions and reports that have unequivocally found that Israel is perpetrating genocide in Gaza, and has been since the onset of October 2023, the [University] admin[istration] has neither retracted nor amended its stance, investments, and affiliations with military and Israeli research institutions* (MAP DWG Survey respondent).

> *Students who were asking our school . . .to divest/boycott a state that has already been plausibly found to be committing genocide by the ICJ*[18] *were treated like criminals. Asking the university to support human rights of Palestinians is not a crime (MAP DWG Survey respondent).*

Notably, Palestine was not the only global backdrop to our consultations. Faculty members spoke to us about the threat of Hindutva-based anti-Muslim hate promulgated in the GTA. They explained that Hindutva is a Hindu supremacist ideology that dates to the 1920s and uses colonial tropes and binaries to represent South Asia's past as one of conflicted Hindu and Muslim nations, and ultimately to fashion India as a Hindu nation. On this reading of Indian history, Muslims are presumed to have come to India as imperialist invaders in the 11th century.[19]

Moreover, as noted above, more local politics in the United States and Canada targeting universities and university life found expression in the worries, fears, and anxieties University members expressed to MAP DWG.

As much as the University aspires to global engagement and diversity, MAP DWG's consultations reveal a perception that University administrators do not fully appreciate—especially in the age of the internet and 24-hour news cycles—the corollary principle that what happens elsewhere impacts local conditions and experiences at the University, or how that corollary principle can and/or should inform how University administrators fulfill their responsibilities under relevant polices, guidance, statements or memos, as discussed herein.

I.3.E. Consultations and Survey Data

MAP DWG drew upon data gathered through three mechanisms: consultations, written submissions, and a University-wide survey. Consultations began in March 2025 and ran through January 2026. A list of consultations with faculty members, staff, students, librarians, and administrative units is provided in Appendix B. In total, MAP DWG conducted 85 consultations, often with small groups and sometimes with individuals. All staff, students, librarians, and faculty members who met with MAP DWG were emailed a standard MAP DWG FAQ in advance (see Appendix F), which provided some information on the working group and its policy of confidentiality. It also asked four questions for participants to consider. Nearly all consultations were conducted virtually over Zoom or Teams with members of the staff secretariat taking anonymized notes for subsequent MAP DWG reference.

These constituent consultations informed the questions we directed to administrative officers in our consultations with them. Prior to each administrative consultation, MAP DWG created a broad list of questions that reflected what we learned from constituent consultations, our research on the respective offices, and their mandates. These questions were submitted to the former Office of the Vice-President, PSEC for review and subsequent distribution to the relevant offices prior to any scheduled consultation.

In all administrative consultations, MAP DWG expressed its commitment to confidentiality. However, in our administrative consultations, we expressly noted that while we would not identify administrators, we would identify administrative units. To balance de-identification with accountability, we identify consulted administrative units by reference to offices with 10 or more members.[20] This approach allows for de-identification while ensuring suitable transparency and accountability. At all times, MAP DWG approached these consultations in the spirit of the Working Group on Civil Discourse, specifically that group's final report, Recommendation 6, which calls upon the University to "[i]mprove transparency, visibility, and approachability of University leadership and senior administration and encourage engagement with the whole University community."

We appreciate that the role of staff and faculty administrators is to ensure the operational integrity of the University. At the same time, MAP DWG felt it was essential to our mandate to address with these administrative offices what we learned through constituent consultations. In our consultations with administrators, MAP DWG adopted the principle of "tough on the issues, easy on each other." We consider this principle consistent with the recommendations of the University's Working Group on Civil Discourse, specifically R1, which calls for "an institutional commitment to civil discourse in research, teaching, co-curricular, and working activities of the University." Not every administrative consultation was easy. Moreover, openness when responding to our questions varied across divisions and offices. Some academic administrators adopted a narrow approach to our questions and offered little opportunity for collegial dialogue and discussion. Others were open and engaging, often willing to follow up with responses to questions that came up in our discussion and for which they needed time to secure appropriate information. Administrative officers who refused to meet with MAP DWG often agreed to provide a written response to MAP DWG questions. A few offices declined entirely or did not respond (see Appendix B for breakdown).

MAP DWG also developed a University-wide survey for all constituents with a UTORID, which was open from April 23 to November 14, 2025, and provided an opportunity for anyone to share their experiences anonymously.[21] The survey generated 525 responses, which came from Muslim-, Arab-, and Palestinian-identified individuals (56%) and non-Muslim, -Arab, or Palestinian-identified (hereinafter non-MAP) individuals on campus (44%). Non-MAP respondents included witnesses to anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment; those mistakenly targeted for being Muslim, Arab, and/or Palestinian; and others perceived as expressing solidarity with Muslims, Arabs, and Palestinians, whether through scholarship, speech, or advocacy. The survey questions were largely open-ended, allowing respondents to share their experiences with however much detail they wished. For the Survey analysis and instrument, see Appendix C.

Throughout this final report, MAP DWG includes the voices of those who consulted with us and shared their experiences through the survey instrument. In some cases, they share what happened to them, what they witnessed, or what they hope to see as a campus environment. MAP DWG had no authority under its terms of reference to investigate any claims, allegations, or description of events that are provided by consultees or survey participants. This final report is not a legal document or an investigative report of what did or did not transpire on campus. Rather, consistent with standard social science survey methodologies, we consider the stories and accounts shared to capture social perceptions of the campus environment. We believe it is important to give voice to University members' perceptions of anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment because so many of them describe themselves as feeling chilled by the University environment, unwilling to speak or share their concerns out of fear of reprisals, discrimination or harassment. The words of our fellow faculty members, librarians, staff, and students on anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment represent a viewpoint that is not present across the archive of equity-based reports to date from Canadian universities.

While MAP DWG appreciates that this report is not an academic research endeavour, various members undertook independent research for this report. Research leveraged the members' extensive expertise, whether in the study of Islam, the Arab

world, and/or Palestine; and/or Canadian laws and regulations that pertain to University governance. We consider this additional research essential to the pedagogic purpose of this report. From our consultations, we found across the University a general ignorance of Muslim, Arab, and Palestinian history, culture, and lived experience, coupled with a predisposition to over-securitize these three groups. We also found considerable ignorance of University governance and its regulatory context. Our research is utilized herein to support our readers' learning opportunities, to overcome a knowledge gap, and/or redress biased predispositions that we learned can and do inform discretionary decision-making at all levels of University operations.

II. Muslims, Arabs, and Palestinians in the Greater Toronto Area and the University of Toronto

This section prefaces our review, discussion, and analysis of University policies and practices with respect to Muslim, Arab, and Palestinian inclusion. As a preface, it aims to do two things. Section II.1 provides a contextual backdrop to the University, specifically addressing Muslim, Arab, and Palestinian demographics in the Greater Toronto Area and the study of these three groups at the University. As one of the largest employers in Ontario, the University draws its labour force and even its student body from this broader context. The Greater Toronto Area also happens to have the largest populations of Muslims, Arabs, and Palestinians in the country as evinced by the 2021 Canadian census and other demographic reports.[22] Our aim in the first part of this section is to provide a demographic context in which the University operates, while also examining how the University situates the study of Islam, Muslims, Arabs and Palestinians within its institutional design.

Section II.2 reflects on anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment, with a specific focus on the People's Circle for Palestine, the student encampment at the University of Toronto that occupied the green space known as Front Campus on the UTSG campus in 2024. Consistent with the literature on Islamophobia, MAP DWG reflects on the University's evidence for its tort claims of trespass and intimidation. The views heard during MAP DWG's consultations illustrate how longstanding biases about Muslims, Arabs, and Palestinians may find expression in the ordinary course of business, including in courts of law.

MAP DWG is concerned that biases about Muslims, Arabs, and Palestinians often pass as if somehow normal or reasonable due in part to what we call an "incurious ignorance" about the lived experiences, histories, and cultures of these groups. Discretionary decisions made by academic and non-academic leaders on campus pursuant to facially neutral policies can have adverse impacts on Muslims, Arabs, and Palestinians. At the same time, MAP DWG is pleased to see the University publish new resources addressing anti-Muslim, anti-Arab, and anti-Palestinian discrimination. As such, we also devote part of II.2 to explain why MAP DWG does not recommend the University adopt specific definitions of anti-Muslim, anti-Arab, and/or anti-Palestinian discrimination and harassment.

II.1. Muslims, Arabs, and Palestinians in the GTA and at the University

The University of Toronto consists of three campuses located in downtown Toronto, Scarborough, and Mississauga. The University of Toronto's downtown campus, known as the St. George campus or UTSG, is the site of the Faculty of Arts & Science, other Faculties including the University's professional schools, the institutional administration, and graduate administration (the School of Graduate Studies, or SGS). The Mississauga and Scarborough campuses (UTM and UTSC respectively) are located in two local neighbourhoods. As one of Ontario's largest employers, the University draws many of its non-academic staff, students, and librarians from the Greater Toronto Area (GTA).

Past presidents of the University of Toronto have emphasized the University's need to engage the region in which it is located. For instance, former President Meric Gertler pledged at his installation that he would "[l]everage our urban location more fully, for the mutual benefit of university and city."[23]

As the tables below show, the GTA is home to growing populations of Muslims, Arabs, and Palestinians, in many cases the largest in the country.[24] Consistent with the work of the late Professor Edward Said, MAP DWG observes that since its earliest days, the University has regularly considered Muslims, Arabs, and Palestinians as *objects* of study, "confined to the fixed status of an object frozen once and for all in time by the gaze of western percipients," and less so as members constitutive of the University community.[25] MAP DWG's consultations and study reveal that this approach (and certainly this perception) largely continue today with some relatively recent exceptions.

Statistics Canada conducts a census every five years. It asks about religious identity every ten years in its long-form census, issued to a percentage of Canadian households.[26] The most recent took place in 2021. The tables below provide an overview of the growth of religious communities, visible minority communities, and Palestinians in the GTA.[27]

Table 1. Greater Toronto Area Population Disaggregated by Religious Affiliation, 2011-2021 (2011 National Household Survey and 2021 Census of Population 25% sample)

	2011		2021	
Religion	**Count**	**% of GTA**	**Count**	**% of GTA**
Christian	3,128,570	56.7%	2,851,285	46.4%
No Religion and Secular Perspectives	1,165,015	21.1%	1,636,865	26.7%
Muslim	424,930	7.7%	626,010	10.2%
Hindu	325,425	5.9%	457,825	7.5%
Jewish	167,765	3.0%	165,765	2.7%
Sikh	159,910	2.9%	244,240	4.0%
Other Religions	149,630	2.7%	160,895	2.6%
Total	**5,521,235**	**100%**	**6,142,880**	**100%**

Table 2. Greater Toronto Area Population Disaggregated by Visible Minority Status, 2011-2021 (2011 National Household Survey and 2021 Census of Population 25% sample)

	2011		2021	
Visible Minority Group(s)	**Count**	**% of GTA**	**Count**	**% of GTA**
South Asian	833,080	15.1%	1,182,485	19.2%
Chinese	531,635	9.6%	679,730	11.1%
Black	397,180	7.2%	488,155	7.9%
Filipino	230,075	4.2%	281,150	4.6%
Latin American	117,005	2.1%	156,460	2.5%
West Asian	96,650	1.8%	160,335	2.6%
Arab	74,985	1.4%	129,310	2.1%
Southeast Asian	90,995	1.6%	102,330	1.7%
Other Visible Minorities	224,820	4.1%	321,330	5.2%
Total Visible Minority Population	**2,596,425**	**47.0%**	**3,501,270**	**57.0%**
Not a Visible Minority	**2,924,815**	**53.0%**	**2,641,610**	**43.0%**
Total Population	**5,521,235**	**100%**	**6,142,880**	**100%**

Table 3. Greater Toronto Area Population of Palestinians, 2011- 2021 (2011 National Household Survey and 2021 Census of Population 25% sample)

	2011		2021	
Ethnic Origin	**Count**	**% of GTA**	**Count**	**% of GTA**
Palestinian	10,895	0.2%	15,330	0.2%

These tables demonstrate a trend: Muslim, Arab, and Palestinian communities are increasingly growing in the GTA, though the percentage population of Palestinians in the area stayed constant in relative terms between 2011 and 2021.

The steady growth of Muslim, Arab, and Palestinian constituencies—in both absolute numbers and representative percentages—underscores the importance of situating the University's campuses and institutional initiatives within the realities of a rapidly diversifying Greater Toronto Area and Ontario. Moreover, Muslim and Arab populations are not mutually exclusive of other visible minority groups. Many Muslims in the GTA identify as South Asian, Chinese, Black, Arab, or Palestinian. Ethnic and national origin can overlap with other categories, and many Muslims are not visible minorities.

While most Arabs are Muslims, many are Christian and at least some Arabic-speaking Jews identify as Arab Jews.[28] In one of the earliest studies of Arabs in Canada, University of Alberta professor Baha Abu-Laban explains that the first Arabs in Canada came in the late 19th and early 20th centuries from Lebanon and Syria. Principally Christian, they left their homes for Canada as the fading Turkic Ottoman Empire attempted to tighten imperial control over the region.[29] During World War I, Arab immigration to Canada decreased due to immigration measures designed to limit Asian migration. "[N]ew Canadians of Arab or Syrian origin were racialized as 'others' and as an 'undesirable class.' They were also associated with disease and filth, an association that highlighted their immigrant identity."[30] Paul Eid notes that before WWI, Arab migration to Canada consisted primarily of Christian Arabs. After WWII, Arabs coming to Canada were more evenly split between Christians and Muslims, with Moroccan and Algerian immigrants largely settling in Quebec.[31] By 1967, immigration regulations changed with the abolition of race-based admission criteria.

Arabs are also a racially diverse population, with Arabic societies historically cutting across Africa, the Levant, and the Gulf regions of the world. This diversity extends no less to Palestinians. Most Palestinians are Arabs, but there are also Armenian Palestinians, Bosnian Palestinians and African Palestinians, reflecting Palestine's multiracial and multicultural heritage. In this sense, Muslim, Arab, and Palestinian communities cut across standard census groupings, reflecting the layered and intersectional character of the GTA's diversity.

The University of Toronto provides both a Student Equity Census and an Employee Equity Survey.[32] The Employee Equity Dashboard includes a religion/spirituality tab, which shows that in 2025, seven percent (7%) of responding faculty members, staff, and librarians identified as Muslim. Moreover, the Employee Equity Survey Dashboard provides both religious categorizations and disaggregated data on ethnicity. For instance, the category "Middle Eastern" (which comprises 3% of employees) is subdivided into five categories (e.g., Middle Eastern North American, Middle Eastern North African, Middle Eastern European, Middle Eastern West Asian, and Middle Eastern Other), and is inclusive of Iranians, Israelis, and Turks, but offers no country-by-country breakdown.

In contrast, at the time of writing, the Student Census dashboard did not include a religion variable, nor did it provide sufficient disaggregated categorization to assess the population of Arabs. We understand this variable has been in place since 2024-2025, but the data is not stable enough to warrant reporting on it at this time.[33] While students are required to fill out the census, they can decline to answer questions as they choose. Employees fill out the survey voluntarily. In other words, the percentages may not be reflective of the campus population.[34] Nonetheless, they remain a helpful tool for appreciating the diversity of the University's constituency.

Figure 1. Racial and/or Ethnocultural Identity, Fall 2025, Student Equity Census

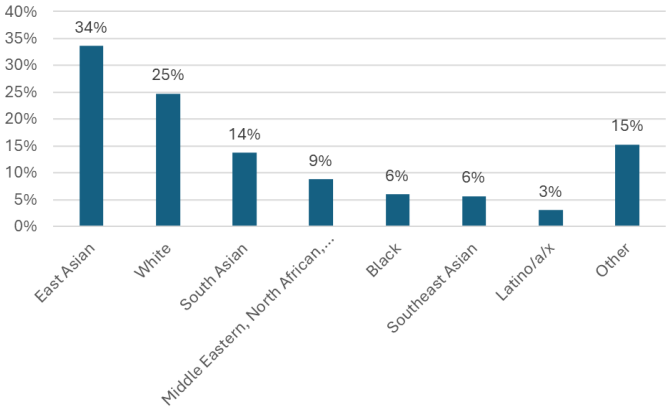


Figure 2. Racial and/or Ethnocultural Identity, 2024, Employee Equity Survey

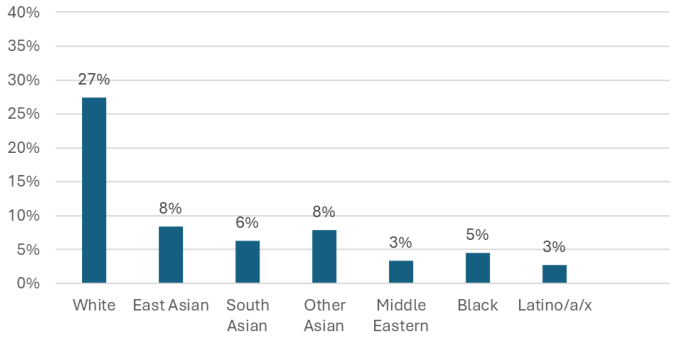
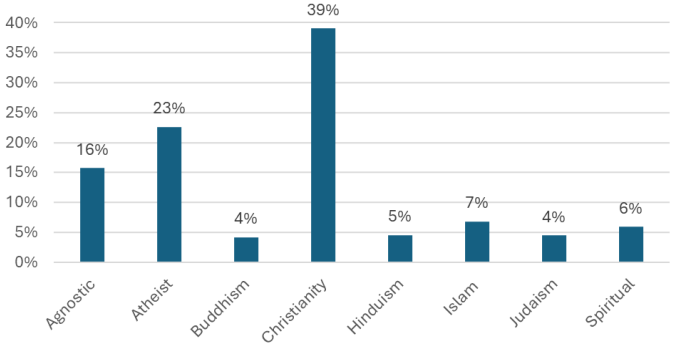


Figure 3. Religious or Spiritual Affiliation, 2024, Employee Equity Survey



Recommendation 1

The U of T Student Equity Census (Census) and Employment Equity Survey (Survey) should (in compliance with Ontario's *Freedom of Information and Protection of Privacy Act* (FIPPA) and other applicable laws and policies):

A. Include more granular categories for racial and ethnocultural identities that allow for disaggregation of Arabs and Palestinians.

B. The categories in both the Census and Survey should be brought into alignment with those used in StatsCan survey instruments.

C. The Census and Survey should include a question on linguistic background to better understand this important element of ethnocultural identity.

D. Faculties and units should track the composition of their specific employee and student populations using the online dashboards for both the Census and Survey, which Deans' offices can currently access. Divisional leaders should make high-level data locally available for collegial governance purposes.

Relevant offices administering the U of T Equity Census and Survey should also review the development of a protocol on accessing institutional data and publish relevant FAQs to make micro-data available to U of T affiliated groups that wish to carry out research and other activities to improve student and/or employee experience.

Recommendation 2

The Provost or designated office should strike a committee to design and execute a survey of students, staff, faculty members, and librarians on the campus climate, with specific questions on EDI-related matters. As part of its preparatory work, the committee should consider data sources already available on campus, such as the Voices Survey of Temerty medical learners and clinical faculty; the U of T-wide Speaking Out: Employee Engagement Survey; the National Survey of Student Engagement (NSSE); the Graduate Student Experience in the Research University (gradSERU) survey; and the Scarborough Survey by UTSC's Social Observatory. Other models to consider might include the Harvard Pulse Survey, the University of California Campus Climate Survey, and National Assessment of Collegiate Campus Climates (NACCC).

The committee should ensure the representativeness of the survey by using available sampling frames of various campus groups, and the survey should be fielded regularly so that trends over time can be tracked. Importantly, this survey should include direct questions on matters such as perceived access to opportunities, feelings of inclusion and belonging, experiences of harassment or discrimination, willingness to report such experiences, etc.

II.1.A. The Study of Muslims and Arabs and Palestinians at U of T: A Means-to-End Historiography

The Built Environment

Professor Martin Friedland's history of the University recounts its colonial origins, and its efforts to create a secular home for academic study while remaining federated with Christian theological colleges—all of which remain part of our contemporary campus built environment.[35] For instance, the University of St. Michael's College is a federated college with the University of Toronto founded in 1852 to "serve the growing Catholic population in Toronto." Emmanuel College in the federated Victoria University is "[r]ooted in the ecumenical heritage of The United Church of Canada." Trinity College features a secular education through the Faculty of Arts & Science as well as advanced confessional study with its Anglican Faculty of Divinity, including a chapel on its grounds. Christian theological study was and remains a built-up feature of the University of Toronto that continues to inform curriculum, library holdings, and faculty hiring. The Wolfond Centre for Jewish Campus Life is another example of dedicated religious space in U of T's built environment. A tenant of the University under leases dated as early as 2000, the Wolfond Centre for Jewish Campus Life is located on UTSG and houses the offices of Hillel of Greater Toronto. Yet another example is the Newman Centre for Catholic student life, which operates on land of its own and enjoys a central campus location.[36]

At the behest of student groups, MAP DWG attempted to secure greater insight on the University's approach to the cooperative partnerships with the affiliated colleges (and their seminaries and chapels) and tenancy agreements with third-parties serving students from different faith communities, in order to explore recommendations on strategic real estate partnerships that might serve Muslims, Arabs, and Palestinians on campus. Our questions related to strategic real estate planning metrics; real estate lease options and rental pricing for partners servicing our students; allocations of construction costs where necessary; etc. The then Vice-President, Operations & Real Estate Partnerships, however, did not reply to our invitation and the Provost and then Vice-President, PSEC did not address our questions on this matter (see, Section IX).

University institutional design on/for Islam, Muslims, Arabs, and Palestinians

Friedland notes that in the 1950s, the international flavour of the University reflected the arrival of new Canadians, mostly from Europe. Few were visible minorities. As he explains, non-European, racialized minorities were precluded from migrating to Canada: "Until 1956, immigration from Asia, Africa, and the Caribbean was limited to the spouses and children of persons already citizens of Canada."[37]

Friedland's index features entries for different Christian churches and religious orders at the University (e.g. Anglican Church, the Roman Catholic Church, Jesuits, and Basilians). And when he writes about Jews and Judaism, Friedland emphasizes the limited number of Jewish faculty in the early 20th century and contrasts it with the support Jewish alumni provided to the University in the 1990s and thereafter with the appointments of chancellors and advancement officials who were respected within the Jewish community. There are no similar index entries on Muslims, Islam, Arabs, or Palestinians at the University. This is hardly surprising. A separate study published in 2024 draws on archival resources to show that between 1887 (when the medical faculty opened) and 1964 (when racial and religious identity were no longer required on applications), a mere six medical students self-identified as Muslim.[38]

Despite what has long been a growing Muslim, Arab, and Palestinian population in the GTA contributing to University life,[39] the institutional organization of the study of Islam and Muslims at the University is patterned after what historians consider a Euro-American tendency to view Muslims, Arabs, and Palestinians as objects of analysis, and more importantly as an intellectual means to a different end, whether Biblical historicism, the Cold War, or the more recent War on Terror.[40] As Edward Said explained in 1985, "separately or together", the Orient, Arabs or Islam

> were supposed by mainstream academic thought to be confined to the fixed status of an object frozen once and for all in time by the gaze of western percipients… So saturated with meanings, so overdetermined by history, religion and politics are labels like 'Arab' or 'Muslim' as subdivisions of 'The Orient' that no one today can use them without some attention to the formidable polemical mediations that screen the objects, if they exist at all, that the labels designate.[41]

The history of the study of Muslims, Arabs, and Palestinians at U of T can be traced to a 'Tutorship in Hebrew Language and Literature,' established in 1844,[42] which was later renamed in 1850 to the 'Lectureship in Oriental Languages.' In 1886, the name was changed to the 'Department of Oriental Languages,' and later in 1957 to 'Department of Near Eastern Studies' (NES). In 1961, a Department of Islamic Studies was hived off from NES, and in 1975 was renamed as the 'Department of Middle East and Islamic Studies.' UTARMS collections from 1961 show that NES centred on antiquity, with classes that examined the political and cultural histories of ancient Egypt, ancient Western Asia, and the Near East in the Persian, Hellenistic, and Roman periods. Its language offerings included Hebrew, Biblical Aramaic, post-Biblical Hebrew, Middle Egyptian, and classical Arabic.[43] With a sustained focus on Hebrew and Hebrew literature in the 4th century BC, there was also a course on "[t]he religious development in Palestine from the fourth century B.C., to the first century A.D."[44] The Middle East and Islamic Studies department was a combination of what we would call area studies and religious studies, with offerings on early Islamic history, and language training in Arabic, Persian, and Turkish, and a concentration on colloquial Egyptian dialect.[45]

In 1996, both units were amalgamated into today's Near and Middle East Civilizations department.[46]

These shifts in the University's curricular and pedagogic structure follow patterns of institutional design and curriculum development across European and North American universities from the 19th century until today. The study of "oriental" languages in German universities (especially Arabic and Hebrew) were in the service of theological Faculties committed to the study of Christian history, in particular Biblical history and criticism.[47] The move in the 1950s to separate the Middle East, South Asia, and Islam from the antiquity studies of NES was consistent with university practices in North America after WWII to create the "area studies" model of research.[48] The University's subsequent consolidation of antiquity and area studies on the Middle East and North Africa coincided with the end of the Cold War. The proclaimed liberal/democratic victory in the Cold War and increasing cuts to public spending on education under Ontario's Progressive Conservative government of Mike Harris revealed the declining utility of studying Muslims, Arabs, or Palestinians.[49]

After 9/11, U of T – like many universities – sought to build new capacities in the study of Islam, Muslims, South Asia, and the Middle East. Many MAP DWG faculty members were hired at this time, becoming newly conscripted in Canada's commitment to combat terrorism through the production of knowledge on Islam, Muslims, and Arabs (though less so Palestinians). By 2011, the University's Governing Council approved the formation of the Institute of Islamic Studies as an extra-departmental unit devoted to research led by an academic director, but without academic appointments or curriculum. The post-9/11 academic hiring spree globally came to a close in 2008, as with most other fields, with the global financial crisis.[50] In recent years at U of T, the Provost offered funding for a new position in Palestinian studies, which has been allocated to the Near and Middle Eastern Civilizations Department.

One consequence of the post-9/11 hirings was the creation of scholarly communities and innovative efforts that challenged status quo orientations to pedagogy and curriculum design. Housed at U of T and involving members of MAP DWG, the Muslims in Canada Archives insists that Muslim Canadian archives are no less central to Canadian history and heritage than those of other cultures in Canada, calling into question how the University structures Canadian studies, Quebec studies, and French studies, for instance. Similarly, the Structural Islamophobia Lab began with a hotline to support students approached by national security officers, and has since supported studies that examine how the Canadian state enables Islamophobia through ostensibly neutral policies. The Hearing Palestine Initiative attracts faculty members who leverage their research on Palestine and Palestinian archives to interrogate, in accordance with academically rigorous norms, the persistence of the Palestine exception.[51] As explained below, the Palestine exception refers to a pattern of institutional discrimination and/or selective enforcement of policies that restrict the voices, archives, and perspectives of Palestinians and their allies.

II.2. On anti-Muslim, anti-Arab, and anti-Palestinian Discrimination and Harassment: The persistence of incurious ignorance

In this section, MAP DWG describes the different strategies used to promulgate anti-Muslim, anti-Arab, and anti-Palestinian biases. First, we begin by outlining competing narratives of the People's Circle for Palestine, the encampment at Front Campus that was the subject of litigation. A review of the litigation files raises important questions about how certain biases can find expression in what may appear to be the ordinary course of business. Thereafter, we turn to how anti-Muslim (or Islamophobia) and anti-Arab discrimination and bias are explicitly or implicitly already defined as discriminatory under prevailing laws that apply to the University. Though many University members pressed MAP DWG to recommend the University adopt the Canadian Arab Lawyers' Association definition of anti-Palestinian Racism (APR), MAP DWG does not endorse a definitional approach at this time. Nonetheless, because we received survey responses that evince patterns of anti-Palestinian discrimination and bias, for pedagogic purposes we identify the tactics often used to perpetuate this form of discrimination.

II.2.A. The People's Circle for Palestine, May 2-July 3, 2024: A Tale of Two Encampments

Thanks to the individual and collective efforts of various faculty members and student leaders, the opportunities to study Islam, Muslims, Arabs, and Palestinians, and the scope of such inquiry possible today, far exceed what had been the norm through much of the 20th century. Academic programming in Faculties and departments as wide-ranging as Religion, Anthropology, NMC, Women and Gender Studies, Sociology, Law, OISE, and Social Work have expanded course offerings. Even federated colleges contribute to these opportunities: Emmanuel College's Muslim Studies program trains tomorrow's chaplains from an Islamic perspective. The Institute of Islamic Studies features various projects that reverse the gaze of Orientalism by examining Muslim contributions to Canadian heritage.

At the same time, MAP DWG remains concerned that the tendency to over-securitize Muslims, Arabs, and Palestinians and under-protect or under-value their experiences as members of the University community persists. The People's Circle for Palestine – the student-led encampment on King's College Circle (Front Campus) from May 2 to July 3, 2024 – and the University's response to it exemplify this tendency.

The People's Circle for Palestine was the best of times and the worst of times, depending on the vantage point one adopts. For the University and its divisional leaders, the People's Circle represented a trespass upon its property, an exclusionary space based on a political litmus test, and a magnet for hate and violence that posed a presumed threat to every building and classroom on campus, no matter how far from or near to King's College Circle.

Many of those consulted shared with MAP DWG considerable frustration with how the University managed the encampment, both in its ordinary course of business, and in the litigation it pursued in the Ontario Superior Court. As the People's Circle garnered support from some staff and faculty members, the University issued a trespass notice and threatened students with suspension or expulsion, and employees with termination if they continued to remain in the People's Circle beyond the trespass deadline.[52] Ultimately, neither police enforcement of trespass nor termination came to pass. MAP DWG learned that, instead, the University administration attempted negotiation with student leaders of the encampment before and during the legal proceedings to secure a peaceful resolution to the occupation of space that is normally accessible to all members of the community and the public. MAP DWG was resolutely pleased that the University adopted an approach that did not involve the use of police and forceful evacuation of the relevant space. Its approach stands in stark contrast to other Universities in North America that turned quickly to forceful, threatening, and at times violent, police action to remove protestors.[53]

Nonetheless, that initial University announcement adversely affected how Muslim, Arab, and Palestinian University members viewed the University and its inclusiveness:

> *I consider the university's communication with faculty and students during the encampment threatening and harassing, especially communications that threatened termination of faculty, librarians and staff and the expulsion of students for supporting the encampment. The University retracted these threats but did not apologize. This was shoddy, amateurish and panicked communications work, that showed a total lack of understanding and awareness of how this would impact [Muslim, Arab, and Palestinian] and [Middle East and North African]… faculty* (MAP DWG Survey respondent).

Ultimately the University chose to pursue an injunction against the People's Circle in the Ontario Superior Court, rather than calling in municipal police or private security and demolition firms, as other campuses across North America did.[54] In its pleadings to the Court, the University argued that

> 3. The Occupants have excluded the University and University community members from Front Campus, depriving the University of its right and responsibility to maintain the property for the benefit and use of all University community members.
>
> 4. The Encampment has eroded or eliminated the ability of the University community to use the University's property and to exercise their freedom of speech and expression at or near Front Campus. The Encampment and its exclusionary policies and practices have diminished the University's reputation of being

> an environment for tolerance, respect and civil discourse. The Encampment has become of [sic] focal point for disruption, risk of violence and harmful speech.
>
> 5. As a legal matter, the actions undertaken and encouraged by the Occupants are tortious. The Encampment by the Occupants is a trespass, for which there is no defense.[55]

The University shared with the Court that in any given year, it hosts on campus thousands of events. As such, to ensure effective management of the space it considers its private property, the University provides a Temporary Use of Space Policy that explains how members of the University may secure temporary use of space at the University for a wide range of events in furtherance of the University's mission and purpose. Importantly, the University explained that the policy

> confirms that the lands and buildings of the University are private property, and the University retains and reserves the right to control its property. Front Campus is subject to the Temporary Use Policy.
>
> Any booking of a space like Front Campus must be made in compliance with the University's policies and regulations. The University may, in accordance with its policies, refuse a request to book a space. Occupy U of T [the Occupants organizing body] is not a registered and recognized student group. It did not make any request to book Front Campus, nor was any such request granted.[56]

In his judgement, Justice Koehnen of the Ontario Superior Court agreed that the University's rights and responsibilities as a property holder had been infringed:

> The University has made out a strong *prima facie* case to the effect that the protesters have appropriated Front Campus from the University and have prevented others from using Front Campus for over 50 days. The encampment has taken away the University's ability to control what occurs on Front Campus. The case law is clear that this type of loss of use amounts to irreparable harm.[57]

What concerned University members who consulted with MAP DWG, and even concerned Justice Koehnen, are the other arguments the University made about the encampment on Front Campus, specifically attributing to the encampment, without direct evidence, responsibility for violence and harmful speech. These claims informed the University's second legal claim, namely that the respondents were engaging in a *tort of intimidation*, "in which they unlawfully (through threats and coercion…) demand that the Applicant act or refrain from doing an act."[58] The People's Circle's "forcible occupation and physical intimidation", the University argued, will only make matters worse without an immediate injunction. "This common-sense observation is apposite in the present case, and borne out by the history of violence, harmful speech, and disrespectful conduct that has already occurred in the area in and around the Encampment."[59] Though the University acknowledged that "there is limited evidence of violence within the Encampment itself," it insisted that "the Encampment has become a focal point for violence and harmful speech."[60] In other words, the University used an argument of guilt by association. As the University further explained, it is "the very existence of the Encampment that draws all manner of individuals — protestors and counter protestors, those who are peaceful and those who are not—to Front Campus and to the University in general."[61] For instance, one affiant for the University explained: "I didn't see this type of e-mail or signage before the Encampment started."[62] Another affiant, the head of the Division of University Advancement, explained that some in-person events with donors were switched to virtual platforms given what he described as a climate of "alienation, fear, and intimidation."[63] A third affiant explained that the Temerty Faculty of Medicine cancelled in-person classes in May and pivoted to fully on-line instruction based on the complaints of a small group of students and faculty. The affidavit does not provide any evidence of harm to the Medical Sciences Building or disruption of classes (see Section III). MAP DWG appreciates that these feelings may have been real for some people, but feelings alone are not evidence of violence or harmful speech that substantiate a legal claim in tort.

Justice Koehnen was also not convinced by the University's attribution of violence or harmful speech to the People's Circle for Palestine.

> The University has not made out a strong prima facie case to show that the encampment is violent. The record before me shows that, apart from the initial seizing and the continuing exclusion of people from Front Campus, the encampment itself is peaceful. While there is some evidence of physical altercations outside the encampment, there is no evidence that any of the named respondents or other encampment occupants are associated with those incidents.
>
> The University has not made out a strong prima facie case to show that the encampment is antisemitic. Although there have clearly been instances of antisemitic hate speech outside the encampment, there is no evidence that the named respondents or encampment occupants are associated with any of those instances. The encampment itself has people of various backgrounds including Muslims and Jews. It conducts weekly Shabbats involving Jews and Muslims. Both Jewish and Muslim members of the encampment have testified about its inclusive, peaceful nature.[64]

Justice Koehnen acknowledged that a protest movement "can attract intemperate, violent elements." But he found that the University's argument engaged in "guilt by association" and "conflate[d] violent actors with peaceful protestors.[65]

MAP DWG expresses concern at the University's use of such a tactic. As the *Canadian Guide to Understanding and Combatting Islamophobia* makes plain: "Islamophobia also occurs when violent or harmful actions committed by individual Muslims or groups are then attributed to, or blamed on, all Muslims everywhere,"[66] or in other words, guilt by association. This phenomenon is no less salient for anti-Arab and anti-Palestinian discrimination and harassment. In this instance, the University described an encampment associated with Muslims, Arabs, and/or Palestinians as committing a tort of intimidation by reference to third-party agitators separate and distinct from the encampment and its organizers. What is worse is that much of the University's evidence was not direct evidence, but instead dangerous hearsay. As Justice Koehnen explained,

> in a large number of instances, the evidence on these points is hearsay, sometimes double or triple hearsay. That is to say, it is evidence not from someone who saw the events but is evidence from a witness who heard about an event from someone else. In some cases, the 'someone else' did not see the event either but heard it from yet another person.[67]

Justice Koehnen seemed surprised that the University would provide hearsay evidence when campus security officers were in the vicinity and who might be expected to have first-hand knowledge of events. Security cameras are also positioned nearby and would have provided direct evidence of the alleged incidents at issue. Some of the alleged activity occurred on Harbord Street, at a minimum a whole block north of Front Campus, and running kilometers west of the University. Hearsay evidence is suspicious because it can become distorted with each retelling. Moreover, it offers the respondents no opportunities to redress the allegations. In the case of this litigation, the alleged incidents may have occurred kilometres away from the encampment, and may be the product not of the encampment but instead of "heightened tensions caused more generally by the war in Gaza."[68]

The University is of course entitled to make whatever legal and factual arguments it wishes. However, MAP DWG provides this review of the litigation to illustrate how the arguments the court rejected left some University members doubting the University's respect and appreciation for the lived experiences of Muslim, Arab, and Palestinian members of the University.

For instance,

> *I have heard from many non-Palestinian faculty, some staff, and many students that they experienced the university's centralized, administrative responses to pro-Palestine protest efforts, including the encampment, as a kind of exclusion of their voices and perspectives* (MAP DWG Survey respondent).

> *I watched as hundreds of Muslim and non-Muslim students, staff, and faculty be [sic] demonized and villainized by certain news organizations… alongside…claims of harassment [that aimed] to continually demonize the encampment despite the large majority of encampment participants being vocally against anti-Semitism as well, and multiple Jewish staff, students and faculty also participating* (MAP DWG survey respondent).

> *I have seen people who have spent their entire careers in higher education with their livelihood funded by student fees, now turning on students as if they are doing something horrible. Disgusting* (MAP DWG survey respondent).

> *[W]hile I appreciate the double-bind of the situation the University was in during the encampment… I felt deep shame to work for an institution that didn't offer more decisive actions in support of Palestine and our students' demands. I also am deeply disappointed that I, as a unionized staff member, did not feel safe supporting students during their protest(s) as advised by the Union* (MAP DWG Survey respondent).[69]

MAP DWG appreciates that some University members may have been uncomfortable with the encampment, but subjective discomfort—even if widespread—with the encampment does not constitute reasonable grounds for the University to associate it with violence and hate speech in the absence of actual evidence of violations of law and policy. For instance, in his affidavit on behalf of the University, the head of the Division of University Advancement acknowledged that the University has "the most diverse alumni and student body in the world." But he also explained that due to the encampment, many alumni events were cancelled or shifted to online platforms. Nowhere in that affidavit did he seem to see, recognize, or acknowledge the alternate and equally significant story of the People's Circle for Palestine, or the alumni and students for whom that alternative tale was significant.[70] Many University members across various identity groups explained to MAP DWG why they participated in the encampment, why it was important, and what it meant to them:

> *I am participating in the encampment because I am horrified by the actions of the Israeli military in Gaza. I am part of a large Jewish community that believes in the importance of Palestinian human rights. I see my participation in the encampment at the University of Toronto as part of my work as a Jewish person and as an educator. As a Jew, I have a moral obligation to stand against injustice. Participating in the encampment has given me the opportunity to meet and build relationships with people from other communities who are also passionate about working together to build a world of safety, freedom, and equality for all, including Jews and Palestinians. I am also participating in the encampment because I have seen how false allegations of anti-Semitism are weaponized in attempts to undermine movements seeking justice, especially against Palestinians.*[71]

> *In my experience, the protest is perhaps the best example of what university education is meant to be. The University's Statement of Institutional Purpose speaks in lofty terms about the importance of raising "disturbing questions and provocative*

challenges to the cherished beliefs of society at large and of the university itself" to make our society more just. The Statement explains that the most crucial human rights of freedom of speech, academic freedom and freedom of research are "meaningless unless they entail the right to raise such disturbing questions and provocative challenges"… That is what the protest is doing. I have observed the protest is made up of students who are studying the University, the history and implementation of settler colonial projects, and the relationship between the University and the state of Israel carefully. At the core, protest participants are interested in using their University education to make a more just society by asking hard questions of the University itself.[72]

One graduate student wrote:

Since the encampment began, hundreds of colleagues, students, faculty members, staff, and librarians have participated in the encampment. Their participation has shown me and other Palestinians what solidarity looks like, demonstrating to us that we have a place on campus.[73]

One faculty member shared with MAP DWG:

The camp is a beautiful space of learning and cultural sharing. I have met so many amazing new Jewish friends through our shared work at the encampment (MAP DWG written submission).

During our consultations, MAP DWG heard that for many members of the University community, the Circle was the first time they felt seen, heard, and included within the confines of the University. As Justice Koehnen wrote, the People's Circle was a "deeply moving experience" for some, and demonstrated for Palestinians in particular that "we have a place on campus."[74] One University alumnus described the Circle as "calm, peaceful, and respectful".[75] For these people, the People's Circle created an alternative, critical pedagogic space of inclusion that challenged unexamined attitudes and beliefs at the University and in society about Palestine and its history. It mirrored the University in the most ordinary of ways. One tent hosted a library. Another tent hosted faculty members. Another served as the Circle's technology department and helped to amplify lectures within the Circle or broadcast them across social media platforms. Some tents were designated by certain disciplines, like history or geography. Other tents were meeting spaces, like classrooms. The People's Circle hosted lectures on Palestine studies, decolonizing university curricula, and so on.

The Ontario Superior Court granted the University's injunction, requiring the People's Circle to decamp immediately, on the ground of the University's role as owner of property committed to ensuring it is accessible to all for purposes consistent with the University's institutional purpose. One University member remarked ironically on the University claims as property rights holder despite its institutional commitments to reconciliation:

The university used its private property "rights" to cut the ability for students to organize and protest with experienced Land Defenders in campus areas (MAP DWG survey respondent).[76]

Reflecting on the encampment, we heard from University staff members in student residential life who expressed disappointment that Spaces and Experiences, the administrative unit responsible for some of the student residences on campus, did not recognize the broad range of needs of University students who chose to participate in the Circle. That office did not support University students (some of whom also were registered in University residence) who were living in tents at King's College Circle, including but not limited to providing food, water, blankets, or battery recharging capacities. Incidentally, MAP DWG heard that homeless international students found space and community in the Circle, though we were not advised whether the University was aware of this situation. MAP DWG recognizes that the administration, not viewing the encampment as a valid residential alternative, had reasons not to task student residential offices with supporting the students residing at the People's Circle. Nonetheless, MAP DWG appreciates that much of the health/safety and related support for the People's Circle, such as toilet facilities and electricity, came from the central administration.[77]

Reflecting on the People's Circle, the University's initial communications, and the subsequent litigation, University members expressed concerns that they work in an environment hostile to speech and/or advocacy by or on Muslim, Arab, and Palestinian concerns; have no confidence the University respects Muslim, Arab, or Palestinian viewpoints or life experiences; and worry that expression of such viewpoints may result in undue reprisal.[78]

[R]eprisals have already taken place and there is no trust in U of T among advocates for Palestine, Palestinians, or anyone in opposition to Genocide (MAP DWG survey respondent).

I have heard comments from senior administrative faculty saying that the student body is so ignorant and one-sided with respect to their pro-Palestine position. I have also felt scared to speak up about my own position, or even to go check out the encampment for fear of losing my job as this was threatened indirectly from senior leadership (MAP DWG survey respondent).

The university's handling of the 2024 pro-Palestine protests and encampment, and in particular, public statements made by the Division of People Strategy, Equity & Culture, were very unsettling…Despite repeated condemnation and appeals to reason from USW Local [number excluded] (amongst other staff and student organizations), the university administration made evident their personal sentiments through, to quote a statement from the USW 1998 Executive Committee, "unprecedented threats of termination, arrests, academic discipline, and fines for faculty, librarians, staff, and students participating in peaceful protest."[79] *In doing so, the administration made clear that*

this was not a subject about which they intended to recognize community members' rights to free speech, that the official university policy was explicitly opposed to sentiments being expressed by the community, and that any push-back would be penalized (MAP DWG survey respondent).

I promised myself I would never complain, because there is no point (MAP DWG consultation).

MAP DWG did not have the authority to investigate allegations of reprisals. Nonetheless, we read these statements as indicative of, at the very least, a perception of the University and of its openness to the lived experiences of Muslims, Arabs, and Palestinians.

II.2.B. On an "incurious ignorance" of Muslim, Arab, and Palestinian lives, histories, and cultures

From the consultation process, MAP DWG's members quickly realized that many at U of T are profoundly unaware about Muslim, Arab, and Palestinian life experiences in Canada, and more broadly.[80] As a corollary, we noticed a perception among University constituents that the University does not take seriously anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment and accords them insufficient importance. In the survey responses and consultations, members repeatedly asked for the University to take these forms of hate and bias seriously, and treat them with equal importance:

Take Islamophobia seriously—including implementing appropriate consequences for those involved in discrimination against Muslims and Arabs—is essential to creating a more inclusive environment (MAP DWG survey respondent).

The only way Arab learners and staff can feel safe in this environment is if Arab hate and Islamophobia are treated with the same urgency and zero tolerance as antisemitism, homophobia, and all other forms of hate that are neither accepted nor entertained by the university (MAP DWG survey respondent).

I think fostering dialogue for the effects of islamophobia and for the way the West has contributed to it would really help Muslim students feel more included because as it stands, it's almost like we aren't a priority (MAP DWG survey respondent).

During consultations, MAP DWG repeatedly heard a perception of a prevailing *incurious ignorance* at the University about the experiences, views, and perspectives of Muslims, Arabs, Palestinians, and their history and lived experiences.

There seems to be a lack of knowledge of Muslim culture and identities on campus (MAP DWG survey respondent)

In an (in)famous 2002 remark as U.S. Secretary of Defense, the late Donald Rumsfeld explained on the eve of another US military intervention in the Middle East:

> [T]here are known knowns; there are things we know we know. We also know there are known unknowns; that is to say we know there are some things we do not know. But there are also unknown unknowns – the ones we don't know we don't know.[81]

One category missing from the above trifecta is "unknown knowns," namely things that are or can be known, but about which we know nothing, sometimes by mere happenstance but also by choice, whether personal or institutional. For instance, the Palestine exception is an example of an unknown known.[82] The absence of meaningful resources for the study of Palestine studies, for instance, is not simply a matter of not knowing about Palestine, but may also result from discretionary decisions on priorities and strategies, selective enforcement of policies, procedures of collegial governance, and so on, that in the aggregate render Palestine unknowable, indeed *invisible.*

MAP DWG consultations identified different instances across the University in which Muslims, Arabs, and Palestinians seem to be forgotten or ignored. For instance, students complained to MAP DWG about how various departments, centres, and units do not appear to recognize that classical and medieval history are not only features of Europe but also of other parts of the world (e.g. Africa, Middle East, Asia, South Asia), or that Quebec and France need not be the only or primary focus in the study of French at U of T. North African members of the University and of MAP DWG, as both French and Arabic speakers, explained the complicated and contested culture of Francophonie, and its implications for Arab lived experiences in Quebec,[83] none of which, they felt, finds sufficient expression in divisional or departmental academic priorities and planning. South Asian members of the University complained to MAP DWG of the limited appreciation of the nexus between Hindutva or Hindu nationalism and anti-Muslim – and anti-Sikh – hate in Canada, especially in light of recent events[84] and the GTA's sizable South Asian population.

Though terms like Islamophobia and anti-Palestinian racism have gained traction in law and policy circles in recent years in Canada, University members expressed concern that senior staff and administrators do not provide sufficient guidance or leadership on redressing anti-Muslim, anti-Arab, and anti-Palestinian discrimination, harassment or bias on campus:

Many people on campus hold stereotypes about Muslims and Palestinians that go unchallenged. There should be regular workshops, panel discussions, and campaigns…that address misconceptions about Muslim identity, the significance of the keffiyeh, and the right to peaceful political expression. Muslim inclusion is not only about accommodation for prayer or religious holidays. It is about changing the campus culture so that students do not fear being judged, photographed, or targeted for expressing who they are (MAP DWG survey respondent).

MAP DWG recognizes that when taking a stand against anti-Muslim,[85] anti-Arab, and anti-Palestinian discrimination

and harassment, the University must integrate capacities to redress longstanding histories in society that have normalized representations of these groups as violent, backward, antisemitic, intolerant, patriarchal, misogynistic, and so on. University members shared experiences of hearing these tropes within the University environment.

> *I have witnessed blatant islamophobia, racism and anti-Palestinian hate. I have had staff make comments about a woman's hijab and questioned whether she had a bomb hiding under there. When Palestinian children and hospital personal [sic] were murdered, I had 2 staff applaud it saying: "we told them if you fuck around, you'll find out". During that same conversation, another staff said "these aren't humans, they're all fucking terrorists and animals, killing them is the greatest mercy they can get. I only wish we can do it multiple times"* (MAP DWG survey respondent).

Others recounted their experiences witnessing these tropes in action:

> *A peer of mine who is a hijabi and visible Muslim woman was verbally attacked and had books thrown at her in our law school library* (MAP DWG survey respondent).

> *A staff physician physically rotated a newborn away from a visibly hijabi trainee, stating that "careful she may throw rockets at us." The trainee wore standard surgical PPE and a tucked scarf. This occurred in front of learners and nurses. No one intervened in the moment* (MAP DWG survey respondent).

Others offered a reflection on what these tropes meant for them as a Muslim on campus:

> *If you are angry as a Muslim, you are automatically perceived as aggressive even when anger is legitimate and is expressed in appropriate and respectful ways* (MAP DWG survey respondent).

Even those who are not Muslim may suffer from Islamophobic attacks by mistake.

> *I have been called a terrorist – a label I got used to growing up as a Sikh boy, but infuriating, nonetheless* (MAP DWG survey respondent).

Many of those consulted expressed to MAP DWG that across the social sciences, humanities, and even STEM fields, they felt that institutional decisions normalize similar representations through open-ended policies on professionalism and civility, institutional partnerships, and curricular offerings.[86]

> *I shared a tweet about anti-Palestinian racism and I was reported to my program director for this tweet stating that it was antisemitic to state there was anti-Palestinian racism at UofT. I had to have a formal meeting to review this post* (MAP DWG survey respondent).

In addition, medical learners and clinical faculty repeatedly described a hostile environment at the University's affiliated hospitals:

> *[T]here are many Muslims medical students who are at present victims of racism, harassment and bullying from faculty. They come to us in high confidence and they have nowhere to go. One faculty even told a student if you report me, I will know it was you. Students are threatened on a regular basis and have to quietly listen to insulting comments from faculty about Muslims, middle easternsm [sic], Iranians, Palestinians, Arabs, south Asians. These comments are too disgusting to repeat here. These faculty are program directors, leaders and the like* (MAP DWG survey respondent).

> *[M]ost of these issues mean I will report my hospital's leadership. I don't know who should I report them to, and what that would mean for my job security* (MAP DWG survey respondent).[87]

Perhaps most troubling to MAP DWG was a perception expressed frequently in the survey that the University takes more seriously claims of antisemitism than reports of anti-Muslim, anti-Arab, and anti-Palestinian hate, discrimination, and harassment. MAP DWG appreciates that this perception may be built upon a wide range of issues we encountered in our consultations: a lack of trust in the institution and its redress mechanisms; a lack of institutional training on anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment; limited academic priorities on the study of Muslims, Arabs, and Palestinians; and ambiguous complaint processes coupled with a fear of reprisals. While MAP DWG is grateful to all who spoke with us, we know that our contribution here is only a starting point.

II.2.C. Exploring definitions of anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment

Many consultations featured discussion about definitions of anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment. The imperative to define these terms bears some relation to the pressure on the University to adopt the IHRA[88] definition of antisemitism, which it has not done. The University's Antisemitism Working Group recommended against adopting IHRA's definition for purposes of University operations. As they cogently explained,

> the University's distinctive position in society precludes adoption of any definition as a basis for banning the expression of controversial, troubling, or offensive views. It also precludes the adoption of any definition that demands that anyone who criticizes one country must criticize any other country that engages in similar conduct.

While it is true that the University holds a unique position in society, it is also a provincially regulated body[89] and cannot escape the reality that the Province's adoption of IHRA

informs its regulation of the University, leading to fears among some University members of inadvertent "IHRA-creep" into administrative decision-making, especially given pressure from domestic and international groups.[90]

With respect to anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment, MAP DWG is not convinced the University should adopt formal definitions at this time for the following reasons. First, the University published on September 10, 2026 an educational resource on the matter, entitled *Addressing Anti-Muslim, Anti-Arab, and Anti-Palestinian Discrimination at the University of Toronto.* In addition, the University provides resources and supports for Muslims, Arabs, and Palestinians, including links to third-party culturally specific service providers, and will continue providing culturally specific resources, and offer seminars and courses addressing anti-Muslim, anti-Arab, and anti-Palestinian discrimination. As such, MAP DWG is not convinced that a definitional approach is required under the current circumstances.

Corroborating our approach is the fact that the federal and Ontario governments have already provided some definitional support that pertains to universities generally. For instance, the Federal and Ontario governments have recognized the importance of combatting "Islamophobia" in part by offering definitions of the phenomenon. Canada's federal Ministry of Heritage defines Islamophobia in its 2019-2022 anti-racism strategy:

> **Islamophobia**
> Includes racism, stereotypes, prejudice, fear or acts of hostility directed towards individual Muslims or followers of Islam in general. In addition to individual acts of intolerance and racial profiling, Islamophobia can lead to viewing and treating Muslims as a greater security threat on an institutional, systemic and societal level.

Ontario adopts the same definition in its *Building a Stronger and More Inclusive Ontario: Ontario's Anti-Racism Strategic Plan,* as does the Federal Anti-Racism Secretariat in its 2024-2028 Anti-Racism Strategy. Adding nuance to these definitions is the *Canadian Guide to Understanding and Combatting Islamophobia: For a more inclusive Canada,* which is an important resource for Canadians seeking to gain greater understanding of both the term and the phenomenon it captures. This resource is especially important for University administrators (academic and non-academic) who have oversight on complaints process subject to Ontario's Bill 166. Moreover, Ontario's Bill 166, *Strengthening Accountability and Student Supports Act, 2024*, which received Royal Assent May 16, 2024, provides expressly that every college or university that is publicly-assisted, "shall have policies and rules that describe how the institution will address and combat racism and hate, including but not limited to anti-Indigenous racism, anti-Black racism, antisemitism, and Islamophobia." Given this provincial requirement, MAP DWG is pleased that these federal and provincial definitions, guidelines, and resources offer an important basis for developing knowledge capacity to support more informed assessments of complaints or more robust programming on campus, at least with respect to anti-Muslim discrimination and harassment.[91]

Anti-Arab discrimination and racism is complicated in part by both American and European dependence on Gulf petroleum exports and staunch support of Israel as a bulwark against Soviet influences in a non-aligned Arab world during the Cold War.[92] Paul Eid explains that despite their ethno-national diversity, Arab-Canadians are lumped together in popular media, and subjected to stereotypes with a history that goes back to the 1967 and 1973 Arab wars with Israel, and persist through the first U.S.-led Gulf War in Iraq in the 1990s and thereafter since 9/11.[93] MAP DWG survey responses revealed these stereotypes of Arabs circulate on campus, often cutting across Arab and Muslim identities:

> *A Lebanese Muslim medical trainee was asked about his pager exploding while on call during the same week that he had family members injured when several pagers exploded in a coordinated attack and bombs were dropped in Lebanon by a staff physician* (MAP DWG survey respondent).

> *I, among many other Arab and Muslim students, felt extremely discriminated against by [Name]. He has a history of posting extremely anti-Arab things on public platforms such as LinkedIn, painting Arabs as violent savages, as well as making fun of Gaza and the genocide after it began. From all the way back to 2013, he has LinkedIn posts that portray Arabs, Muslims, and Arab countries as murderous barbarians and savages* (MAP DWG survey respondent).

> *I was subject to repeated derogatory comments targeting my Palestinian Arab heritage in the workplace. I was called a terrorist on multiple occasions … The derogatory terms turned into intimidation, video recording me in the office, stalking, threats of violence then acts of physical violence in the workplace* (MAP DWG survey respondent).

Unlike "Islamophobia", anti-Arab racism or discrimination enjoys no definition at the federal or provincial government levels. Nonetheless, the most recent federal anti-racism strategy (2024-28) recognizes that "unprecedented global tensions arising from the Israel-Hamas conflict post October 7, 2023, have resulted in a significant increase in hate crimes and incidents across Canada leaving Jewish, Muslim, Palestinian, and Arab communities feeling unsafe." The Ontario anti-racism strategic plan makes no mention of Arabs or the discrimination they face in the province. Having said that, the *Ontario Human Rights Code* protects against discrimination on certain grounds, including, ancestry, colour, race, citizenship, ethnic origin, and place of origin, all of which provide grounds to capture anti-Arab discrimination. In short, there are legal grounds to capture anti-Arab discrimination and racism; lacking, however, are educational guidance documents that outline the history or unique forms of bias Arab-Canadians face in our society.[94]

MAP DWG appreciates that the University's web resource includes discussion on anti-Palestinian discrimination. Nonetheless, we also recognize that this category of discrimination, harassment, and bias poses certain challenges for the University community. Throughout its consultations, MAP DWG heard numerous instances of what appeared to be ignorance of, disregard for, or outright erasure of Palestine and Palestinian history, archives, and perspectives. As one University member stated:

> *There is no such thing as a "palestinian", the entire free palestine movement is a vile anti-Semitic and terrorist movement, stop enabling terrorism…Am Yisrael Chai [long live Israel]* (MAP DWG survey respondent).

Compared to anti-Muslim and anti-Arab discrimination, this tactic of denial or erasure is distinctive of anti-Palestinian discrimination. For example, in a well-publicized case, the CBC issued an apology for the use of "Palestine" in a radio program. As the CBC explained to complaints about this apology in 2021 "[t]here is no modern country of Palestine" even though many countries had long recognized the State of Palestine as early as 1988 upon the Palestinian National Council's Declaration of Independence. As the CBC ombudsman explained, "[o]pting to use the term 'Palestine' would, in many instances, be less precise than talking about the 'Palestinian territories,' or the 'Occupied Territories.'" The CBC prioritized a standpoint on Palestine that privileged certain voices but certainly not Palestinian ones.[95]

Instead of recommending a particular definition of anti-Palestinian discrimination and harassment, we take a more education-forward approach and outline four tactics that are often used to make anti-Palestinian discrimination and harassment both possible and invisible: *erasure, denial, distortion*, and *risk assessment and/or securitization*. We introduce these strategies to help the reader become more aware of how anti-Palestinian discrimination and harassment can and does take shape, so that U of T community members can work to combat it. We relied extensively on the literature on the Palestine exception to academic freedom and freedom of speech, and more recent literature introducing the concept of anti-Palestinian racism (APR).[96] As Abigail Bakan (U of T, OISE) and Yasmeen Abu-Laban (Univ of Alberta) explain, efforts to identify the Palestine exception and/or combat anti-Palestinian discrimination "are commonly silenced or distorted, often taking the form of coding these as antisemitic."[97] In this context, MAP DWG hopes the reader will find this discussion useful both to understand how anti-Palestinian discrimination and harassment are effectuated, and how they are often rendered invisible by what scholars call *racial gaslighting*: "a type of gaslighting designed by those with power to maintain the status quo over marginalized groups through the denial and/or masking of power inequities and victim blaming."[98]

Erasure: Collapsing Palestine/Palestinians into something or someone else

In 2021, the Canadian Association of University Teachers (CAUT) censured the University of Toronto for violating academic freedom when it found that the termination of the hiring of Valentina Azarova as a staff director of the International Human Rights Program was due to her research on Palestine. As widely reported, the situation arose from a phone call Justice David Spiro of the Federal Tax Court (a University alumnus and donor) made to advancement officials. When the Canadian Judicial Council considered ethics complaints against Spiro, it received a letter from the Chief Justice of Federal Tax Court, who explained that "for perception purposes…no files upon which [Spiro] will adjudicate will have, as parties, or agents or counsel, anyone who could be thought as being of Muslim or of the Islamic faith."[99] In this instance, the Chief Justice presumed anything having to do with Palestinians and Palestine assumes an Islamic/Muslim character, even though many Palestinians are not Muslim, and the Israel-Palestine conflict is not reductively a religious conflict. As Dania Majid explains, "[m]any incorrectly view Palestine-Israel as a religious conflict – Muslims versus Jews … While there may be intersections between the two, [anti-Palestinian racism] and Islamophobia are distinct conceptual categories."[100] For MAP DWG, we begin with this example because if a member of Canada's judiciary, who is professionally trained as a trier of *fact* and *law*, can so easily make a category error, then no one is immune from disregarding, collapsing, or erasing the distinctiveness of Palestinians.

University members expressed to MAP DWG their concerns about the erasure of Palestine and Palestinian history from University curriculum and culture:

> *I have heard from students, staff, and faculty of experiences of discomfort, discrimination, harassment, exclusion and/or offensive comments or conduct in relation to Palestinian identity. The experiences range from confronting misunderstandings about Palestinian life to the erasure of Palestinian experience from course offering [sic]* (MAP DWG survey respondent).

Denialism: Rendering Invisible Palestinian Voices and anti-Palestinian Harm

Denial takes many forms, though the most prominent one discussed in the academic literature concerns the *Nakba. Nakba* is an Arabic term that refers to a catastrophe, and is the term used to "capture the events of 1948 which led to over 80 percent of the Palestinian population of the territory that became Israel being violently forced to flee, and becoming stateless refugees in and outside historic Palestine."[101] As events unfold now in Gaza, it is not uncommon to hear references to "another *Nakba*"[102] or the "new *Nakba*", where the term *nakba* marks time through calamity.

The *Nakba* however is also a site of denial. *Nakba denial* refers to claims that "the land [of Palestine] was once empty, that Palestinians did not exist," and is often captured in the slogan "a land without people for a people without land." *Nakba* denialism also manifests itself in the specious claim that Palestinians voluntarily abandoned their homes, properties and businesses to make way for Arab armies.[103] *Nakba* denialism recasts opposition to Israel on behalf of Palestine/Palestinians as bad faith at best, antisemitic at worst.[104]

MAP DWG is concerned about how denialism might express itself at U of T by undervaluing the study of Palestine as an academic subject. Faculty members who oversee the Hearing Palestine Initiative at the University, shared with MAP DWG the institutional challenges they have faced in growing the program. Founded in 2020 during the hiring scandal at the Jackman Faculty of Law, Hearing Palestine is an initiative that centers the archive and voices of Palestine and Palestinians. It works with Palestinian institutions, such as Birzeit University, to ensure effective archival preservation of materials therein. It hosts scholarly events and panels on Palestine history and the state of Canadian debate on Palestine. It has an occasional paper series addressing issues of contemporary relevance. Hearing Palestine also supports undergraduate, graduate, and post-doctoral research on the history and culture of Palestine. Since its founding, Hearing Palestine has generated considerable external interest and support.

Annually since its founding, Hearing Palestine's leadership has sought a declaration from the Faculty of Arts & Science identifying Hearing Palestine as an academic priority for purposes of fundraising, consistent with paragraph 3 of the *Provostial Guidelines on Donations,* which states that "The University only solicits and accepts gifts for academic priorities that are approved by the Provost at the recommendation of Principals and Deans, in accordance with established procedures for academic planning and academic initiatives." Each year, Hearing Palestine's request was denied, thereby precluding fundraising to support the program's growth. MAP DWG did not investigate why the requests were refused. Nonetheless, we raise the concern that without written reasons, such refusals (or denials) risk being vulnerable to anti-Palestinian bias.

Distortion: Palestine-talk as always and already suspect

MAP DWG recognizes and appreciates the University's commitment to combatting antisemitism. At the same time, our consultations revealed a perception, if not a pattern, of deeming speech or advocacy by or on Palestinians to be presumptively antisemitic, thus presumptively characterizing speech that centres on Palestine as suspect.

> *Many Palestinians I know at U of T has [sic] experienced discomfort, discrimination, and exclusion at the hands of the University, which seems to have decided that almost any support for the Palestinian people or Palestinian statehood is anti-Semitism. Lying down and dying quietly is the only way to be Palestinian without being anti-Semitic* (MAP DWG Survey respondent).

> *Supervisors and Doctors affiliated with my program have … shut down any discussion condemning the actions of Israel as an act of antisemitism … They have voiced open opposition to student protests … which makes students scared to speak openly in support of human rights* (MAP DWG Survey respondent).

MAP DWG's concern with distortion is that through University processes, a subjective claim of antisemitism can squash otherwise legitimate speech consistent with the University's *Statement of Institutional Purpose* and Statement of Freedom of Speech. University members described this distortion tactic in various ways, such as calling for "less weaponization of antisemitism accusations to shut down discussions" (MAP DWG survey respondent). Others simply stated:

> *some are weaponizing antisemitism as a means to silence criticism of Israel….which is dangerous on itself because it devalues the true threat of antisemitism* (MAP DWG survey respondent).

When offering recommendations to combat antisemitism, one University member wrote:

> *Develop and deploy mandatory trainings on antisemitism for faculty, staff, and students - but trainings must be grounded in an analysis that rejects the weaponization of antisemitism as a tool for protecting Israel* (MAP DWG survey respondent).

For MAP DWG purposes, we do not prefer "weaponization". While we recognize its rhetorical import, our concern is that across divisions of the University, discretionary decisions, processes, and practices apply various University policies in ways that adversely affect free speech without the procedural due diligence and evidentiary safeguards we would have expected. We focus on the unstructured discretionary nature of these procedures because it allows unexamined anti-Muslim, anti-Arab and especially anti-Palestinian biases to affect decision-making without any meaningful opportunity for persons subject to these processes and procedures to challenge meaningfully the decision-maker's reasoning. Because of our analytic focus, the term "weaponization" does not support the kind of analytic clarity required to address our terms of reference, including the complex of discretionary decision-making processes at the University on issues ranging from risk and safety (see Section III) to speech protection and regulation (see Section V).

University members complained that symbols of Palestine were removed from their offices, walls, and doors while symbols of other groups remained untouched. Faculty members, staff, students, and librarians may choose to decorate their office spaces to create a sense of belonging in a sea of otherwise bland

and nondescript university furniture. Their decorations include content symbolizing Palestine alongside material supporting LGBTQ, Indigenous, Black, Asian, Ukrainian, and other groups. We heard from some University members who placed Palestinian memorabilia inside their designated spaces and returned the following day to find these objects missing.

> *I personally had a watermelon symbol removed from my office, without my consent or knowledge, over the weekend when I was not in my office. I was told it was taken down because I cannot display "political symbols." In an office where many other "political symbols" are displayed proudly – pride flags, pride hearts, pronoun pins, Trans Life Matters stickers, Every Child Matters flags, etc.* (MAP DWG Survey respondent).

> *I know staff members that were told to not wear the Kifiyah by their Directors. I also know staff members who were told not to wear the watermelon* (MAP DWG survey respondent).

In our consultations, MAP DWG learned about security personnel who removed Palestinian flags but no other flags (e.g., Ukrainian). Students who wore pendants marked with Palestinian symbolism reported that they were deemed by faculty members as "making a statement," considered "disruptive," or posed a negative influence on students. Clinical faculty at the Temerty Faculty of Medicine told us about the dangers of wearing "watermelon" pins or brooches in hospitals, lest one be asked to undertake antisemitism training under the auspices of human resource management and hospital commitments to professionalism and civility in the workplace.

For educational purposes, we provide here examples of personal accessories that have been characterized, in reductionist and stereotypical ways, to be antisemitic, overtly political, or somehow saturated with meaning demanding risk or security threat assessments. Our purpose in sharing these examples is to explain how they are unfairly distorted as antisemitic in reflex-like manner, and how such distortion enables an incurious ignorance and anti-Palestinian discrimination.









These images are of various symbols associated with Palestine and Palestinians, namely, the Palestinian flag, the outline of Mandatory Palestine, a watermelon,[105] and a keffiyeh.[106]As Armani Syed explains,[107] after the Arab-Israeli War of 1967, Israel banned public displays of the Palestinian flag. "To circumvent the ban, Palestinians began using the watermelon because, when cut open, the fruit bears the national colors of the Palestinian flag – red, black, white, and green." As part of the 1993 Oslo Accords, the ban was lifted. But since January 2023, the ban was reinstated at the behest of Israel's national security minister Itamar Ben-Gvir.[108]

Risk-assessment, safety and security: The policing of pro-Palestine speech

The reduction of Muslims, Arabs, and Palestinians and their political causes to a terrorist frame of reference is well-documented and pervasive across Canadian institutions.[109] MAP DWG was intrigued by how some at or around the University viewed speech related to Palestine largely through the lens of risk, threat, and violence.

For instance, consider the Arabic word *intifada*. It is derived from the verb *intafada,* which connotes the idea of shaking, quaking, or unsettling.[110] It also has a specific contemporary meaning associated with Palestinian resistance against Israeli occupation. Intervenors to the University's litigation against the People's Circle for Palestine, however, centred on a specific meaning, namely aggression against Jews. An executive at Hillel U of T, which serves students on campus and enjoys a lease with the University, explained in their affidavit to the litigation: "My understanding of the word 'intifada' in this context refers to a series of terrorist attacks committed against civilians, and in particular Jewish civilians, in the State of Israel."[111] A retired psychiatrist living near the University explained: "I understand the word 'intifada' to mean an 'uprising' or 'resistance' through force or violence against Israel or Jewish people."[112] In other words, an Arabic word that has a history of its own across centuries of Arabic literature is litigated through the narrow lens of security and threat to Israelis and Jews.

A second example concerns the decision by the Temerty Faculty of Medicine to pivot to online learning for its first- and second-year medical students due to fears expressed by a group described by the acting dean as Jewish learners and the faculty members that supported them about the speech from the student encampment on Front Campus.[113] There were no protests or disruption of classes at TFOM, no vandalism or damage to the inside or outside of the Medical Sciences Building, nor any disturbances precluding entry or exit from the Faculty of Medicine during all relevant times. MAP DWG addresses this example at length in Section III. For present purposes, what matters here is how speech on Palestine was quickly construed as a threat to the personal security of other members of the University. [114]

Recommendation 3

Drawing on UTSC's Anti-Black Racism and Black Inclusion Advisory Committee as a model, UTM and UTSC should institute a Muslim, Arab, and Palestinian Advisory Group (hereinafter MAP AGs), and Deans of Faculties (or designated officers) on the St. George campus should implement an analogous advisory capacity within their EDI frameworks to advise on Faculty issues as they relate to Muslims, Arabs, and Palestinians.

The School of Graduate Studies should create internal capacity to support equity, diversity and inclusion, including the specific needs and interests of Muslim, Arab, and Palestinian graduate students, and ensure that graduate student perspectives contribute to the campus and Faculty capacities outlined in this recommendation.

The advisory groups should be comprised of faculty members, academic administrators, librarians, staff, and students. These advisors should be consulted on, among other things:

- the implementation of MAP DWG recommendations;
- academic planning and priorities and campus-based strategic planning;
- University communications;
- student, staff, faculty and librarian recruitment strategies;
- community engagement initiatives;
- decision-making about campus life so as to ensure inclusiveness of the lived experiences of Muslim, Arab, and Palestinian staff, undergraduate, and graduate students, including but not limited to issues on campus that may pertain to their identities.

Recommendation 4

The Provost (or designated office) should review, in consultation with the capacities outlined in Recommendation 3, the web resource *Addressing Anti-Muslim, Anti-Arab, and Anti-Palestinian Discrimination at the University of Toronto* at least every five years to update the content to reflect evolving circumstances and growing research and policy development in this area.

Recommendation 5

To reverse the effects of a Palestine exception in Canadian institutional practice that has historically confused, collapsed, and erased Palestinian identity, all academic and administrative units at the University should expressly include reference to anti-Palestinian discrimination and/or harassment wherever they provide non-exclusive lists of discrimination forms (e.g., anti-Black racism, antisemitism, Islamophobia).

The University should provide regular guidance and reminders to academic and administrative units to update their non-exclusive lists consistent with this recommendation. Principals, Provosts, deans and designated officers should provide periodic updates about this to the advisory bodies and/or capacities described in Recommendation 3.

Recommendation 6

The Provost (or designated office) in cooperation with advisory resources in Recommendation 3 should create learning modules for in-person and/or online use addressing anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment in consultation with experts drawn from relevant Faculties who teach and research these subjects at the University of Toronto.

These trainings should be run multiple times per year, and non-academic staff members should be allowed to take and complete these trainings during work hours and as part of their work responsibilities through the Success Factors Learning Management System.

All University managers, employees at the PM5 level and above, and employees under the *Policy on Appointment of Academic Administrators* should regularly complete modules on anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment. The Provost (or designated officer) should monitor divisional compliance with this Recommendation; regularly impress upon Principals, Deans, Chairs, and others the importance of fulfilling this training; and provide information in their annual equity reporting about compliance with this and other EDI trainings.

Recommendation 7

The President and the Provost should create Muslim, Arab, and Palestinian Community Advisory Council(s) (MAP CAC) made up of members of these communities external to the University, including but not limited to alumni of the University. The mandates of this body should focus on student, staff, faculty, and librarian experience and discussion of supports, resources, and services for them.

Recommendation 8

The Division of University Advancement and Vice President, Facilities & Real Estate should, together or separately, coordinate with the resources in Recommendation 3 and 7 to advise and support on strategic planning initiatives supporting Muslim, Arab, and Palestinian inclusion and belonging at the University; strategic real estate partnership development; strategic relationship-building with communities to support fundraising for academic priorities that pertain to Muslims, Arabs, and Palestinians.

Recommendation 9

The President, Provost and divisional leaders should consult the resources developed from Recommendation 3 in contexts that require understanding the interpretation of Muslim, Arab, and/or Palestinian slogans, expression, advocacy, history, and/or culture as they relate to University policy- and decision-making.

III. The Over-Policing and Under-Protection of Muslims, Arabs, and Palestinians

Methodologically, MAP DWG takes seriously the University's legal status as a legislatively constituted corporation[115] subject to both federal and provincial laws and regulations. At the same time, we appreciate that the University exercises some freedom in *how* it chooses to comply with these legal mandates. Based on consultations, survey responses, and research, MAP DWG is concerned that the University over-complies with certain legal and regulatory requirements in a fashion that results in the over-policing and under-protecting speech, research, and/or advocacy by and on Muslims, Arabs, and Palestinians. Scholarship on systemic bias, over-policing, and under-protection of Muslims, Arabs, and Palestinians illuminates how these tactics operate in ordinary, everyday, bureaucratic decision-making.[116] Professor Kent Roach of the Henry N.R. Jackman Faculty of Law poignantly writes that Muslims, Arabs, Palestinians (and Indigenous peoples) in Canada "are united by stereotypes that see members of the groups as associated with crime and danger and ultimately as less worthy of protection from both state and private actors."[117] MAP DWG's consultations, written submissions, and survey data (see Appendix C) demonstrate how University practices may not be immune to these biases, prejudices, and stereotypes.

This section is divided into two parts. The first part examines the University's compliance regime with Canada's national security regime, in particular its anti-terrorist financing and sanctions regime. MAP DWG draws on recent studies on this issue published by the not-for-profit sector in Canada, including the University of Toronto's Institute of Islamic Studies.[118] MAP DWG's concerns about compliance relate not to the obligation to comply, but rather to the unintended consequences that arise from *how* the University has chosen to comply, including its limited attempts to mitigate the impact of these laws on institutional autonomy, academic freedom, freedom of speech, and other freedoms that non-Muslim, non-Arab, and non-Palestinian University members may take for granted. Consultations revealed concerns about the capacity of faculty members to engage in meaningful academic collaborations with education-focused institutions in countries such as Afghanistan, Algeria, Iran, Iraq, Lebanon, Libya, Pakistan, Palestine, Somalia, Sudan, Syria, and Yemen. These countries are subject to multilateral and domestic sanctions, watchlists, or national security restrictions with adverse consequences for research collaboration and the free exchange of ideas. International and domestic studies show that how states regulate domestic institutions and how those institutions choose to comply with state policies can have adverse unintended consequences on a subset of people and agencies, in particular the not-for-profit sector, including universities.[119] Our recommendations on this first part are designed to help the University mitigate the consequences of its compliance that may adversely affect the research, speech and advocacy by and on Muslims, Arabs, and Palestinians that are otherwise consistent with the University's institutional purpose. We had hoped to have a robust discussion about University compliance practices with the Office of Research Security but that office chose not to meet with MAP DWG and instead provided written responses that did not allow for a robust dialogue.

The second part addresses risk and safety assessments by University officials that were mentioned in the course of consultations. These assessments may be made in accordance with a variety of legislated obligations (e.g., *Occupation Safety and Health Act*); facilities and property management imperatives of the University; and various University policies, procedures, and guidelines. Through consultations, MAP DWG learned of University member experiences that created, at the very least, the perception of bias in risk-based decision-making. MAP DWG was not tasked to investigate these instances; nor were we empowered to assess the veracity of the experiences as related to us. We had hoped to have a robust discussion about University risk assessment models and practices with the Office of High Risk and Safety and Campus Safety (UTSG), but those offices chose not to meet with MAP DWG and instead provided written responses that did not allow for robust dialogue.

MAP DWG appreciates the written responses from the above named offices. Our concern with the format was that responses given did not address our specific questions; nor did the written responses allow MAP DWG to assess whether and to what extent the offices are aware of either the scholarship on over-policing and under-protecting Muslims, Arabs, and Palestinians, or of the perception among Muslim, Arab, and Palestinian constituents of such over-policing and under-protection. We were not able to address the measures these offices may take to mitigate against such adverse perceptions or potential consequences. MAP DWG appreciates that staff-led offices—in particular, professional managers who do not enjoy unionized protections—might prefer written documentation over meeting with bodies such as MAP DWG. Nonetheless, it was disappointing that offices with mandates aligned with federal and provincial policing and security mandates—which scholarship in Canada has shown can perpetuate bias against Muslims, Arabs, and Palestinians—would not meet with an equity-oriented review body tasked to uphold the institutional purpose of the University.[120]

III.1. Consequences of University Compliance with National Security Policies

The University does not exist in a vacuum. Federal and provincial regulations affect and limit the University. MAP DWG is concerned that how the University complies with these requirements can create adverse, downstream consequences on research, speech, and advocacy by and/or on Muslims, Arabs, and Palestinians. Two federal policies on national security illustrate our concern. The first is the federal national security policy on research partnerships; and the second pertains to the national security designation of foreign/extremist fighters.

III.1.A. National Security, Research Partnerships, and Regulatory Compliance

The University relies on Tri-Council grant funding to support its extensive research and innovation mandate. An eco-system of universities, granting bodies, and government offices (including national security agencies) coordinate on a regular basis through the Government of Canada – Universities Working Group "to ensure that Canadians continue to benefit" from collective investments in research. In July 2021, the Working Group released *National Security Guidelines for Research Partnerships*. These guidelines reflect Public Safety's findings that "[t]here is no question that foreign state actors are actively targeting Canadian academic and research institutions, as well as public and private organizations, to collect sensitive personal data, scientific knowledge, and gain access to technology."[121] Balancing the attractiveness of international research collaboration against domestic national security, these federal guidelines provide a national security risk-assessment framework to determine whether a collaborative research partner in a foreign country poses a national security threat to Canada, with associated limits on Tri-Council funding.

A separate policy on Sensitive Technology Research and Affiliations of Concern, primarily affecting STEM-related fields, came into effect in 2024. U of T scholars, post-doctoral fellows, and PhD students researching in these areas may be precluded from securing Tri-Council grants that involve research collaborations with any institution listed on Canada's Named Research Organizations. That list of proscribed partners is limited to institutions from three countries – Russia, China, and Iran – the last being a Muslim-majority state.

At the University, this national security policy is administered through the Office of Research Security under the Office of the Vice-President, Research and Innovation. The Office of Research Security, which includes former national intelligence officers, provided a written response to MAP DWG's questions. Explaining the mission of that office, they explained that the Office advises the University and research personnel on entities, institutions, companies, and individuals who are tied to military and security organizations that the Government of Canada determines to be a risk through unwanted access, interference, or theft of research and intellectual properties. Affiliation and association with these entities can threaten the success of achieving grants based on the policies of funding agencies.

The response further explained that the University is vulnerable "to these threats through engaging in global partnerships without considering the nature of the partner and partnership." The Government of Canada takes a "country agnostic" approach to research security, though countries of concern include Russia, China, Iran, and those subject to Canadian sanctions, such as Iraq, Libya, Sri Lanka, South Sudan, Sudan, Syria, and Yemen.[122]

When applying for Tri-Council funding, University applicants complete a grant application on the University's My Research Portal, which includes a Research Security Self-Assessment tool that collects information related to sensitive technology research areas, affiliations of concern, etc. MAP DWG was unable to ascertain from the Office of Research Security the number of applications they flag, the metrics they use, or how they mitigate against unintended consequences of compliance with national security policies that may work contrary to the University's purpose. Also, we were unable to ask whether the government's national security policy on research partnerships is influenced by other federal policies, including Canada's anti-terrorist financing regime and/or diplomatic considerations.

A hypothetical illustrates how the current regulatory regime intersects with the University's policies and practices, and presents threats to the University's institutional purpose. Suppose Palestine studies and human rights scholars at the University develop a research partnership with al-Haqq, a human rights organization in Palestine, and seek to apply for Tri-Council funding to support their research partnership and collaboration. Will/should the University offices in charge of reviewing the security screen flag this application on the MRA portal? Israel designated al-Haqq a terrorist organization in 2021. Moreover, in 2023, Canada listed the "Palestinian territories" as vulnerable to terrorist financing.[123] Though the international community (except for the United States)[124] considers al-Haqq an active partner in human rights,[125] will University researchers be prejudiced in their grant application that proposes a partnership with al-Haqq, especially if the partnership involves the transfer of Tri-Council funding to al-Haqq researchers? What effect does Israel's terrorist list have on Canada or its Tri-Council funding bodies, given longstanding security cooperation between the two states? Moreover, even if U of T researchers receive a Tri-Council grant for this partnership, will the University's financial officers or its banks process payments, honoraria, and expense reimbursements to

al-Haqq researchers whether located in Gaza, the West Bank, or within Israel's 1967 borders?

As we were considering this hypothetical, MAP DWG's chair was invited by a publishing house in Iran to help fund the translation of his books into Persian, with hard copies distributed to Iran's various university libraries. The publisher's invitation and financial request, they explained, were due to the fact that Western academic publishing houses and their banks do not do business with any Iran-based entity due to an abundance of caution given comprehensive sanctions on Iran.[126] The Chair asked the Research Security Office if the University could use its financial services to transfer funds from the faculty member's Tri-Council grants, which permit knowledge dissemination costs, to the Iranian bank account of the publishing house. Research Security confirmed that the proposed translation activity is *not* precluded by UN or Canadian sanctions. On the other hand, that office explained that "any use of grant funds involving Iranian businesses would likely be subject to scrutiny by both federal and provincial grant bodies. Therefore, any disbursement would need to be declared and could potentially affect existing and future grant funding." In other words, faculty members in this situation should secure explicit approval from the granting agency before proceeding. Research Security did not advise how to go about securing that approval nor offered any assistance in securing that approval. Moreover, such approval may be irrelevant because, as the University's legal counsel explained separately, even with such Tri-Council agency approval, "in practical terms it has become impossible for Canadian financial institutions to facilitate payments to or from Iranian-based entities, so it is unlikely that you could effect payment from your University-administered Tri-Council funding in any event."

The University dutifully complies with national security requirements. Nonetheless, MAP DWG found no substantial attempts by the University to mitigate the detrimental consequences of these policies in furtherance of its institutional purpose.

Recommendation 10

The President, Government Relations Office, the Vice-President, Research and Innovation, University Counsel, and the Chief Financial Officer should:

A. Implement additional supports in Research Services for grant applicants seeking to create and disseminate knowledge in regions of the world that are subject to additional limitations due to Tri-Council agency rules and practices, and/or the University's compliance with sanctions and national security requirements.

B. Develop payment channels to overcome private sector obstacles to otherwise lawful academic cooperation, coordination, and collaboration.

C. Meet with the University's financial institutions to develop strategies to enable reliable and effective payment services for legal research collaborations with parties located in countries subject to national security and/or anti-money laundering/anti-terrorist financing risk assessments.

D. Coordinate with U15 and/or Universities Canada to develop and publish guidance on best practices in knowledge creation and dissemination, particularly in relation to limitations imposed by national security laws and regulations.

E. Advocate to relevant Government of Canada agencies (e.g., Public Safety, Global Affairs Canada) that they implement mitigation measures, including guidance on financial inclusion; increased guidance on sanctions compliance for Canadian research universities; and directives to Tri-Council funding agencies to mitigate impacts on research innovation and collaboration in their grant requirements.

F. Modify its compliance procedures to minimize any detrimental consequences compliance may have with its institutional purpose.

III.1.B. Regulatory Compliance, "Foreign Fighters," and Military Personnel on Campus

According to Canada's Ministry of Public Safety, Canada regards "foreign fighters" (also called, synonymously, "extremist travelers") as national security threats to Canada. Canada defines these people as "individuals from our and other countries who have traveled abroad to conflict zones, such as Syria and Iraq, to actively engage in terrorist activities."[127] For Canada, the foreign fighter who poses a national security threat is one who is affiliated with a group that appears on Public Safety's terrorist entity list. In other words, a Canadian who fights for Hamas is a national security threat upon return to Canada. An American who fights for ISIS and then moves to Toronto is a national security threat according to the Government of Canada. In contrast, a U.S. army reservist, an enlisted Saudi Arabian naval officer, or a reserve officer in the Israel Defense Forces, though also foreign and trained fighters, presumptively pose no national security threat to Canada or Canadians. They are welcome across Canada and the University has no security-based reasons to restrict them from campus. Indeed, in some cases, the University goes out of its way to welcome them to campus through the formation of philanthropically-funded partnerships. Canada's Senate addressed this very issue, recognizing that under the current foreign fighter designation, Canada effectively prioritizes some people's security over others.[128]

Obviously, the University has no authority over the government's policy on foreign fighters. At the same time, it has students from around the world, many of whom explained to MAP DWG that they do not wish to be in classes with those who may be part of militaries currently under investigation under the Rome Statute. The Rome Statute is an international agreement to establish

the International Criminal Court and its jurisdiction to address cases of international criminal law (e.g., genocide, war crimes, crimes against humanity). As the Government of Canada explains, Canada played important leadership roles in establishing the International Criminal Court", having been the 14th country to sign the Rome Statue in 1998. Moreover, in 2000, Canada enacted the *Crimes Against Humanity and War Crimes Act,*[129] "becoming the first country in the world to adopt comprehensive legislation implementing the Rome Statute."[130]

During the course of our consultations, Muslim, Arab, Palestinian, and other constituents specifically mentioned that the University seems blind to their sense of unsafety and insecurity when Israel Defense Forces personnel are teaching or serving in student-facing roles.

> *Not only is it unsafe for Canadian students to travel to Israel given Israels [sic] recent increase in aggression towards its neighbors, it also makes the majority of MAP [Muslim, Arab, and Palestinian] students feel unsafe if current or former members of the Israeli military are on campus* (Written submission to MAP DWG).

The concerns expressed to MAP DWG inform a broader issue that bridges federal national security policy; international law and multilateral fact-finding bodies; and University policies and practices around privacy, non-discrimination, and risk and safety assessments. While the Government of Canada's foreign fighter designation may prioritize some people's security over others, the University has a responsibility toward a diverse student body, many of whom have a nexus to regions of the world invaded, bombed, or destroyed by the militaries of Canada's allies. Just because Canada's national security regime does not flag members of such militaries as a threat does not mean that members of the University consider themselves reasonably safe, secure, and free from "vexatious comment".[131] What happens elsewhere has implications locally here on campus that cannot be atomistically reduced to mere subjective feelings, but instead may be reasonably foreseeable for purposes of regulatory compliance.

MAP DWG is concerned that the University does not recognize, let alone account, for these concerns. For example, MAP DWG repeatedly heard concerns about the presence on campus of a reservist in the Israel Defense Forces who began a visiting professorship at the University in 2023, departed after October 7, 2023 to lead operations in Israel's war in Gaza, and then resumed his teaching position in fall 2024 at the University. As reported in *The Varsity*, spokespersons for the University explained that "faculty members are free to engage in activities outside of the university within the bounds of the laws of Canada."[132] MAP DWG appreciates that the University has no legal basis to exclude this professor as a national security threat under Canada's "foreign fighter" regime. Nonetheless, MAP DWG is concerned that University administrators may too readily view the expressed sense of insecurity with student-facing military personnel as merely subjective fear or mere conscientious objection for which accommodation is not readily available. In contrast, the Government of Canada considers such concerns, particularly with respect to investigations for crimes against humanity and war crimes, sufficiently important to include on naturalization applications a question requiring applicants to deny that they are being investigated for such crimes. Immigration Canada's application for naturalization asks the following question to applicants:

> Are you now under investigation for, charged with, on trial for, subject to or a party to an appeal relating to, or have you been convicted of a war crime or a crime against humanity?

If the Government of Canada considers an allegation of war crimes sufficient grounds for halting naturalization proceedings, then *a maius ad minori,* the University should deem the expressed concerns of Muslim, Arab, and Palestinian constituents of hosting post-doctoral fellows who are also a member of a military under investigation under the Rome Statute to be sufficiently serious as to justify enhanced scrutiny of such persons, whether they should be part of the University community, and what precautionary steps must be taken to protect the University from such a member. In other words, an investigation under the Rome Statute is not mere opinion subject to the marketplace of ideas, but rather objective indicia that grounds the expressed concern from University members, is narrowly tailored to redress any slippery slope considerations, and is consistent with Canadian international and domestic legal commitments to offset and/or minimize concerns about discrimination on protected grounds.

The concerns expressed to MAP DWG also arise in the context of a changing global environment as Canada moves away from its reliance on the United States, especially in the area of defense. MAP DWG is mindful that for important reasons, universities across Canada will be increasingly tied into the defence industrial pipeline. Indeed, the Government makes its intentions for this plain in *Canada's Defense Industrial Strategy* (2026):

> The Government will continue to support discovery-driven research while establishing mechanisms to better connect universities and colleges to defence priorities. To this end, a new Science and Research Defense Advisory Council will bring together leaders from Canada's post-secondary sector with key federal partners: the Department of National Defence; Innovation, Science and Economic Development; the three granting councils, CFI, and National Research Council (NRC); and Borealis. The Council will work to strengthen collaboration with the research community, explore areas of alignment with defence priorities, and integrate incubators and test centres into national defence innovation pipelines.[133]

As the University may be called upon to contribute to Canada's growing defense industrial complex, MAP DWG calls upon the

University to consider whether and to what extent such defense industrial proximity may have pedagogic consequences, for better or worse, in the classroom and elsewhere.

Recommendation 11

The Provost (or delegated offices) should:

A. Study the impact (adverse or otherwise) on campus life and the student learning experience of having current or former military personnel as instructors and/or in student-facing roles, particularly service-people from militaries whose leadership and/or actions are subject to investigation under the Rome Statute.

B. Offer optional equity-informed professional development training for enlisted and reservist officers and other military members to support student experience, including topics such as best practices for teaching in diverse classrooms and cultural competency in Canada.

C. Develop and/or amend guidance for divisional leaders on accommodation obligations for students and employees with mental health disabilities related to experiences of war and conflict.

III.2. Over-Policing and Under-Protection in Risk/Safety assessments in the Ordinary Course of Business

This section addresses University practices related to assessments of risk and safety. Based on experiences shared with us during consultations and in the survey, MAP DWG is concerned that the University may not adequately account for the perspective or lived experiences of its Muslim, Arab, and Palestinian members when it makes safety and security assessments in the ordinary course of business.

III.2.A. On the University's International Partnerships: Human Rights and Security Reviews

The University hosts a series of research collaborations with international institutions, subject to the national security restrictions on research partnerships. These international partnerships are subject to the University's Procedures for Human Rights Review of International Projects, Agreements and other International Activity. That 1992 policy (last updated in 2025) is based on a core principle: "The University of Toronto reaffirms the value and necessity of international cooperation between members of its community and members of appropriate communities and organizations abroad provided that such cooperation does not violate fundamental human rights and freedoms." The policy outlines a "human rights review" process that occurs at the initial proposal stage if there is a question relating to the human rights implications of a particular project in the proposal, and is designed to focus on concrete situations rather than on generalized exclusions. As a result, that process may lead to the recommendation that projects can be further strengthened as to their contribution to the promotion and protection of human rights, or that certain proposals be declined in countries with governments with clearly unacceptable human rights records, dependent on the specific human rights implications of the program itself. That is, although the general record of a country might be a reason to initiate a review, it will not be sufficient reason to advise against authorization; and proposals that do not themselves contribute directly or indirectly to human rights abuses would be recommended for approval. The focus should be on the relationship, if any, between the proposed activity and the violations of human rights occurring in the country.

In survey responses, University members asked MAP DWG to recommend that the University break off its international partnerships with global universities complicit in human rights violations. We appreciate that this recommendation pertains to institutional partnerships and not only to project proposals as anticipated by the *Procedures for Human Rights Review*. As we have stated before, since our consultations occurred during Israel's bombing campaign against Gaza, University members' examples centred on Israeli institutions. For instance, survey respondents wrote:

> *. . .end the HUJI [Hebrew University of Jerusalem] exchange program (MAP DWG survey respondent)*

> *Investing money in Zionist institutions, and maintaining relations with HUJI[:] These are all things students are aware of and that signal to us that UofT supports the illegal occupation of Palestine and genocide of the Palestinian people (MAP DWG survey respondent)*

This ought not be surprising since what happens elsewhere has impacts locally at the University given the institution's global reach. However, MAP DWG interpreted these specific references to reflect a broader principle concerning *any* institution wherever located. Some may may raise concerns about Chinese universities and their contribution to the persecution of Uighur minorities.[134] Others may raise concerns about partnerships with Indian universities and institutions for as long as the current government persists in normalizing a policy of Hindutva with adverse implications on academic freedom, let alone safety and academic mobility, in that country and even here in Canada.[135]

In consultations, students shared with us their concern about one particular philanthropically funded collaboration between the Faculty of Applied Science & Engineering (FASE) and Israel's Technion Institute of Technology. In 2015, the University welcomed a $1 million gift to strengthen collaborations between FASE and Technion.[136] The gift builds on an earlier $1 million donation, the aggregate of which aims to "accelerate joint research projects between U of T's Faculty of Applied Science and Engineering and the Technion," in part by supporting joint workshops, graduate student exchanges, and so on. The announcement continues, "[m]eanwhile, the Lyon Sachs Fellowship Fund has allowed five postdoctoral fellows from Technion to be awarded positions at U of T in the Departments of Mechanical and Industrial Engineering, Chemical Engineering and Applied Chemistry, Civil Engineering and Electrical and Computer Engineering."

The students were concerned that this program operates in close collaboration with and connection to the Israel Defense Forces. MAP DWG was repeatedly referred to Maya Wind's seminal study on Israeli universities, *Towers of Wind and Steel,*[137] which grounds concerns that the funding at FASE enables Technion's technological contributions that, as Wind explains, contribute to the occupation of Palestine, and the findings of various international bodies of Israel's crimes against humanity.

In another example, during MAP DWG consultations the University's Vice-President, International issued a research alert calling for proposals for a Research and Training Alliance between Hebrew University of Jerusalem (HUJI) and the University of Toronto: "The opportunity supports the development of a research collaborative that exchanges graduate and undergraduate students, researchers, and one post-doctoral fellow."[138] MAP DWG has no reason to doubt that the aim of the Vice-President, International is to issue a research grant that is open to any faculty member and could benefit any student on campus. At the same time, MAP DWG expresses the concern that nothing in the announcement considers the safety, security, and dignity interests of Muslim, Arab, and Palestinian members of the University who are eligible to participate in this and other international collaborations and partnerships. MAP DWG expresses the concern that in creating the HUJI exchange, the University seems unaware of possible discriminatory treatment that Muslim, Arab, and Palestinian members may face when attempting to participate in the program.

For instance, as MAP DWG consultations were in process, a Canadian delegation of largely Muslim-identified Members of Parliament were denied entry into Israel for undisclosed "security reasons." MPs Jenny Kwan and Gurbux Saini complained about the incident in a letter to Foreign Minister Anita Anand. They drew specific attention to the Israeli treatment of MP Iqra Khalid, a Muslim-identified member of Parliament,

> who was verbally assaulted and physically shoved multiple times by Israeli border officials while she attempted to remain near a delegation member who was undergoing questioning. The reported conduct – screaming, physical force, and statements asserting the right to touch her "as much as I want" – constitutes an egregious violation of personal dignity and basic diplomatic norms.[139]

Of special concern to MAP DWG was their description of the Israeli treatment of delegation members traveling on an ordinary Canadian passport, as might any Muslim, Arab, or Palestinian faculty member or student from the University:

> Equally disturbing is the manner in which members of the delegation who travelled with their regular Canadian passport were presented with a standardized form upon denial of entry. Delegates report being asked to acknowledge that their denial was based on unspecified "security and public safety concerns," without being provided any factual basis or individualized reasoning. Some signed the document under duress, effectively compelling them to accept a stigmatizing and unsubstantiated characterization as security risks.[140]

Obviously, by helping to fund an opportunity, the Office of the Vice-President, International is not itself excluding entry into Israel. Nonetheless, there are reasonable grounds to suspect that some Muslim, Arab, or Palestinian members of the University (and others who may publish research critical of Israel) who travel to Israel on this grant may suffer attacks on their dignity and safety, may be limited in their academic mobility, or may be excluded from courses of study despite any grant agreement with HUJI. MAP DWG appreciates that perhaps few Muslim, Arab or Palestinian University members may opt to participate in such a program. Nonetheless, that possibility does not relieve the University of its onus to both recognize and ensure the safety, security, and dignity of *all* University members eligible to apply to the program. MAP DWG is concerned that the University may not be fully attuned to the threats its partner institutions pose to the human rights and dignity interests of its Muslim, Arab, and Palestinian members when it also advertises partnerships with such institutions.

MAP DWG was unable to determine whether the donations that enabled the international collaboration between the Faculty of Engineering and Technion, or the funded partnership with HUJI went through the human rights review process. The Division of University Advancement declined MAP DWG's invitation to meet.

MAP DWG is aware that the University has no intention of curtailing its cooperation with HUJI or Technion. While MAP DWG's consultations centred on Israeli universities, MAP DWG appreciates that our concerns about safety, security, dignity and human rights would be similar for any university in a part of the world in which University members' safety and dignity may be at stake.

Recommendation 12

With respect to international partnerships with the University or one of its divisions and/or Faculties, the University should:

A. Amend the *Procedures for Human Rights Review* to expand its application beyond project proposals to include institutional partnerships.

B. Amend the *Procedures for Human Rights Review* to include periodic follow up reviews every five years of favorably reviewed projects *and* institutional partnerships with the University in order to account for changing circumstances with regard to global events.

C. Develop and publish:

   1. Administrative guidelines for when the University may initiate a human rights review of an institutional partnership between the University and an international institution outside the five-year cycle as circumstances may require.

   2. Guidance on best practices for periodic human rights reviews of existing and future institutional partnership proposals with foreign institutions that involve research and development that can potentially be harnessed to commit human rights violations under the United Nations Declaration of Human Rights.

D. If proposals between any U of T division and a foreign university partner (a) involve research and development that can potentially be harnessed to commit human rights violations under the UDHR, and (b) have not been subject to review under the University's *Procedures for Human Rights Review,* the Dean's office of that Faculty shall initiate a human rights review immediately.

E. In coordination with existing student-facing resources, and in cooperation with divisional offices— for any research or educational opportunities or programs the University or Division sponsors that also involve institutions in other countries that present risks to the safety and dignity of a subset of University members based on protected categories under the Ontario Human Rights Code, the Vice-President, International should:

   1. Include in all calls for proposals and notices direct and express disclosures about threats to the safety, security, and dignity of that subset of our University members;

   2. Allocate University resources to University members (e.g., legal assistance, assistance with Canadian diplomatic capacities, emergency travel and health assistance) who, upon a successful application to the program or other University-related work, experience threats to their safety, security, or dignity by the partner institution or the state within which it operates; and

   3. Maintain an active FAQ outlining the scope of University resources available to students, staff, faculty members, and librarians who suffer such safety, security, and dignity harms while involved in a University-sponsored partnership program.

III.2.B. Bias in Discretionary Decision-Making on Safety, Risk, and Academic Freedom

The University's narrative about the People's Circle utilized strategies (e.g., guilt by association) and tropes (e.g., violent and hateful) that scholars have shown are part of our social fabric.[141] In contrast, MAP DWG heard from numerous University members about the limited protections the University can offer when research, speech, and advocacy by or on Muslims, Arabs, and Palestinians is attacked with chilling effect. MAP DWG is concerned, based on consultations and consistent with academic research, that speech, research and/or advocacy by or on Muslims, Arabs, and Palestinians are over-policed and under-protected at the University.

III.2.B.i. The University and Canary Mission: A Case Study of Under-Protection

Consultations revealed considerable frustration with the University's handling of Canary Mission's attack on University academic initiatives such as *Hearing Palestine*, and on faculty members and students. A review of the website's content reveals highly misleading, distorted, and allegedly defamatory biographies of our colleagues and students, with the effect of chilling research, speech, and advocacy on or by Muslims, Arabs, and Palestinians. MAP DWG appreciates that online harassment is perpetuated by a number of private online platforms, and alas increasingly appears an inescapable feature of anonymized social media. What distinguishes Canary Mission from other private party platforms, however, is its nexus to governmental support and/or action with adverse consequences on our faculty members' academic freedom, including research mobility. At the time of writing, MAP DWG learned of a US-based class action suit against Canary Mission. No similar litigation in Canada appears to be pending.

MAP DWG identified two areas of concern when reviewing UofT's institutional response to Canary Mission: (a) a confusion between academic freedom and freedom of speech, and the resulting implications on University action; and (b) a failure to appreciate Canary Mission as a national security threat under Canada's national security research policies. MAP DWG discusses both aspects of the threat posed by Canary Mission, noting that the analysis of (a) is relevant for our discussion on governance toward academic freedom in Section VI.

Canary Mission and Hearing Palestine: Under-Protecting Institutional Autonomy

MAP DWG is concerned that the University's approach to Canary Mission's attacks on Hearing Palestine, an academic program within the Faculty of Arts & Science, evinces a pattern of under-protection of research, speech, and advocacy by or on Muslims, Arabs, and Palestinians. In 2024, Canary Mission published a profile of the University of Toronto, proclaiming it a bastion of antisemitism. In September 2024, as the University was opening for the fall term, Canada's *National Post* ran a series of editorials echoing Canary Mission's claims.[142]

The Middle East Studies Association (MESA) has published a report on Canary Mission to aid university administrators to understand what it does.

> By producing what is in effect a blacklist, reminiscent of the "Red Scare" and McCarthyism, Canary Mission seeks to silence free and open campus discussion of, and teaching about, the Israeli-Palestinian conflict. It hopes to achieve this by threatening or damaging the careers of outspoken students and faculty, and by striking fear into the hearts of vulnerable students – especially Muslims, people of Middle Eastern origin and people of color – so as to dissuade them, and others, from advocating publicly on matters of social and racial justice.

Canary Mission specifically targeted Hearing Palestine, a project administratively housed at the Institute of Islamic Studies (IIS) in the Faculty of Arts & Science (FAS). It is faculty-member-led, with a steering committee and a program committee largely consisting of University faculty members with membership in UTFA. Hearing Palestine's budget draws on the IIS operational budget, approved annually in discussions with the Dean's office and the Director of the IIS. At all times since Hearing Palestine's inception, the Director was explicit with the FAS Dean's office about continued support for Hearing Palestine from the IIS operational budget. As the IIS written submission to MAP DWG explained, the IIS identified Hearing Palestine as a director's priority, and created pathways for interested donors to support Hearing Palestine financially. Hearing Palestine supports young scholars by offering post-doctoral fellowships when funding is available.

Hearing Palestine brings academic rigour to address and examine contemporary and polarizing issues. For example, with the arrest of a pro-Palestine protestor for, among other things, chanting the slogan "from the river to the sea, Palestine will be free" in Calgary in November 2023, Hearing Palestine organized faculty members and students to produce a research report examining that phrase, with specific attention to Canada's *Criminal Code* provisions on hate speech. Drawing on the expertise of numerous professors, that report blends the study of Palestine with the study of Canadian law and policy in the form of a research output that speaks to an issue of public concern. That report has been cited favorably by META's content Oversight Board, by the Ontario Superior Court in the University of Toronto's injunction action against the encampment (see, paras. 89 et seq), and in hearings before Parliaments in Canada, Australia and elsewhere. In short, the content developed and featured by Hearing Palestine embodies at least three pillars of academic freedom in research, teaching, and extramural commentary.

University members complained repeatedly to MAP DWG about the University's limited response to Canary Mission and its attacks on Hearing Palestine:

> *I and others attempted to seek support and assistance from the University for being vilified on the Canary Mission website, but we were met by an individualized approach that highlighted personal mental health resources and safety measures, as if the harm was purely individual* (MAP DWG survey respondent)

> *The university's response to the vulnerability associated with being listed on the Canary Mission list as a result of pro-Palestine activity has been weak. Being listed on the site undermines student, faculty, staff, and librarian safety; makes travel across national border more difficult; and invites harassment and violence* (MAP DWG survey respondent)

> *I've… been involved in Hearing [P]alestine and have witnessed how the University has effectively marginalized that project and the people who lead it* (MAP DWG Survey respondent).

In his role as then-director of the IIS, which hosts Hearing Palestine, and prior to assuming the role of MAP DWG chair, the IIS director asked the FAS Deans Office in Fall 2024 if, in the absence of any institutional statement addressing Canary Mission's attack on Hearing Palestine, FAS communications could publish a general interest story on Hearing Palestine and its prodigious faculty members. Such a story would review the work of the initiative over a three year period and redress the Canary Mission narrative without implicating the University in a public statement against Canary Mission. In other words, the request was aimed to support the institutional autonomy of a University initiative while adhering to the University's position against institutional statements (see Section IV). After first refusing without explanation, the Dean's Office later explained that FAS communications was working through considerable back log.

MAP DWG met with then-University President Meric Gertler and asked, among other things, under what conditions the University would make an institutional statement. The President referenced the *Memo on Institutional, Divisional, and Departmental Statements* and explained the approach of the President's Office when issuing institutional statements. Below are notes from the meeting, as confirmed by the President's Office,[143] with emphases added:

> In line with the Kalven report, the approach is that the University would focus on its public pronouncements on topics that are

> core to the mission of the University – *freedom of expression and academic freedom* are the two foundational principles. Recent events drive home how important this role is. AAU (Association of American Universities) is raising its voice more loudly in the context of the executive orders in the U.S. That is one primary area where it behooves us to speak in public – when those two principles are being attacked or undermined.
>
> Another area is in the realm of *public support for higher education or research*, where we have an obvious interest in making a case that it's important.
>
> *Another area is in immigration policy.* Universities have always championed having immigration policies [that] are open and welcoming to talented individuals. We must enable qualified individuals to study at the U of T, and we're not happy with the federal government's limitations on international students for the next two years, as announced in Fall 2024. There were problems that needed to be addressed in immigration policy, but the current response is too blunt and extreme. They threw the baby out with the bathwater. The graduate student limitations are self-defeating, and I have gone on record, writing op-eds on the immigration issue.
>
> These are squarely in the core wheelhouse of the university. Our inclination is to focus on these issues.

When asked about Canary Mission and the *National Post* editorials attacking the University—and in particular Hearing Palestine—the President did not consider the attack to concern academic freedom or institutional autonomy:

> The work of Canary Mission is quite controversial. I don't know much about who they are and who funds them. I didn't know them until that report was made public and circulated. It had many significant consequences for members of our community, and we heard from many of them. Our Office of the VP People Strategy, Equity and Culture (VP PSEC), and the Office of Safety and High Risk (which reports to the VP PSEC) communicated with those who had been singled out and directed them to resources. We have a website with useful tips and courses of action for those affected. We thought that that was the most appropriate way to respond, which we would take regardless of the position that that person is taking. Canary Mission's behavior is not a behaviour that we want to encourage. In our own community, we feel that it undermines the quality of the environment and generates bigger obstacles to mutual understanding than we would like to see. We try to tackle this challenge.

When MAP DWG asked whether the Office of the President had a conversation about issuing a formal response related to Canary Mission, the President responded as follows:

> Based on the memo from the Provost's office, our first responsibility was to support our community members. We didn't have an extensive conversation about whether to issue a formal message. *Many in the Jewish community were upset about what Canary Mission had done, and others were upset about the behaviour that was singled out by Canary Mission.* But we didn't investigate the people Canary Mission reported on. We didn't want to advance the work of an external organization such as that one (emphasis added).

Faculty members listed by Canary Mission received emails from the Office of Safety and High Risk, Community Safety and Crisis, and Emergency Preparedness that provided mental health resources and safety planning supports. But when these faculty members asked for a University statement defending their academic freedom against third-party attacks, senior administrators insisted on the University's *laissez faire* neutrality. According to the Office of Safety and High Risk, "the role of the University's administration is not to adjudicate among opinions, but rather to help realize the mission of the University and foster open inquiry in its many forms. That approach, and the reasons for it, was outlined in guidance issued earlier this year."[144] The reference to "guidance" was hyperlinked to the memo on institutional statements.

MAP DWG expresses two concerns with the University's silence on Canary Mission's attack on Hearing Palestine. First, rather than recognizing that faculty members and academic initiatives across the University are collectively stewarding a trauma not necessarily their own, the University individually pathologized University members who did not ask for University resources for mental health, but instead institutional defense from sustained external attack on multiple fronts. This institutional turn to individualized pathologization does not redress the nature of the harm complained of, as suggested by University members' comments above.[145]

Second, and related to the first, the University's failure to provide institutional redress for Hearing Palestine raises concerns about the University's commitment to protecting institutional autonomy, at least when the research, speech, or advocacy is on Muslims, Arabs, or Palestinians. Hearing Palestine is a project of an EDU:C at the University, it is embedded in an annual budgetary process, and is overseen and managed by faculty members from across three campuses. MAP DWG believes Hearing Palestine evinced sufficient institutional indicia to warrant greater institutional support in furtherance of the University's institutional autonomy, even if not the academic freedom of the individual faculty members who govern and manage it. Even if the University would not issue an institutional statement against Canary Mission, it could have authorized a general interest story on Hearing Palestine and the faculty who contribute to its excellence. But even this seemed outside the scope of University redress. In short, the University's discretionary refusal to address Canary Mission or to authorize a communications asset fairly addressing the work of Hearing Palestine is a useful case study illustrating how it is perceived to under-protect research, speech, and advocacy by or on Muslims, Arabs, and Palestinians.

Canary Mission, Foreign Influence, and Governmental Nexus

Especially concerning to MAP DWG, based on public reporting, is that Canary Mission may pose a national security threat as a form of foreign influence targeting Canadian universities' institutional autonomy and the academic freedom that flows from it. Canada subjects universities across the country to its *National Security Guidelines on Research Partnerships*. By these Guidelines, Canada aims to protect its universities from external influence. Canada explains:

> The federal government and stakeholders in the research enterprise have a shared responsibility to protect the integrity of the research ecosystem and safeguard it from activities that undermine the foundational principles of openness, transparency, merit, and reciprocity that underlie the research ecosystem in Canada.[146]

Among the core principles of this policy are:

> **Academic Freedom: "**Academic freedom … requires an environment of enabled autonomy in which researchers are free from undue external influence or limitations on scholarly inquiry."[147]
>
> **Institutional Autonomy**: "Institutional autonomy … require[s] a safe and secure environment in which all individuals and institutions are free from unwanted external influence."[148]

These principles speak broadly to the kinds of national security considerations universities must consider in our globalized world, including the threat of foreign interference and influence.

At the University of Toronto, the Office of Research Security upholds Canada's national security guidelines on research and research partnerships. Since that Office refused to meet with MAP DWG, we could not ask about its risk indicia on foreign influence that may threaten institutional autonomy and/or academic freedom. In our email correspondence with the office, we asked about how and to what extent the University protects against foreign interference or influence. The Research Security Team responded that "[p]rotecting against foreign interference is a shared responsibility" across all offices of the University including principal investigators. MAP DWG subsequently asked if the Office of Research Security did a risk assessment of Canary Mission as a foreign influence threat to the University's institutional autonomy and/or academic freedom. Not answering our question, the Office of Research Security reiterated its mandate:

> The Research Security Team provides direct support to faculty members in meeting funding sponsor research security requirements. It also delivers geopolitical risk assessments to inform institutional participation in research funding programs for which the institution submits the application. In addition, the team promotes awareness and education within the research community on emerging threats and risks, consistent with the Government of Canada's Safeguarding Your Research Program guidelines and the policy on Sensitive Technology Research and Affiliations of Concern.

MAP DWG appreciates that the Government's Guidelines narrowly apply to research partnerships funded by Tri-Council grants. Nonetheless, MAP DWG is concerned that a narrow reading of that policy also enables the under-protection of research, speech, and advocacy by and on Muslims, Arabs, and Palestinians, specifically in cases where what may appear to be a private platform also *has a nexus to government action* that can limit academic freedom, including academic mobility.

MAP DWG recognizes that innumerable third-party social media platforms pepper the internet. Moreover, despite the promise of social media, the reality is that these platforms are often used to incite and disseminate hate. Online harassment occurs on all sides of a political issue, and the University cannot be expected to police any and all social media platforms privately owned, administered, and operated.

However, MAP DWG considers Canary Mission distinguishable from the multitude of private platforms by virtue of its *nexus to governmental surveillance, immigration, and policing policies and actions that undermine academic freedom, including academic mobility for research purposes*. For instance, James Bamford in *The Nation* writes that "Canary Mission acts as a key intelligence asset for the [Israeli] Ministry of Strategic Affairs, a highly secretive intelligence organization that is largely focused on the United States, and the Shin Bet security service. Not only is it intended to silence anti-Israel dissent; its list of names is also used to prevent those individuals from entering Israel and attempting to visit family." Jacqueline Sweet of *Drop Site News* explains, after examining IRS tax returns of philanthropic foundations, that Canary Mission's "backend operations are linked to a funding network out of the Baltic and to an interior designer in Long Island [New York, USA], whose store J Mark Interiors, shares an address with the Central Fund of Israel (CFI), a nonprofit 'dedicated to strengthening and supporting the land and people of Israel.'" In other words, Canary Mission's attacks on Hearing Palestine are funded by undisclosed parties foreign to Canada but who seek to exercise influence over the public perception of an academic initiative at the University of Toronto.

MAP DWG appreciates that the University is currently contending with how to manage foreign influence given that the Government of Canada's *Foreign Influence Transparency and Accountability Act*[149] and its regulations have come into effect as of August 2026.[150] MAP DWG appreciates that the Act and its regulations pertain to the narrow instances of arrangements with foreign states or agents that may have political and governmental implications. Indeed, because the University has no such agreements with Canary Mission, it has no regulatory obligations pertaining to redressing its foreign influence on the University.

Moreover, we appreciate that universities across Canada were largely opposed to this new regulatory development and seek a general exemption for universities in forthcoming regulations.[151] Nonetheless, MAP DWG refers to this new regulatory requirement to insist simply and narrowly that *the University is already alive to concerns of foreign influence*. At the very least, the reporting on Canary Mission and its foreign funding is sufficient to raise a reasonable ground of suspicion that it represents more than simply one voice in an otherwise cacophonous marketplace of ideas.

Moreover, recent litigation in the U.S. reveals that Canary Mission is used by U.S. Homeland Security and the State Department to detain and deport international students on visas, with its lists making up "the bulk of the sources" for federal investigations.[152] And finally, a Canadian investigative report suggests there is reason to worry Canary Mission will adversely affect Canadian faculty members' academic mobility, especially female and racialized colleagues. "The numbers show that Canary Mission's Canadian profiles disproportionately target women and racialized people. More than 62 percent of the Canadians listed are women or gender minorities. Almost 65 percent of all those profiled are visibly racialized. And every seven out of 10 women listed are racialized." [153]

MAP DWG learned from colleagues during consultation that they are fearful for their safety if they travel to the US or Israel for research purposes. As one University member explained:

> *Being listed on the site [i.e. Canary Mission] undermines student, faculty, staff, and librarian safety; makes travel across national border more difficult* (MAP DWG survey respondent)

Canary Mission and its governmental nexus present an instance of foreign influence, with adverse impact on the institutional autonomy of the University and the research, speech, and advocacy by or on Muslims, Arabs, and Palestinians, including but not limited to the academic mobility of students, staff, librarians and faculty members. MAP DWG appreciates that Canary Mission presents no statutory reporting requirements. But MAP DWG does not understand why, in the face of a plausible threat of foreign influence, that the University would opt against exercising any of the proffered measures to bolster a targeted University initiative, including but not limited to, for example, an institutional statement consistent with then-President Meric Gertler's priorities; a general interest story on Hearing Palestine; or even decanal approval of academic priority under paragraph 3 of the *Provostial Guidelines on Donations* for a program with three years of proven excellence, growth, and prospective donors.

MAP DWG is concerned that the current University approach to Canary Mission puts the onus of redress on the individual University member. In its report, *Exposing Canary Mission: A Resource for College and University Leaders*, the Middle East Studies Association (MESA) explains that those targeted by Canary Mission have few options for redress "given the difficulty, time, and financial and emotional expense of pursuing defamation suits. …, the anonymity of the website, and the fact that Canary Mission's servers seem to be located in Israel."[154]

Because protecting against foreign interference is a shared responsibility at the University, MAP DWG takes this opportunity to warn the University that regarding Canary Mission as simply another third party private social media platform does not appreciate its threat to faculty, librarians, staff, and students under Canada's national security principles, and its threat to the University's institutional autonomy. Moreover, the University's position is inconsistent with its implicit commitment to the *Kalven Report*, which states:

> From time to time instances will arise in which the society, or segments of it, threaten the very mission of the university and its values of free inquiry. In such a crisis, it becomes the obligation of the university as an institution to oppose such measures and actively defend its interests and its values.

Recommendation 13

In furtherance of freedom of speech, academic freedom (including academic mobility), and Canada's national commitment against foreign influence and/or interference in our research environment, the University should:

A. Condemn third-party platforms that have a nexus to a foreign government (whether enabling or using such sites) and that engage in activities that target the University' institutional autonomy and the academic freedom that flows therefrom, including but not limited to academic mobility, as well as threaten expectations of personal privacy.

B. Adopt specific measures to redress the adverse effects of online harassment on U of T community members, especially disclosure of private information, particularly where there is a nexus with governmental surveillance, immigration, and/or policing.

C. Consolidate existing web resources into a single website featuring relevant University policies and guidelines on online harassment, including information on what doxing is, how to identify it, and penalties for those in the University community who engage in it.

D. Produce and disseminate a comprehensive resource list for those affected by or at risk of online harassment and/or doxing, including training, risk-assessment, and guidance on how to protect against such harassment.

E. Allocate resources to support University members to proactively scrub their Personally Identifying Information (PII) from data brokers.

F. Advocate to government through the Government Relations Office and Universities Canada to better regulate popular

search engines (e.g., Google) to limit online harassment and/or doxing sites with a governmental nexus that target universities.

G. Review and update guidance in human resource guidelines that search committees are precluded from considering online harassment or doxing sites when hiring University employees.

H. Develop and publish guidance to employers who recruit at the University to not punish or retaliate against students who have been harassed and/or doxed by an online platform that has a governmental nexus due to their otherwise protected expressive activities by, *inter alia*, refusing to hire them or withdrawing offers of employment or of internships.

I. Offer supports to alumni who were doxed in the 2023-2024 academic year and suffered violations of privacy interests, or adverse employment or academic consequences as a result.

J. Allocate resources, on a case-by-case basis, to support University members who experience online harassment and/or doxing, such as expert cybersecurity advice; legal counsel to redress resulting harms; and member access to an institutional subscription to scrubbing services.

Recommendation 14

The Provost (or delegated office) should create mandatory training for academic administrators that provides best practices on protecting academic freedom and the University's policies on freedom of speech, while appreciating the difference between them. Such a training should be updated periodically and include:

A. An appreciation of the administrative protections to be in place for effective academic freedom;

B. Case studies presenting hypothetical situations in which academic freedom may arise in the course of academic operations; and

C. Best practices for protecting and fostering a climate of academic freedom within Faculties and departments.

All academic administrators must complete such trainings at least every five years or upon renewing their roles, whichever is shorter.

Recommendation 15

To ensure transparency and accountability in the designation of academic fundraising priorities under paragraph 3 of the *Provostial Guidelines on Donations*,

A. The Provost and Division of University Advancement should encourage, support, and coordinate with Principals and Deans to develop FAQs outlining procedures to apply for such priority and criteria for divisional review and consideration, including actionable feedback being given to the proponents.

B. The Principals and Deans of UTM, UTSC, and FAS should revisit proposals for Palestine-related projects to be considered as academic fundraising priorities under paragraph 3 of the *Guidelines,* and conduct further consultations with feedback to the proponents if such priorities are not to be adopted.

C. The University should continue to support the process for consideration of the proposal to establish a Centre for Palestine Studies at UTSC. If the proposal is successful, the Centre should be given support to explore a tri-campus mandate analogous to the Jackman Humanities Institute. As with other EDUs, the Centre should be provided with a budget to support post-doctoral fellows, graduate and undergraduate student bursaries, administrative staff (e.g. administrative, communications, and business management), office space, and resources for academic events, workshops, and conferences.

III.2.C. Whose Safety, Which Threat? Risk Assessment and the 'Abundance of Caution'

Through our consultations, we heard about Divisions that undertook safety measures during and after the encampment that may have been based on biased assumptions about Muslim, Arab, and Palestinian community members and others who support Palestine. For example, the Jackman Faculty of Law locked doors to preclude access to the school's buildings without RFID key fobs. The Rotman School of Management hired additional security personnel to manage entrance into the building. The Temerty Faculty of Medicine (TFOM) "pivoted" all first- and second-year medical school classes to fully online platforms, as opposed to hybrid options, for a short period.

The TFOM decision offers an important illustration of why MAP DWG is concerned about the over-policing and under-protection of research, speech, and advocacy by and on Muslims, Arabs, and Palestinians. The decision was explained as follows in an affidavit in support of the University's litigation against the People's Circle:

> When the Encampment began, I [the then-Interim Dean of TFOM] met with a group of our Jewish learners and the faculty members who support them. It was clear to me that they were experiencing a significant amount of distress over the Encampment and interactions they had had with individuals protesting at the Encampment. They also specifically mentioned feeling distressed and unsafe due to signs that were posted around the Encampment. As a result of this meeting, TFOM made the decision to pivot the last weeks of planned on-campus learning for all learners in years one and two from being in-person in the Medical Sciences Building ("MSB") to being virtual. Classes were changed to virtual for all learners so that our Jewish learners would not feel excluded or singled out due to their experiences on campus. The decision was met with

> resistance from some of our non-Jewish learners, who highly valued in-person learning and were upset that their ability to interact in-person with other learners and their professors was being taken away due to the feelings of what they perceived to be a minority of students.[155]

The TFOM is a medical school dedicated to the education of tomorrow's doctors. As it declares on its website, among its strategic objectives is to "[d]eliver exceptional education programs that prepare students for the future of medicine and to serve their patients and communities."[156] Importantly, how TFOM fulfills its mandates has implications beyond the confines of the University. Its medical education delivery upholds important public interests, namely quality health care provision across the Province and the country. It logically follows that any pedagogic change to how TFOM delivers health care education must be considered carefully, balancing all relevant factors.[157]

When asked why the medical school went to solely online delivery of courses during the encampment, the Dean's Office at TFOM was unfamiliar with the matter. There has been a change in leadership, with the new executive team eager and intent on hearing from MAP DWG about our findings and recommendations. We were grateful for the warm welcome MAP DWG received by the Deans' Executive Members and the leaders of learner affairs (academic and otherwise). Following our presentation of the Interim Dean's affidavit, and their subsequent review of prior executive minutes of that prior decision, they later explained via email:

> Leaders in the MD Program made this decision following discussions with University offices responsible for campus and community safety, and out of *an abundance of caution*. The decision was informed by concerns expressed by students, staff, and faculty, given the proximity of the Medical Sciences Building to the protest site, where access to common spaces was limited and multiple incidents had been reported. Such decisions are situationally dependent, utilizing the available information at the time [emphasis added].

There was no evidence that protestors disrupted ordinary University business in the Medical Sciences Building. There was no evidence that TFOM conducted any inquiry or investigation on the matter prior to pivoting to online learning. Remarking on this pedagogic decision, Justice Koehnen also noted that "[i]t appears that classes were moved online without a detailed investigation of the incident."[158] Moreover, MAP DWG was unable to find any indication that TFOM considered the views of *all* students regarding their sense of safety or security with the encampment. For instance, there was no indication that TFOM conducted a class-wide poll on the issue. The fact that the Medical Sciences Building has multiple entrances seemed irrelevant to considerations of safety. Instead, it seemed to us that the relative proximity of the Medical Sciences Building to the People's Circle – as if, ironically, a diseased hot zone[159]– was all that was necessary to justify a fundamental pedagogic shift in the delivery of medical education. Despite the pedagogic significance of pivoting from in-person to virtual learning, there is no indication that TFOM relied on any policy to explain this position, or had objective evidence that reached a requisite threshold (assuming such evidentiary thresholds exist) to warrant this significant shift in medical education delivery.

MAP DWG is concerned that a pedagogic outcome was imposed on *all* students based on the views or feelings of a small subset in a manner that both lacked any investigation into objective safety considerations, and did not consider either the views of *all* members of the affected classes to the People's Circle; or the rights of *all* students to the best medical education available. TFOM's decision to pivot to solely online learning for the *entire* first- and second-year cohorts, based on an absence of investigation and hearsay, effectively over-policed speech by and/or on Muslims, Arabs, and Palestinians, while under-protecting the interests of medical students who may not have shared the same views as the small subset that complained. TFOM's turn to online learning offers a useful illustration that reflects a general sentiment MAP DWG heard from members of the TFOM community about research, speech, and advocacy by or on Muslims, Arabs, and Palestinians being over-policed and under-protected.

We asked the Office of Safety and High Risk (OSHR) via email: "What governing principles guide your consideration of what is and is not a high risk or safety consideration ripe for your office?" Rather than addressing our question, OSHR explained the pathways to bring concerns to OSHR, including but not limited to "a divisional or departmental contact seeking a consultation on an emerging issue." While OSHR adheres to various Governing Council policies, OSHR produced no policy or document that explains either (a) OSHR's risk indicia; (b) whether OSHR conducts periodic reviews of its risk indicia; (c) OSHR's formal assessment of threats to the University and its vulnerabilities; or (d) how OSHR mitigates against unintended consequences from its risk-based modeling, including racial, religious or ethnic bias in perceptions of risk. That OSHR did not provide any reasonable description of the factors it uses in assessing risk raises concerns that it proceeds in an *ad hoc*, "I know it when I see it" fashion.

MAP DWG cannot help but be concerned that this approach allows for unexamined bias to seep into the decision-making process. As experts[160] and federal review committees—such as the National Security Intelligence Review Agency (NSIRA)[161]—have made plain, the pervasiveness of risk assessment, the absence of explicit risk assessment criteria, and the absence of periodic risk criteria review and management create the conditions for bias to enter into any safety and risk analysis. The reticence we encountered from the University's security offices contributes to MAP DWG's apprehension that safety and risk analysis across the University is *ad hoc* with too few, if any, standards to ensure equitable and transparent administrative accountability to *all* who are adversely affected.

MAP DWG was pleased to meet with the Office of the Ombudsperson. Though the Office of the Ombudsperson has existed for 50 years, it is not well known across the University. Its Terms of Reference explain that the Ombudsperson "provides an impartial and confidential service to assist members of the University who have been unable to resolve their concerns about their treatment by University authorities. The work of the Office is devoted to ensuring procedural fairness and just and reasonable outcomes." In consultations with this office, we learned that it plays a fairly limited role in assessing systemic challenges at the University. Though it receives complaints of all sorts, it rarely exercises jurisdiction to hear the complaints or pursue reviews. With the different complaints procedures across the three campuses of the University, some operating under different policies, Ombudsperson officials largely serve as way finders, directing complainants to the right offices to address their complaints.

MAP DWG considered directing recommendations to the Ombudsperson to undertake a review of risk modeling at the University. However, as MAP DWG's consultations concluded and we were finalizing recommendations for the University, we learned that vice-presidential portfolios were changing. In particular, we learned that the University created a new role, the Vice-President, Legal, Risk & Safety, which integrates under one office the Office of University Counsel, University Privacy Office, Office of Enterprise Risk Management & Insurance, Office of Safety and High Risk, and Campus Safety offices across the three campuses. The one office not included in this mandate is the Office of Research Security. MAP DWG is encouraged by this development in University administration.

Recommendation 16

To control against potential bias in the University's risk assessment and complaints processes:

A. The Vice-President, Legal, Risk & Safety and Vice President, Research & Innovation should review the University's approaches to risk and safety assessments, including with regard to national security laws and regulations. This would include a review of the indicia of threats, vulnerabilities, and risks that are relied upon in decision-making and mitigation steps to limit potential unintended consequences on institutional autonomy, academic freedom, and the University's mission and purpose. Drawing on the resources in Recommendation 3, the review should adopt an intersectional approach to the administration and effect of these activities to account for possible bias on prohibited grounds under both applicable law and University policy.

B. The annual report on complaints of discrimination and harassment that is required under Bill 166 should add elements to report on the racial, gender, ethnic origin, place of origin, and religious identity of both complainants and respondents.

III.2.D. Campus Safety – Over-Policing and Under-Protecting

During its consultations, MAP DWG received testimonials from students about their experience with safety and security personnel on campus. Students were not always clear on the different offices involved, as University policies and practices employ a complex array of safety offices to ensure safety and security and engage in some policing activities. MAP DWG will refer in general terms to safety authorities without reference to a particular office as we were not empowered to investigate the specific details in the testimonials. As such, while we respect the perspectives of the students who shared their experiences with MAP DWG and have no reason to doubt their accounts, we are nonetheless unable to corroborate their testimonials independently. We shared these testimonials with Campus Safety (UTSG), but they declined to address them with us: "While we cannot comment on individual cases or disclose personal information due to privacy and confidentiality, the university is committed to receiving and addressing complaints about the conduct of Special Constables in a manner that is consistent with the law and university policies."

The University students who shared their testimonials with us acknowledged that at all relevant times, they were engaged in protesting, postering, or flyering on and around campus. As such, the observations and recommendations in this section should be read alongside MAP DWG's analysis and recommendations on the University's *User Guide on Policies on Protest and the Use of Campus Spaces*, which is a summary of existing policies and guidelines (see, Section V.4). MAP DWG discusses the following protesting and postering testimonials here because they involved Campus Safety or other security officials on campus, raising concerns about the potential over-policing and under-protection of research speech, and advocacy by or on Muslims, Arabs, and Palestinians.

III.2.D.i. Assembly, Protest, and Surveillance

One student testimonial reads as follows:

> *On May 2nd, 2025, we held an informal gathering of students and community members to commemorate the anniversary of our encampment. We gathered at the ziibing gazebo outside of Hart House. The Circle had been roped off by the university, in anticipation of this anniversary. At the event, which had a total of maybe 40 people, many people wore kuffiyahs. We ate pizza and talked and did a little bit of art on some posters. We noticed [policing] officers continuously monitoring us as we ate pizza, though we were not doing anything that should have warranted suspicion. The only thing we were doing was wearing kuffiyahs and eating pizza. After surveilling us for a while they approached us and asked for a police liaison, which we generally only have during protests, so that was odd. One of the attendees of the event volunteered to speak with them.* (MAP DWG written submission)

[A safety officer] asked what we are doing here. The attendee said we are eating pizza. [The safety officer] asked are you planning on doing anything? The attendee said no, we're just eating pizza. [The safety officer] said sorry we keep watching you, we've been ordered to keep an eye out for counter protestors. The attendee objected saying "but we aren't protesting", and [the safety officer] insisted they had to monitor us anyways. (MAP DWG written submission)

All of MAP DWG's members recalled moments of university life, some more recent than others, when as students we might informally gather socially. In such cases, neither we nor the students described above were protesting. But we can also appreciate that depending on what we wear and how our clothing choices may be politicized, our attire might draw attention. In the above cases, students perceived that certain attire (e.g., scarves) drew the attention of Campus Safety officers, who presumed them to be gathered to protest, which would fall under their purview to police and manage. MAP DWG recognizes that there may be various contextualized factors that led these officers to suspect this gathering may have been a protest. However, this does not change the fact that the students perceived the surveillance as being premised on their wearing *keffiyehs,* which for some is an expression of cultural, political, and/or national identity and for others becomes a hyper-visible symbol of risk and threat. Throughout MAP DWG consultations, students, staff, faculty members, and librarians expressed considerable anxiety and even fear about administrative policing, even reprisals, they may suffer if they were to wear a *keffiyeh* or some symbol showcasing their nexus to Palestinian art, culture, history, and society.[162]

Anyone I know who dons a Palestinian keffiyeh (a clothing object, no different from a scarf) experiences a multitude of passive aggressiveness and stereotyping. Their experiences are much worse (MAP DWG survey respondent).

I have students who are scared to wear the Keffiyah to class or voice concerns about issues in their home countries due to doxxing and lost opportunities with faculty (MAP DWG survey respondent).

When wearing my Keffiyeh on campus, I was called a parasite by another student, among other degrading names (MAP DWG survey respondent).

The University of Toronto must take active and visible steps to foster Palestinian inclusion and ensure that all students can express solidarity with Palestine without fear of judgment, harassment, or reprisal ... Many students, including myself, choose to stand in peaceful and respectful solidarity with Palestinians through simple acts such as wearing a keffiyeh . . . These are expressions of care and conscience, yet they are often met with discomfort or hostility (MAP DWG survey respondent).

In all these testimonials, a scarf, pin, or some other accessory is overdetermined by safety officials to mean one thing (e.g., threat) when it can and does represent a multitude of meanings or even no specific meaning at all. Moreover, even if safety or managerial officials interpret a *keffiyeh* to be a deliberate speech act by or on Muslims, Arabs, or Palestinians, MAP DWG is concerned that any subsequent surveillance or regulatory action based on policies related to workplace safety, for example, are largely premised on certain assumptions that can be construed as anti-Muslim, anti-Arab, and/or anti-Palestinian bias or harassment.

In consultations, we heard how managers relied on regulations related to workplace harassment, civility, and otherwise to remove Palestinian symbols from the workplace, while symbols of other groups and identity formations are commonplace. In other words, symbols related to Palestine are saturated with threat or risk. MAP DWG considers symbols or expressions of Palestinian identity, culture, and society (e.g., *keffeyyah*) a general characteristic (akin to a Ukrainian flag or LGBTQ rainbow) that without more particularized context renders any enhanced surveillance or regulation a form of anti-Palestinian discrimination and harassment.

I graduated with the MSW June 2025 cohort. Myself and at least 6 other students wore kuffiyehs under our gowns or as hijaabs because our belief is that liberation should be for all, not just a few. My cohort started studying in 2023 when APR [anti-Palestinian racism] first became very apparent to us. Our professors, classmates shut down conversations that needed to be had in a social work classroom out of "fear" - though this fear could never be put in words or explained. It was simply a feeling in the air it seems…these students who crossed faced shut doors when they simply wanted to say Palestinian lives and experiences matter… A member of the community, most likely a family member of a student in our cohort, was filming us as we crossed the stage. The individual posted us as a compilation on their newly created instagram and threads accounts, with captions saying they will doxx us (they were present so they had booklets with all the graduates' names handed out at convocation hall). Over the next 2 weeks as the video gained traction, my peers and I deactivated our linkedin accounts during our job search out of fear (MAP DWG survey respondent).

We have had leadership take down posters affiliated to Pro-Palestinian causes and were not receptive to staff member wearing the keffiyeh in support of the Palestinian cause (MAP DWG survey respondent).

As a non-Palestinian white person [who is staff], I was surveilled then followed to my work door by a team of a parked U of T logo'd black SUV and a person on a scooter, while wearing a keffiyeh on my bike to work through campus. Two of my colleagues who are not Palestinian but people of colour have also been followed, spat on, and yelled at for wearing keffiyehs on campus. One colleague has been disciplined for wearing a keffiyeh (MAP DWG survey respondent).

I hang my keffiyeh on my divider in my [staff] office. One day, my door was ajar and a senior member of faculty noticed it as they walked by. They somewhat-aggressively confronted me about it, justifying it by explaining that we represent an inclusive environment for all students and that hanging a political symbol on my desk might render a student to feel excluded, or worse yet directly antagonized. I stood my ground and invited them in to have a lengthy conversation about it, by the end of which it became clear that our fundamental beliefs didn't line up (MAP DWG survey respondent).

Recommendation 17

The University should include in its *Guidance on Muslim, Arab, and Palestinian Discrimination and Harassment*, and in any other modules that address anti-Muslim, anti-Arab, and anti-Palestinian discrimination:

A. That choices about clothing, jewelry, or other accessories that include Muslim, Arab, and/or Palestinian symbols can be historically, culturally, and socially meaningful for those who wear them, and do not presumptively constitute grounds for management, regulation, or redress.

B. That symbols, clothing, or sounds (e.g., keffiyehs, call to prayer, ululations) associated with Muslims, Arabs, and Palestinians have been treated in various contexts in society as evidencing security threats, which is a form of bias and harassment.

III.2.D.ii. Flyering and Police Surveillance and Questioning

We received several testimonials involving flyering on campus, which is the distribution of materials in-person (rather than affixing posters, for example). For instance:

U of T hosted an AI symposium at the Schwartz Reisman Institute where all the speakers were either from U of T or from Israel. We were handing out flyers outside the event with information about Israel's use of AI to commit war crimes and aid in ethnic cleansing as well as how the universities of the Israeli speakers were involved in AI research connected to the IDF and weapons manufacturers. A [policing] officer told us that we had to move to the public sidewalk instead of being on U of T pavement because U of T does not allow "soliciting." Even when we clarified we weren't selling anything or asking people to do anything and it was strictly an informational flyer the [policing] officer said it was "soliciting" and we had to leave. (MAP DWG written submission)

Another example involved flyering outside Convocation Hall as graduation ceremonies were taking place.

During the first day of convocation in 2025, some students were handing out flyers outside of Con[vocation] Hall. [A safety officer] asked them to leave and they did. One officer followed them as they left. I was not part of the group that was flyering and arrived at Con Hall as they were leaving. I did not interact with them at all but I was wearing a keffiyeh. I was walking around 100m behind the group that had been flyering and observed [an] officer following them on a bike. When the officer reached St. George St, he stopped moving but kept watching them. I passed the officer who looked at me and saw my keffiyeh. I didn't want him to follow me, so I went inside a building and exited through the other side. I started walking down a sidewalk and saw the officer biking towards me. I passed him and kept walking for about 10m before looking back, when I observed that he had turned around and was following me. To get away I had to cut through some walking paths and alleyways putting me far away from the building I was trying to get to. (MAP DWG written submission)

While flyers are included in various University guidance and policies, the physical act of handing them out is not expressly addressed in policies such as the University's *Procedure on distribution of publications, posters, and banners*. All relevant policies on postering pertain to *affixing* posters onto surfaces, placing them in designated boxes, and so forth. The physical act of handing out flyers presents no damage to property, except possibly litter that can be recycled. The in-person handing out of flyers in these cases took place on campus as events were transpiring inside a University building.

As the *User Guide on U of T Policies on Protests* makes plain, "U of T allows peaceful protests with certain limitations on the place and time where they occur." MAP DWG appreciates that academic events are designed for serious discussion and debate. We also recognize that graduation is a solemn occasion and a time of celebration for graduates and their families. MAP DWG, however, is not convinced that flyering, without more, warrants restriction and restraint, especially given the heft the University gives to freedom of speech on campus.

Recommendation 18

The Provost, Vice-Provost, Students, and other offices as required should, as soon as reasonably possible, provide guidance to Campus Safety on all three campuses that handing out or distributing flyers (flyering) should not be policed or prohibited as an instance of "postering" as it does not entail "affixing", unless the flyering contravenes applicable law or other University policies.

III.2.D.iii. Postering and Campus Safety Activity

MAP DWG received two testimonials related to postering and campus safety officers. In the first testimonial, the students admit to postering, but the officers were unclear on where and what they posted. As explained above, MAP DWG did not have the authority under its terms of reference to investigate the underlying issues in these testimonials. Abstracting from the specifics of the testimonials, we perceive a more general concern about content-neutrality in the enforcement of the postering guideline.

On August 29th [2024] myself and two others were putting up pro Palestine posters on poles on St. George Street on campus at UofTSG. As we made our way down the street a [policing authority] vehicle drove by and stopped. The officer said that he saw us putting posters and called for backup. Two more officers showed up and none of them said they knew what we postered. The senior one began interrogating me and demanded me to tell him what I postered, where it was, and to walk him to it. I told him that it was too far to walk back up the street, and that if he was so concerned about what we were postering he could use his car to drive back up and check. I asked if I was doing anything wrong by putting up a poster and he said, "We've had posters put up on this campus having to do with Palestine, and so if I go up and find out that's what you've been postering, I'm going to come back and charge you." We began walking away and while he went to check, the first initial officer began to follow us around campus from St. George and Harbord St until we exited at Spadina and Classic Avenue. This was odd. University students putting up posters on U of T campus isn't out of place considering that every pole we postered on was already covered in multiple layers of posters other students have put up. Why were we stopped, and if they didn't see what we postered why did they assume it was pro-Palestinian? Note that one of the people postering with us was wearing a Hijab (MAP DWG written submission).

In this instance, while the students admit they were postering, Campus Safety officials did not know what they postered, where they postered, or the poster's content. But they explicitly raised a concern about Palestine content on the posters. While the University guidelines on protesting and postering presumes any enforcement of the University's policies on postering would be content neutral, this testimonial, if true, calls that presumption into question.

The second postering testimonial reads as follows:

My friend and I were handing out flyers and postering around campus, starting on College and moving up to Bloor via St. George. We were putting up posters on the front of university buildings (mostly on the glass panels next to entry doors) using clear packing tape. My friend made wheat paste but it didn't set properly. We tried to put up one poster using the wheat paste but it didn't work very well and we decided the tape would be easier and less conspicuous. We handed out a few flyers and received a very positive response, but other than that we were trying to remain inconspicuous and avoid putting up posters in view of university staff or security. After about 45 min, we were arrested by [a policing authority] outside the Goldring Center as we were taping a poster to the glass door at the entrance of the building. They cuffed us, told us we were under arrest for mischief, read us our rights, went through my bag, and asked us if we had any weapons. They also asked us if we are students at U of T. I said I am and my friend said he is not. They told him they were charging him with trespassing in addition to the mischief charge and they looked me up in the U of T database. Then they took us to a vehicle. While we were in the vehicle, the policing officers were looking around the building and in the garbage units, then one of them made a phone call…After he got off the phone he came over to the car and told us we were being arrested for hate crimes and read us our rights again. I asked what protected group we allegedly committed a hate crime against and the officer said that he was unable to answer my question and that this was now a [municipal office] matter. [The officers] then put us in separate cars. We waited for maybe an hour and a quarter for [another officer] to arrive. We were cuffed the whole time. Once [the other officers] arrived, they moved me into their car and left my friend in one of the cars. They also changed my cuffs. They looked around the building, looked at the posters we had been putting up, and looked through my bag, then stood around talking to [the first set of officers] for around 15 min. Afterwards, one of the officers told me I was free to go and that I wouldn't be charged. My friend received a ticket for trespassing but also was not charged with either mischief or hate crimes.

After consulting with a legal advisor, he decided to fight the ticket and hasn't heard anything since mailing it. He was also told … that he is permanently banned from U of T premises. They reiterated this several times (MAP DWG written submission).

The University's *User Guide on U of T Policies on Protest* makes plain that postering "outside designated areas is prohibited as a form of vandalism."[163] Moreover, the methods used to affix the posters must ensure that no damage occurs to the surface or create undue costs for removal and maintenance of facilities. It is certainly reasonable for the University to impose restrictions of this nature. However, MAP DWG is concerned that Campus Safety personnel (a) may police the postering policy in a manner that is not content neutral, and (b) may not be suitably trained to calibrate their response in a manner that is proportional to the gravity of the alleged offense or policy violation.

Recommendation 19

The University, in consultation with the resources in Recommendation 3, should develop training modules for Campus Safety that emphasize, consistent with the University's *Statement on Freedom of Speech*, best practices for safety in protest settings, including postering and other speech acts on campus. Officers on all three campuses should be required to complete this module and the module above on anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment.

III.2.D.iv. Campus Safety Inaction

One testimonial pertains to protesting at the Defy Gravity event at the Goldring Centre on December 16, 2024. Student protestors blocked the main entrance, and safety authorities secured a separate access point for attendees.

One student shared the following:

> *I was standing in front of the doors. One of the attendees approached me and said, "if you don't let me through, I am going to punch you in the balls." I told him that we were not allowing people through, and I covered myself with my hands. He proceeded to punch my groin at least 10 times. I asked the officer standing next to me to help me as I was being assaulted. The… officer turned away. The man then went to harass a different protestor.* (MAP DWG written submission)

This testimonial illustrates an extreme case of under-protecting research, speech, and advocacy by or on Muslims, Arabs, and Palestinians In Section V.4.B, MAP DWG addresses the *User Guide to U of T Policies on Protests*, specifically blocking access. This testimonial illustrates the need to ensure sufficient guidance for all parties, whether safety officers or invited guests. In this testimonial, not only do we hear an instance of an invited guest allegedly resorting to violent assault against a protestor, but we also hear an allegation of a safety officer turning away from the incident entirely. MAP DWG is not aware if the safety officer was a Campus Safety employee or a member of the Toronto Police Services.

Recommendation 20

The University should update documentation on the U of T *Free Speech* website and publish an FAQ or other guidance document directed to (a) invited guests and others not formally part of the University community, and who might be inconvenienced by protests; (b) those enforcing University policies (e.g., Campus Safety); and (c) those who organize events that may be subject to protest.

The updated documentation and/or FAQs should note the unique role universities play in society; the protections that protests enjoy under U of T's free speech policies; and the prevailing legal obligations on all parties to ensure the physical safety and security of all who participate, protest, or counter-protest on campus.

III.2.E. Decanal Over-Policing and Under-Protection

Throughout MAP DWG consultations, we asked staff, students, faculty members, and librarians about the resources they relied upon to ensure their safety, inclusion, and belonging on campus. They referred to the mental health supports provided by the University, but for most part, they felt they had very few resources they could rely upon.

In our discussions with academic unit leadership teams, we asked questions designed to solicit insight on how different Faculties understood the needs and demands of their Muslim, Arab, and Palestinian constituents, and others who shared their concerns. One question we consistently asked divisional leadership was whether and how they supported faculty members listed on Canary Mission. In one division, the leadership did not look at the site until they received MAP DWG's question, only to learn that they had one faculty member listed therein. When MAP DWG asked if any decanal officer had reached out to that faculty member, we learned they did not believe they had an affirmative duty to do so.

We heard repeatedly from those consulted that colleagues featured on Canary Mission did not receive enough outreach from their Deans' offices. Instead, those consulted indicated to us that Deans' Offices seemed to defer to institutional administrative offices and showed little interest in the matter themselves. We appreciate that organizing a response centrally can be an efficient way to communicate and organize resources for University members affected across multiple divisions and three campuses. But that should not mean decanal officers have no duties toward affected faculty members whose intellectual life within the division may be adversely impacted.

The *Policy on Appointment of Academic Administrators* (PAAA) outlines the duties of divisional leaders, providing in relevant part:

> 49. Deans and Principals… should have the ability to create an environment conducive to the growth of intellectual life within the division to maintain the confidence and co-operation of teaching staff, administrative staff, and students…
>
> 51. The Dean or Principal shall endeavour to promote the teaching, research, and scholarship of the teaching staff of the division and to ensure an equitable distribution of work. He/she shall endeavour to promote the career development of administrative staff.

On these terms, decanal officials have considerable discretion in how they fulfill their duties. MAP DWG is troubled that no dean we spoke with understood their duties to include collegial and mentorship outreach to their students, staff, faculty members and librarians who were listed on Canary Mission. As much as the central administration may help support divisional units, local collegial governance, decanal discretionary authority, and collegiality offer many reasons to reach out, engage, and promote colleagues and staff who may have been targeted.

In contrast, students shared with MAP DWG at least three instances on campus where they believed that research, speech, and advocacy by and on Muslims, Arabs, and Palestinians were over-policed to the point of academic and expressive chill. We discuss one example in this section to illustrate the theme herein, and the other two in Section VI.4 related to student programming and pedagogy. All three, however, illustrate a pattern that MAP DWG observed, namely that research, speech, and advocacy by and on Muslims, Arabs, and Palestinians suffers from being over-policed and/or under-protected at the University.

In Fall 2025, the North American Refugee Health Conference took place in Toronto, with significant leadership from TFOM and DLSPH faculty members. Constituents at the Dalla Lana School of Public Health (DLSPH) reported to MAP DWG that members of DLSPH pressured University members to boycott the conference due to the presence of two speakers addressing the public health issues of Palestinian refugees in Gaza: former UN Special Rapporteur on Palestine, Michael Lynk, and current Special Rapporteur Francesca Albanese. These constituents also shared with us social media postings by a journalist who explained that she had been given copies of emails from DLSPH-affiliated faculty members pressuring other University faculty members to boycott the conference. Since then, the controversy surrounding the conference has been publicly reported.[164] Furthermore, conference planners from TFOM told MAP DWG that University faculty members overseeing funded programs threatened to withhold support/services for initiatives led by speakers at the conference, as a form of reprisal. During MAP DWG's consultation with the DLSPH Office of the Dean, we shared these concerns as expressed and asked how they responded. The DLSPH leadership stated that it had not seen the emails and therefore could not pursue the matter.

The MAP DWG Chair was subsequently introduced to the journalist, who explained that the emails in her possession had been distributed to media at a press conference held under the auspices of the Conference. In other words, the emails were a public record – virtually contemporaneous with the time of the conference – and she shared them with MAP DWG. MAP DWG was not able to pursue a robust investigation into the ongoings at the conference; doing so fell outside our terms of reference.

Nonetheless, what we learned raised questions for us about how deans' offices construe their discretionary authority under the PAAA, specifically paragraph 49. Our terms of reference included examining "policies, services, and practices and provide recommendations to advance inclusion and belonging for Muslim, Arab, and Palestinian community members." On the basis of this mandate, we asked DLSPH two follow up questions via email pertaining to the PAAA. First, we asked why DLSPH leadership had not reached out to the journalist. Of course, nothing under the PAAA would require a Dean's leadership team to reach out to the journalist who simply posted her content online. Nonetheless, MAP DWG is concerned how the conditions of incurious ignorance may inform otherwise discretionary decisions by those charged with leadership. Consequently, we were interested to learn how the DLSPH construes the duty under paragraph 49 of the PAAA "to create an environment conducive to the growth of intellectual life within the division to maintain the confidence and co-operation of teaching staff, administrative staff, and students" in highly polarized environments. This question is significant precisely because creating an "environment conducive to the growth of intellectual life" in a polarized political environment that has cast research, speech and advocacy on or by Muslims, Arabs, and Palestinians as suspect may call upon Deans to exercise their discretionary authority in ways they might not otherwise exercise in other less polarizing contexts. Second, we asked whether the DLSPH leadership wished to review the batch of emails, since they were a matter of public record.

Unfortunately, DLSPH did not respond to our queries. Instead, MAP DWG's chair received a reproaching email from the Provost and then-Vice-President, PSEC stating:

> We are aware of your recent exchange with [DLSPH Dean's office] with regards to your consultation meeting about DLSPH as well as your subsequent engagement with a journalist about confidential personnel matters. As we shared in our meeting on July 8th, we have also received feedback from other Deans and offices about the tenor of your meetings, which have been experienced in several cases as accusatory and interrogatory rather than consultative. We continue to receive reports of questions that appear to rely on incorrect information, allegations or assumptions and/or that fall outside the scope of the mandate we set for the MAP DWG. Given the resources dedicated to this project, we are becoming increasingly concerned about these experiences and the direction of the working group. We ask that you take these concerns under advisement in your forthcoming meetings and focus on our shared objectives and agreed-upon mandate.

MAP DWG views this exchange as a distraction from a fundamental question about how Deans define and execute their responsibilities, especially in polarizing times, which in the environment during our consultations, raised concerns about inclusiveness of an intellectual environment conductive to research, speech, and advocacy by or on Muslims, Arabs, and Palestinians at the University. At the very least, MAP DWG remains troubled that the discretionary authority outlined under the PAAA remains an undefined area not subject to transparent or accountable deliberation and discussion, even with a working group committed to equity and fairness considerations.

Recommendation 21

The Provost (or delegated office) should

A. Develop guidance, including educational material and case studies, for deans and other unit leaders to confirm that their duties outlined in the *Policy on Appointment of Academic Administrators* include:

    1. Communicating clearly about the University's human rights approach to redressing claims of discriminatory, harassing, or biased behavior identified by divisional constituents.

2. Referring credible reports of University members seeking to interfere with, or otherwise undermine, the academic freedom of faculty members and librarians of the University to the appropriate offices at the University for inquiry and redress.

B. Consistent with forthcoming policies on human rights protections—establish clear policies for Deans and other academic and non-academic leaders to redress incidents involving members of their division or office engaging in anti-Muslim, anti-Arab, or anti-Palestinian discrimination or harassment. Failure to take such responsibility should lead to the implementation of appropriate escalation and corrective measures.

III.3. Muslim, Arab, and Palestinian Self-Help Tactics

The experiences of some Muslim, Arab, and Palestinian University members have caused them to rely on their own resources for protection, sometimes at great cost to themselves.

For staff members, a common technique for some is to self-censor. Some staff members complained to MAP DWG that some parts of the University seemed to them especially hostile to Muslims, Arabs, and Palestinians, often leading them to limit their contributions in otherwise ordinary professional settings, and avoid working in some departments over others.

> *[T]he level of trust in the university system . . . is non-existent in the Arab communities that I know, especially after these past two years. I do know that even amongst communities of Arab students who engage in community building within the university and upper management often feel the need to temper what they share about their experiences and observations out of fear of being labelled "problematic" by university staff and written off* (MAP DWG survey respondent).

> *[I]f they know I'm crying at my desk about Gaza, this is going to be a problem. If they hear my husband's cousin just got arrested by the IDF [in Gaza], I gotta worry about what they think of me* (MAP DWG consultation).

Instead of seeking support from the University, some students turned to informal networks of information, identifying which professors are hostile to Muslim, Arab, and Palestinian perspectives. In addition, some students resorted to third-party organizations to seek advice, protect their interests, and make complaints against the University – e.g., the National Council for Canadian Muslims, the Canadian Muslim Lawyers Association, the Arab Canadian Lawyers' Association, and the Legal Centre for Palestine – because they consider the University blind, if not adverse, to their claims, concerns, and interests.

Because faculty members and librarians enjoy academic freedom, they did not turn to self-censorship or avoidance to the same degree as staff and students, but sometimes felt forced to do so when confronted with external threats. One MAP DWG member shared with the Working Group the experience of being threatened with legal action by a sitting judge on the Ontario Superior Court for applying a critical Islamophobia lens to that judge's judicial decision. He wrote to his Dean for advice but received no response. Because he could not afford an attorney and needed the article to go to press for his annual PTR report, the professor chose to amend the article under threat of litigation. Another Muslim-identifying professor has publicly written about how she and the University have been sued by a student at the Ontario Human Rights Tribunal for discrimination against men of European descent in the course of her teaching, but that the University refused to jointly represent her.

MAP DWG has learned that some professors are turning to small Canadian insurance companies to purchase professional insurance in the event they are threatened with litigation with respect to their teaching or research. Canadian insurance companies such as Zensurance, for example, provide low-cost business insurance starting at $19 CAD per month. MAP DWG identifies this desire for professional insurance as an area for further consideration and research for bodies such as UTFA, CAUT, and the University.

Medical residents and clinical faculty do not enjoy academic freedom under the U of T-UTFA MoA, but instead enjoy it subject to the Policy for Clinical Faculty. Nonetheless, they adopt similar strategies of self-censorship as do non-academic staff:

> *I need to hide my identity and self-censor. Most people with whom I work do not know that I am Palestinian and have family stuck in the Israeli attacks. I have grieved and suffered the trauma of our genocide silently. I am invisible and live a lie all to avoid the discomfort of their anti-Palestinian racism. While the University, Faculty, Department, and affiliated hospitals have flaunted their support of Jewish faculty and learners and identified with their suffering, they have dehumanised us and our experience that predates and has outlived October 7th* (MAP DWG Survey respondent).

Recommendation 22

The University should

A. In coordination with the resources outlined in Recommendation 3—engage with external bodies to which Muslim, Arab, and Palestinian students have historically resorted when concerned about University experiences to develop a working relationship in furtherance of student wellbeing on campus.

B. Consistent with Recommendation 33 and in coordination with representative Student Unions, develop institutional and educational capacities to support student and student leadership understanding of University governance and operations to support students to navigate University policies and procedures.

C. Consider effective strategies to defend and indemnify faculty members, eligible clinical faculty members, and librarians under its general liability policies if they are sued for activities arising out of their teaching and/or research in the ordinary course of fulfilling their employment obligations under contract with the University and protected under article 5 of the U of T-UTFA MoA or the Policy for Clinical Faculty.

IV. Institutional Statements and the Creep of "Institutional Neutrality"

In MAP DWG's consultations, University constituents expressed frustration with the Vice-President, Communications and Provost's April 2024 *Memo on Institutional, Divisional, and Departmental Statements.* That memo—which senior administrators repeatedly reminded us, was not a policy but rather a guidance document —explained:

> An institutional statement is an official, public communication in response to local or global events, generally involving recent developments of major public interest… Over the past decade, the University of Toronto administration has made a number of such statements, addressing a range of local and global issues, including natural disasters, political conflicts, and other developments. In doing so, the University has aimed to demonstrate responsiveness, offer moral support, provide tangible resources to impacted members of our community, express collective empathy, and foster a sense of community… We have heard concerns that institutional statements sometimes have unintended and undesirable effects. We have learned that for some in our community, such statements imply a false sense of unanimity. For others, they are perceived as chilling the expression of contrary views or inadvertently sending a signal that opposing views are unwelcome. We have heard that such statements can create the appearance of the University choosing a side in a contentious political debate, which is not normally in its mandate nor is it the intent of such institutional communications. Such statements may also create a false expectation that the University will publicly comment on every major incident that occurs, or create the misperception that we care more about one community than another…
>
> The University's role is to create the conditions in which a diversity of viewpoints can be elaborated and expressed, to host constructive debate across positions of difference, and to foster deeper understanding of complex issues. Its role is not to act as an arbiter among competing positions. As noted in the University of Chicago's Kalven Report, "The university is the home and sponsor of critics; it is not itself the critic." A notable exception would be those instances in which the mission of the University and its most fundamental values are being challenged.

Although the University's memo does not use the phrase "institutional neutrality," by referencing the Kalven Report without qualification, the University incorporated by reference the principle of *institutional neutrality* as articulated therein. The Kalven Report claims that a university

> is a community which cannot take collective action on the issues of the day without endangering the conditions for its existence and effectiveness. There is no mechanism by which it can reach a collective position without inhibiting that full freedom of dissent on which it thrives. It cannot insist that all of its members favor a given view of social policy; if it takes collective action, therefore, it does so at the price of censuring any minority who do not agree with the view adopted. In brief, it is a community which cannot resort to majority vote to reach positions on public issues.
>
> The neutrality of the university as an institution arises then not from a lack of courage nor out of indifference and insensitivity. It arises out of respect for free inquiry and the obligation to cherish a diversity of viewpoints. And this neutrality as an institution has its complement in the fullest freedom for its faculty and students as individuals to participate in political action and social protest. It finds its complement, too, in the obligation of the university to provide a forum for the most searching and candid discussion of public issues

The University of Toronto similarly resolved in its memo that:

> In general, leaders of an academic unit should promote respectful dialogue and protect the academic freedom of individual colleagues to research and teach contested ideas by maintaining an environment that is conducive to free inquiry. To maintain such an environment, and in light of the internal diversity of our community, the issuance or endorsement of a public statement that purports to represent the views of everyone in an academic unit or program is strongly discouraged.

MAP DWG learned across consultations and survey responses that, despite the narrow focus of the memo on mere institutional statements, many divisional administrators (academic and non-academic) have interpreted that memo to enshrine the principle of institutional neutrality as if it were a University principle able to be applied expansively beyond mere institutional statements.

University constituents, encountering the expansive application of "institutional neutrality" in the context of Presidential statements and remarks on antisemitism[165] complained repeatedly that the principle of "institutional neutrality" was contributing to a climate of stifled or chilled speech on or by Muslims, Arabs, and Palestinians:

> *I understand that the university has circulated memos and communications to faculty, staff, students, that we are an institution that values peace and free speech, but I find that striving for free speech through neutrality and silence is oxymoronic and self-contradictory* (MAP DWG Survey respondent).

> *While the administration attempts to maintain the [institutional] neutrality narrative, students, staff and faculty are withdrawing into themselves for fear of being punished for speaking out against human rights and genocide* (MAP DWG survey respondent).
>
> *[N]eutrality only benefits the oppressor by upholding the status quo and undermining justice* (MAP DWG survey respondent).

When MAP DWG met with divisional leaders, we learned that many considered "institutional neutrality" to be an affirmative statement of policy in the memo, even though the phrase does not appear expressly in the memo itself. Some, however, considered the idea of "institutional neutrality" incoherent and inapposite for their programs. Many Faculties, schools, programs, and institutes are premised on core values that are anything but neutral. The School of the Environment in the Faculty of Arts & Science, for instance, defines its mission as including, among other things, "positive environmental and social change from the local to the global scale."[166] The Faculty of Social Work's strategic plan for 2025-2030, "Leading Transformative Change Through Innovation, Education and Collaboration," explains that "when many are trying to close the door on discussion of equity and justice, it is imperative that social workers take informed action to support their communities."[167] There is nothing neutral about these missions, nor should there be.

MAP DWG appreciates that from the President's and Provost's perspectives, the memo on institutional statements does not articulate a policy, and it does not enshrine "institutional neutrality" as a governance principle for University divisional leaders. Nonetheless, MAP DWG has observed what is best described as "mission creep" across the three campuses and various divisions with the result that "institutional neutrality" has become a *de facto* policy at the University that inhibits ordinary institutional academic activity, especially with respect to matters related to Muslims, Arabs, and Palestinians. As some University members shared:

> *I would be ok with UofTs commitment to neutrality if there was true neutrality, meaning allowing students to fully and unequivocally condemn the actions of Israel without fear of retaliation* (MAP DWG survey respondent)

MAP DWG finds our experiences with Rotman School of Management illustrative of the mission creep of "institutional neutrality" we encountered across divisions and campuses. The Rotman School of Management is principally devoted to education in business, finance, and corporate management. It also hosts a series of public-facing events addressing contemporary issues of the day.[168] In our consultations with Rotman leadership, MAP DWG asked whether Rotman considered hosting a public-facing event on corporate social responsibility (CSR)—including responsible investment and investment exclusion policies— and the various calls upon the University and University Pension Plan to divest from Israel and/or military-related companies and industries. All agreed that the Dean's office hosts various events for the University community and the public. All agreed that CSR is a legitimate academic topic well situated within the field of business and corporations. And finally, all agreed that divestment had become an active issue at the University. However, according to Rotman leadership, a Rotman-sponsored panel on divestment and corporate social responsibility would violate the principle of "institutional neutrality."[169] MAP DWG members considered such an event academically reasonable and squarely consistent with the University's *Statement of Institutional Purpose* and the Provost's commitment to foster civil discourse. Rotman leadership disagreed. They explained that by hosting an academic panel on CSR and divestment, Rotman would appear to take sides on a political issue of the day, which would violate the Provost's guidance on institutional neutrality. MAP DWG was unclear what "side" Rotman would be presumed to take.

The Rotman example is illustrative of a pattern MAP DWG observed of divisional and department leaders reading into the memo the principle of "institutional neutrality" and in some cases, applying it to limit their scope of academic programming, in particular programming on or by Muslims, Arabs, and/or Palestinians that raises "deeply disturbing questions and provocative challenges to the cherished beliefs of society at large and of the university itself." MAP DWG considers this use of institutional neutrality to avoid an academic discussion an abdication of the University's *Statement of Institutional Purpose*. MAP DWG further expresses the concern that in such cases, the principle of "institutional neutrality" may be used as a pretext to avoid polarizing debates, which in our current environment, happen to concern matters related to Muslims, Arabs, and especially Palestinians.

IV.1. On the Kalven Report and the politics of "Institutional Neutrality"

MAP DWG believes that the University of Toronto unintentionally incorporated by reference the principle of "institutional neutrality" when the memo on institutional statements referred to the Kalven Report. To support a more informed administrative leadership and broader University community, MAP DWG addresses the Kalven Report's history and identifies reasons to be cautious in referencing it in the polarized political environment in which we currently live.

The University of Chicago's 1967 *Kalven Report* was commissioned at a time when students at the University of Chicago protested against the Vietnam War, and took aim at that university's investment policies, particularly in apartheid South Africa.[170] Perhaps most troubling to MAP DWG is the University's timing of its memo amid increasing recourse to the Kalven Report. The Office of the Provost issued its memo on institutional statements on April 26, 2024, amid deeply polarized politics in Canada and the United States on Israel's invasion of Gaza. Incidentally, since October 2023, universities across North America have embraced the 3-page Kalven Report, subscribing to its prescription of institutional neutrality as an apparent *sine qua non* of institutional academic freedom.

For instance, echoing the Kalven Report, the University's memo justifies its policy on institutional statements by reference to the twin principles of academic freedom and freedom of expression.

> The University's ability to uphold its mission of learning, discovery, and the advancement of knowledge rests on the academic freedom of its faculty members and librarians. It also depends on the freedom of expression among all members of its community, including students and staff, subject to the limits under law and university policy.[171]

Citing favorably the Kalven Report – "[t]he university is the home and sponsor of critics; it is not itself the critic" – the Provost noted that no single statement can represent the community and its diverse views.

Academic freedom organizations such as the Canadian Association of University Teachers (CAUT) and the American Association of University Professors (AAUP) have responded to this pattern, with the AAUP remarking that "institutional neutrality" is neither necessary nor sufficient to protect academic freedom. In a recent article on the Kalven Report, constitutional law scholar Robert Post of Yale Law School explains that there is no evidence that universities compromise the academic freedom of faculty members by taking a stance on a public issue of the day.[172]

Moreover, MAP DWG learned that the University makes institutional statements without securing unanimity, or "representing the community and its diverse views". For instance, on November 22, 2024, the President reaffirmed the University's commitment to fighting antisemitism. Had the president consulted colleagues targeted by Canary Mission when drafting that statement, he would have been asked to include in that statement some sentences about taking care against confusing research, speech, or advocacy by or on Palestine as antisemitism to avoid perpetuating anti-Palestinian discrimination and prejudice. As University members explained to MAP DWG:

> *I find that people are confusing the desire to free Palestinians from their genocide and horrific, inhumane conditions, with support for Hamas. I find that some of this confusion is willful and intentional* (MAP DWG Survey respondent).

> *[T]he university has weaponized and wrongfully associated antisemitism with supporting Palestine* (MAP DWG Survey respondent).

Notably, MAP DWG learned that many members of the University read the memo on institutional statements alongside the University's statements on Israel, Gaza, and antisemitism, as well as the University communications on and litigation against the People's Circle for Palestine. From these statements and actions, many University members inferred anything but institutional neutrality with respect to research, speech, and advocacy by or on Muslims, Arabs, and especially Palestinians. As University members explained to MAP DWG:

> *I understand that we work for an institution that is choosing explicitly to stay silent regarding the plight and genocide of Palestinians in Gaza. But I don't believe that neutrality is the way forward. I find that even conversations around the issue are hesitant and people are not willing to talk about it later* (MAP DWG survey response).

MAP DWG is especially concerned that the rush among North American universities to embrace the 20th century Kalven Report, ironically, is anything but neutral. Though the University of Chicago adopted the Kalven Report in the 1960s, virtually no other university followed suit for over five decades. As Post explains, the Kalven Report's recent revival is due in part to a sustained U.S. conservative agenda fueled by organizations such as the Goldwater Institute. In *Campus Free Speech: A Legislative Proposal,* the Goldwater Institute explains: "When a university, as an institution, takes a strong stand on a major public debate, this inherently pressures faculty members and students to toe the official university line, thereby inhibiting their freedom to speak and decide for themselves."[173] Moreover, the Goldwater Institute report provides draft legislation that state legislatures in the U.S. can pass and implement to ensure their public universities uphold

the principle of institutional neutrality. Despite its facial embrace of neutrality, *Campus Free Speech* makes plain its political agenda, namely, to undercut the "campaigns to press universities to divest their endowment holdings in oil companies or companies based in the state of Israel. At any university, such divestment would tend to inhibit intellectual freedom." In sharp contrast, Post retorts that "[i]t is quite farfetched to claim that a university's financial strategy will in any way inhibit faculty research and teaching."[174]

University members express the concern that whatever the purport of the memo on institutional neutrality and its incorporation by reference of the Kalven Report, it is not applied fairly and evenly. Others raised concerns that, given the timing of the memo's release, the University seems to consider talk of Israel's occupation of Palestine to require a neutrality that other issues do not. Others view principles like neutrality or civil discourse as boons to right wing politics, or at the very least, the status quo.[175]

MAP DWG appreciates that the University researched this memo well before the events of October 7, 2023. Moreover, we understand that the application of the limits on institutional statements should, in theory, apply generally and equally across any political issue. Nonetheless, we are concerned that the University's memo on institutional statements and its incorporation by reference of the Kalven Report without qualification, unwittingly gives effect to a *de facto* principle of institutional neutrality that incentivizes divisions to treat complex, controversial, even polarizing, issues as little more than a zero-sum game, contrary to what we believe the University's Statement of Institutional Purpose requires.

IV.2. Toward a principle of institutional restraint

The AAUP recently expressed concern that "[i]n the wake of protests surrounding the war in Gaza, some universities faced with coordinated external campaigns to adopt policies of 'institutional neutrality' have committed to one or more of the many things that concept has encompassed over time." Reviewing the history of institutional neutrality, the AAUP noted that this principle "has been invoked not only to protect universities' autonomy and the academic freedom of their members, but also to avoid accountability and to silence dissent." The AAUP concluded that across the varied meanings of institutional neutrality, "none of them [are] necessary or sufficient for academic freedom to flourish." As a powerful reminder, the AAUP concludes that the "defense of academic freedom has never been a neutral act."

MAP DWG is not convinced that the University has shown empirically that academic freedom requires its position on institutional statements. MAP DWG learned of another principle widely supported by colleagues and institutions committed to academic freedom, namely the principle of "institutional restraint". Post describes "institutional restraint" as "a counsel of prudence, not a principle of academic freedom."[176] CAUT clarifies that "administrators should not merely adopt a universal position of institutional neutrality but consider restraint as requiring a conscious ethical and political choice about when it is appropriate to express an opinion and when to remain silent."

Princeton University offers a useful explanation that MAP DWG found consistent with the University's institutional purpose: its policy on institutional restraint is premised on the fact that the university is value-laden, and therefore its decision to speak or not speak cannot be construed as neutral. MAP DWG also finds that institutional restraint—a principle of institutional pragmatism—better captures the operational reality of universities under provincial regulation. Indeed, many of our recommendations throughout this Final Report may be viewed as creating the conditions for institutional restraint. For instance, recommendations on procedural fairness with respect to informal call-ins and formal complaints processes effectively caution restraint with respect to complaints about speech (see Section V). Our recommendations on increased guidance to government appointees on Governing Council is meant to caution restraint among Governors (see Section VI). MAP DWG commends to the University the guidance offered by the AAUP on institutional restraint when it states:

> Academic freedom is best protected when the various choices that get lumped together and often obscured under the heading of institutional neutrality are made openly, through the procedures of shared governance. Decisions made through these procedures cannot guarantee all members of a university community the *outcomes* they champion. When the community articulates its mission, chooses policies to implement it, makes statements, and takes actions to advance them, there will always be dissent and disagreement.

Recommendation 23

The Provost and Vice-President, Communications should revise their April 2024 *Memo on Institutional, Divisional, and Departmental Statements* to:

A. Remove references to the University of Chicago's 1967 Kalven Report, and expressly reject its principle of institutional neutrality.

B. Remove reference to academic freedom and freedom of speech as justifications for the guidance on institutional statements, and substitute for them language consistent with the pragmatic principle of institutional restraint.

C. Expressly state that divisional administrators should not extend the guidance in the memo to other operational matters within divisions, including but not limited to academic or public programming.

D. When issuing the memo to the University community, the Provost and Vice-President, Communications should include a cover letter that explains the rationale for the above edits to the memo on institutional statements.

V. Freedom of Speech, Civility, and Professionalism as Regulatory and Policy Restraints on Speech

In Canada, the *Charter of Rights and Freedoms* protects individuals' rights to the freedom of expression in circumstances where governmental bodies seek to limit those rights. MAP DWG begins with a reference to the *Charter* largely because we encountered many University members who were confused about the scope of speech freedoms they enjoy, especially as against the University. Many University members were surprised to learn in consultations that, according to the Supreme Court of Canada, universities are not governmental for purposes of the *Charter.* "Though the universities, like other private organizations are subject to government regulations and in large measure depend on government funds, they manage their own affairs and allocate these funds, as well as those from tuition, endowment funds and other sources."[177] The implication is that, despite the fact that the University is supported by public monies and has government appointed members sitting on its Governing Council, University members do not enjoy *Charter* protections when it comes to regulations or policies the University may set on speech related content. University members were also confused about the scope of speech freedoms they enjoy given the Ontario government's 2018 policy directive to universities concerning "Campus Free Speech", and its more recent 2024 legislation, *Strengthening Accountability and Student Supports Act* (Bill 166), directing universities to address racism and mental health concerns on campus.

MAP DWG appreciates that there are good reasons for University members to be confused, given the complicated national and international discourse on freedom of speech and expression on campuses in the US and Canada in these polarizing times. As we noted in Section IV and below, U.S. debates on freedom of speech on campus find expression north of the border, contributing to divergent ideological views on speech and expression on campuses. We also recognize that the University uses the phrases "freedom of speech" and "freedom of expression" interchangeably.

MAP DWG suspects that the confusion we observed may be due to University members reading U.S. jurisprudence on "freedom of speech" into the Canadian context or presuming that the University's use of "freedom of expression" is consistent with the *Charter,* or some combination of the two. Staff, students, faculty members and librarians who consulted with MAP DWG are not trained in constitutional law or the nuances of ministerial directives; they ought not be expected to understand such legal niceties. Given the confusion we heard, and the complaints shared with us about how certain policies redressing speech were applied by administrators, MAP DWG addresses issues of speech and provides recommendations to (a) support the community's understanding of their rights to freedom of speech; (b) safeguard transparency, accountability, and procedural fairness when the University exercises its regulatory authority in matters concerning speech on campus; and (c) ensure that any policies or practices that redress or regulate/limit speech are applied consistently with the University's *Statement of Institutional Purpose.*

MAP DWG appreciates that Canadian constitutional law scholars dispute whether "freedom of speech" and "freedom of expression" are synonymous in the Canadian legal context, or whether they merit substantive distinction since they stem from separate jurisdictions and different legal histories.[178] MAP DWG adopts a cautious approach and maintains their distinction for two reasons. The first pertains to the Supreme Court of Canada's jurisprudence on universities, as noted above. Second, our consultations revealed overwhelming concern from some University members about the over-policing and under-protection of speech by and on Muslims, Arabs, and especially Palestinians under the guise of facially neutral University policies, statements, and guidelines on civility, freedom of speech, and workplace harassment. MAP DWG heard repeated complaints from University members that the University adopts, a *laissez faire* approach to speech that unduly targets Muslims, Arabs and Palestinians, and conversely adopts a highly regulatory, if not disciplinary, approach to research, speech, and advocacy by or on Muslims, Arabs, and especially Palestinians.

Further, consultations with Union representatives revealed that certain labour law standards of employee loyalty may impose consequences upon non-academic staff for their publicly accessible speech. MAP DWG learned that students and staff – none of whom enjoy academic freedom – consistently censor speech by or on Muslims, Arabs, and Palestinians in the virtual and real worlds, out of fear of reprisals and University discipline.

> *I would feel 100[%] comfortable on campus to clearly state my personal solidarity with my Jewish colleagues, however I don't feel the same way about openly stating my support of the Palestinian people. I will participate in pro-Palestine events that occur outside of Toronto but would never attend a rally in Toronto for fear of having a University faculty member seeing me there. I wish that I didn't feel this way. I know that I am not alone* (MAP DWG survey respondent).

> *From the beginning of my time as a student at U of T in 1994 to now as a senior faculty member, I have hid [sic] my identity as a result of the understanding that anti-Palestinian racism has been rampant at our University long before I arrived. To avoid impact on my career advancement, I self-censored my identity* (MAP DWG survey respondent).

This section will begin by locating the University within a broader regulatory framework on speech on campuses in Canada. It then turns to the experiences of University members whose speech was subject to these policies. In some cases, the experiences relate to informal call-ins conducted under the rubric of collegiality or mentorship, and without disciplinary implications (see, Section V.2). Other cases concern more formal complaints processes brought against research, speech, and/or advocacy by or on Muslims, Arabs, and Palestinians (see, Section V.3). The final two subsections address what we heard about social media speech and/or advocacy by or on Muslims, Arabs, and Palestinians and the University's responses (V.4), and concludes with recommendations on enhancing the clarity of the University's *User Guide on U of T Policies on Protest* and associated policies, including the allocation of temporary usage of space.

V.1. The University, Freedom of Speech, and Provincial Directives

A common metaphor to explain the virtue of expressive freedoms is the "marketplace of ideas." U.S. Supreme Court Justice Oliver Wendell Homes used "marketplace of ideas" in 1919 to explain that the inherent value of speech in democracies is ultimately determined by citizens who are free to accept or reject different ideas that are publicly expressed, and to insist that it is not the role of governmental institutions to substitute their views for the free choices of citizens.[179] In 1990, in *R v. Keegstra,* the Supreme Court of Canada favorably cited Holmes' metaphor,[180] noting the importance of free expression in "seeking and attaining the truth … participation in social and political decision-making … [and] the diversity in forms of individual self-fulfillment and human flourishing."[181]

Two years after the Supreme Court of Canada decided universities are not subject to the *Charter,* except in limited narrow circumstances, the University issued its *Statement on Freedom of Speech*, which states:

> The existence of an institution where unorthodox ideas, alternative modes of thinking and living, and radical prescriptions for social ills can be debated contributes immensely to social and political change and the advancement of human rights both inside and outside the University. Often this debate may generate controversy and disputes among members of the University and of the wider community. In such cases, the University's primary obligation is to protect the free speech of all involved. The University must allow the fullest range of debate. It should not limit that debate by preordaining conclusions, or punishing or inhibiting the reasonable exercise of free speech.

That same statement also explains that "[o]f necessity, there are limits to the right of free speech, for example, when members of the University use speech as a direct attack that has the effect of preventing the lawful exercise of speech by members or invited guests, or interfering with the conduct of authorized University business, the University may intervene."

The University's *Statement on Freedom of Speech* assumed new regulatory meaning in 2018 when the Ontario government issued a directive on freedom of speech.[182] During the Ontario provincial election in 2018, Doug Ford and the Progressive Conservatives of Ontario campaigned to "ensure that publicly funded universities defend free speech for everybody." This campaign promise echoed similar themes expressed in the Goldwater Institute's 2017 *Campus Free Speech* report (see, Section IV). Upon winning the election, the government mandated that universities in Ontario introduce "free speech" policies with annual reporting requirements to the Higher Education Quality Council of Ontario (HEQCO). The University prepares its annual reports on freedom of speech as part of its regulatory compliance with the Ontario government directive. Ironically, the University's 1992 statement on freedom of speech is now part of a provincial regulatory regime that some consider hostile to the institutional autonomy of Ontario's universities.[183]

V.2. Application of University Policies Regulating Speech: Informal Call-ins

MAP DWG appreciates that freedom of speech does not imply an unrestricted license to say whatever we want, whenever we want. There are legitimate reasons to limit or restrain speech.

The University has a series of policies, guidelines, educational resources, and practices that guide how administrators regulate or limit speech and expression in the campus' marketplace of ideas. MAP DWG has reviewed the University's policies and created a list of the ones it feels are most relevant for ease of reference in Appendix E. [184]

MAP DWG addresses these policies considering what we heard, largely from faculty members and medical learners, about informal "call-ins", which senior administrators explained to us are conducted under the auspices of *collegiality or mentorship* and *without formal disciplinary implications*. In general, call-ins follow a certain process. Members of the University would receive emails inviting them to meetings with a dean, vice dean, or program officer. The emails would be written in general terms and provide no notice of an agenda or subject matter or a speech-related policy at issue. Divisional administrators did not

always disclose the alleged offending speech in their initial email invitations. Nor did they provide the respondents at any time in the process with a meaningful chance to either question those who complained or interrogate the assumptions underlying the allegations for bias and prejudice. Despite the administration's characterization of these informal, collegial "call-ins", University members repeatedly told MAP DWG that they experienced these informal call-ins as adversarial, without due process protections, and ultimately chilling of their speech and advocacy on Muslims, Arabs, and Palestinians. As one medical learner explained:

> *When students post pro-Palestinian views online, they are called into meetings with leadership as happened to a close friend of mine in the DFCM who was asked to come into a meeting because of her online posts re: professionalism… Unfortunately, university faculty are the ones pulling trainees into these meetings to create fear around speaking up online* (MAP DWG Survey respondent).

In other words, if such meetings were meant to be collegial or mentoring, they were not experienced that way. University members did not have a chance for dialogue but instead were given warnings about their speech or advocacy, which happened to concern Muslims, Arabs, and Palestinians. University members explained to MAP DWG that these call-ins were experienced as so arduous, performative, adversarial, and without meaningful purpose that it seemed the process itself, specifically its chilling effect, was the punishment. Uniformly, they explained to MAP DWG that call-ins generally occurred with respect to their speech or advocacy that raised "deeply disturbing questions and provocative challenges to the cherished beliefs of society at large and of the university itself." University members who consulted MAP DWG expressed disdain that senior administrators (often a colleague or mentor) would play the role of both trier of fact and judge on contested subjects over which the administrators had neither expertise nor competency.

In the TFOM context, medical learners reported to MAP DWG that they had to miss rotations or classes at TFOM to attend these meetings, some of which in their view were instigated by complaints that lacked objective evidence. Many reported having no meaningful opportunity to contest the claims, assess the underlying evidence, or have a meaningful conversation predicated on learning and education. They lost sleep and concentration as they anticipated these meetings and what might ensue. They considered the processes a form of lawfare largely designed to chill their speech. In other words, the experience of these call-ins was a far cry from how the administration understands their purpose.

We also learned that those who must conduct these call-ins were no less frustrated by them. When MAP DWG met with academic administrators who had oversight of these "call-ins," they expressed concern that call-ins on polarizing topics—and about which they may have no expertise—suffered from too little guidance on best practices. They explained that without more robust guidance, they struggled to hold these informal call-ins in a manner that was also procedurally transparent and consistent. In fact, one departmental chairperson refused to meet with MAP DWG to discuss, among other things, the informal-call ins within their department because they had already suffered "many sleepless nights" addressing complaints under these policies. The chairperson explained their refusal to meet with us as follows:

> *[T]here are risks to these discussions and they do not exist without power relations. The University failed to offer support to [academic administrators]… in the aftermath of Oct. 7 [2023]. Thus, I don't feel that I'm obligated to take the risks now.*

Giving the policies their best reading, MAP DWG appreciates that in theory they offer opportunities for senior academic and non-academic managers to have informal discussions with those who report to them about behavior that affects the workplace and the learning environment. From our consultations, MAP DWG learned that this is not the lived experience of many University members, in particular with respect to their speech or advocacy on Muslims, Arabs, and especially Palestinians. University members repeatedly reported experiencing these call-ins as adversarial and without effective procedural safeguards. MAP DWG is concerned that without effective procedural guidelines and evidentiary thresholds, the informal call-in process is vulnerable to frivolous claims and abuse of process used, whether by intent or not, to chill otherwise legitimate speech by or on Muslims, Arabs and Palestinians.[185]

V.2.A. Vague Standards and a Lack of Procedural Fairness

The University's *Statement on Freedom of Speech* and its 2018 *Civility Guideline* anticipate procedures by which administrative decision-makers can redress speech on campus, in particular through informal call-ins. The *Civility Guideline* applies to employees and explains only that "[r]espondents to complaints will be provided with procedural fairness and the University will take their interests into account so as to minimize any risk of reputational or other impact while the complaint is being assessed and dealt with in a confidential manner."[186]

University members speaking to MAP DWG described these informal call-ins as suffering from an under-defined process that they experienced as adversarial, disciplinary, and chilling with respect to speech, particularly speech by or on Muslims, Arabs, and Palestinians. Moreover, University members raised concerns about the lack of definitions of key terms in these policies like "civility". Across the University, the terms "civility", "collegiality" and "professionalism" are used interchangeably, as if synonyms.[187] MAP DWG appreciates that these terms and the policies that invoke them are designed to do important work in a large institution, namely to ensure a cohesive, efficient, and respectful work place environment between and among staff, faculty members, librarians, and management in an environment

in which these groups enjoy different labour protections (e.g., unions, faculty associations, etc.), or none at all (e.g., professional managers). At the same time, the University is a highly diverse workplace. When global events take shape locally on campus, the reception does not fall neatly along staff, faculty, librarian, and administrator divisions. Global events that amplify distinctions between the "Global North" and "Global South", between European and non-European immigration patterns to Canada (and accompanying racial and religious distinctions) reveal to MAP DWG that in some cases, the relevant policies, guidelines and statements on civility and collegiality in the workplace do not control against historical biases that have informed how these terms are construed and applied in disciplinary fashion.[188] University members regularly complained to MAP DWG about a lack of transparency let alone mitigation measures to check against potential procedural unfairness or substantive bias.

MAP DWG observed that these concerns were heightened when the Government of Ontario passed Bill 166, which amended the *Ministry of Training, Colleges, and Universities Act* to require more robust complaints mechanisms on campus to redress anti-racism. The bill was introduced amidst university protests across the U.S. and Canada on the Israel-Palestine war. Bill 166 raised the stakes among University members about the scope of freedom of speech on campus at a time when speech and/or advocacy on and by Muslims, Arabs, and Palestinians was already subject to informal call-ins. Indeed, during legislative assembly debate on the bill, faculty members from the University expressed concern that Bill 166 would undermine radical critique, teaching and research that may be by or on Muslims, Arabs, and especially Palestinians:

> **Ms. Peggy Sattler (ON MPP, London West):** Can you just talk about—you mentioned that there could be a conflict between this legislation and the free speech on campus policy.
>
> **Mr. Alejandro Paz (Assoc. Professor, Anthropology, UTSC):** Yes, because the free speech on campus policy required everyone to implement Chicago Principles, and those principles cannot allow for stipulations from a minister to decide what is under debate. What the future of Israel-Palestine looks like is under debate. We can see it all around us. You can't just stipulate certain kinds of expressions out by calling them anti-Semitic. So it directly undermines the government's own policy of implementing the Chicago Principles of academic freedom and freedom of expression.[189]

MAP DWG recognizes that the promise of procedural fairness in the informal call-in context needs more transparency, guidance, and consistency about who assumes authority for resolving disputes; the requisite training to address such disputes; the process of investigation and assessment; and most fundamentally, the standards that determine whether the impugned speech requires any type of institutional redress in the first place.

MAP DWG appreciates that any application of University policies and guidelines is context-dependent. MAP DWG members hope that all University members would treat each other with dignity, courtesy, respect, politeness, and consideration. At the same time, we heard repeated requests to ensure administrators apply effective procedural safeguards to consider the interests of both the complainant and the respondent whose speech may be at issue, including, but not limited to: (i) the adversarial posture of administrators when applying these policies; (ii) the evidentiary requirements to be met before proceeding with a complaint, however formal or informal the process; and (iii) the balancing of policies given the heft of speech protections under University policy and its Statement of Institutional Purpose.[190] Moreover, administrators who spoke with us requested meaningful guidance on best practices in informal collegial or mentorship call-ins.

Recommendation 24

The University should

A. Update the FAQs on the University's Free Speech website to address the distinction between its use of "freedom of expression" and the Charter's protection of freedom of expression, and provide hypotheticals to illustrate how and why the difference matters.

B. In the interests of maximizing clarity for University members who are not necessarily versed in constitutional nuances, revise its resources related to freedom of speech to no longer use "free speech" or "freedom of speech" and "freedom of expression" interchangeably to avoid confusion with *Charter* protections of *freedom of expression*.

C. In consultation with staff representatives and union executives, develop an educational resource about non-academic staff members' speech freedoms under the University's free speech policies, whether on social media or otherwise, including guidance on applicable employment law principles as they relate to non-academic staff speech and its limits, including an outline of procedural fairness guidelines and expectations.

D. Develop and periodically update mandatory trainings (in-person or virtual) for any administrator at the University whose description of responsibilities includes collegial conversations to address contentious and even polarizing issues in the intellectual environment of their unit. Any successful candidate for such administrative positions should be required to complete these trainings within six months of assuming the position. Training modules should cover mentorship and coaching conversations, the potential for bias in addressing civility issues, power dynamics among faculty, and include case studies.

E. Acknowledging that many are experiencing these 'call-in' conversations in an adversarial way, develop and publish guidance on best practices to ensure procedural fairness

when academic or non-academic administrators implement any policies, guidelines, or other resources to redress concerns about speech, research, and/or advocacy by members of the University. Such guidance may include:

1. Robust definitions of civility, collegiality, and professionalism that make note of their complex disciplinary history to control against bias in application.
2. FAQs that draw on collective agreements outlining notice requirement expectations when issuing a request to meet with a University constituent whose speech is at issue (e.g., the policy at issue, the nature of the complaint, the impugned speech).
3. The evidentiary threshold required to ensure that an expressed concern is sufficiently grounded in objective evidence (e.g., clear and convincing) to warrant 'call-in' conversations that may result in chilling speech.
4. A chart outlining both the range of consequences, if any, and programmatic opportunities available to administrators to pursue and/or develop locally within their unit.

V.3. Formal Complaints Processes

The University has had a framework of policies and guidelines to address racism, discrimination, and harassment for more than 30 years. Over the past several years, it has undertaken a review of these policies, in part due to the passage of Ontario Bill 166, mentioned above. The review of the University's *Statement on Prohibited Discrimination and Discriminatory Harassment* occurred before and alongside MAP DWG's own consultations. MAP DWG was not asked to carry out a review of the complaints processes at the University; that is a matter for a different working group or task force. Nonetheless, in consultations with students, staff, faculty members, clinical faculty members, librarians, and post-graduate medical learners, MAP DWG heard experiences of University members as respondents in formal complaints processes with respect to speech and/or advocacy by or on Muslims, Arabs, and especially Palestinians. Every University member who spoke with us described these formal processes as, at the very least, chilling on what they considered legitimate speech.

To a lesser extent we heard their experiences as complainants. Those who had experiences as complainants were deeply unsatisfied with the process. Survey respondents repeatedly remarked that the formal complaints processes are time consuming, unduly burdensome on the complainant, and largely without effect. As one member shared:

> *The [formal complaint] process is almost incriminating to the complainant and drags on for months, to the point I withdrew my complaint…I would have preferred to remain silent, as that's a lot safer, [but] once I submitted the claim as directed, months of inaction ensued. I withdrew the complaint because there is really no point* (MAP DWG survey respondent).

For the most part, Muslim, Arab, and Palestinian members chose not to file complaints. As one survey respondent explained:

> *I didn't go to the University about [anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment] because in the past, situations like this haven't led to anything. Complaints usually don't change much, so it didn't feel worth the effort. A lot of people feel the same, that speaking up doesn't really go anywhere* (MAP DWG survey respondent).

Across survey responses and consultations, University members explained to us that they had no confidence in the institution's capacity to treat their complaints fairly or to appreciate their lived experience.

MAP DWG was especially alarmed to hear repeatedly that University members do not file complaints on anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment because of the threat of reprisal:

> *I won't bother making a complaint or raising a concern against a senior leader who would definitely hold it against me… Know your place and ride it out if you can stand it* (MAP DWG survey respondent)

MAP DWG appreciates that University staff and administrators must balance various regulatory requirements when designing complaints processes, including the privacy rights of complainants and respondents. We also appreciate that as an educational institution, the University's principal mandate is not to adjudicate complaints between members. Because the formal complaints process was an issue that repeatedly appeared in our consultations, we sought greater insight on the formal complaints process, specifically with respect to how it can and does redress concerns about speech. During the course of our work, a MAP DWG member navigated the complaints process portals when they were targeted by anti-Muslim, anti-Arab, and anti-Palestinian speech from a student (see below, Section V.3.B). Though a single experience and therefore not representative of the system, MAP DWG aggregates this experiment with what we learned from our consultations and survey responses to reflect on the limits of the complaints process with respect to speech and/or advocacy, and possible areas for improvement.

Generally, what we learned from our consultations and survey was that the condition of incurious ignorance contributes to

a perception that the lived experiences of Muslims, Arabs, and Palestinians are not considered when addressing formal complaints against speech/advocacy by or on Muslims, Arabs, or Palestinians. Because of this perception, (a) filing complaints against anti-Muslim, anti-Arab and anti-Palestinian discrimination and harassment is viewed as useless; and (b) University members may experience the application of University complaints processes as procedurally unfair and even biased with respect to speech/advocacy by or on Muslims, Arabs, and especially Palestinians. Broadly, we also encountered a lack of shared expectations of the reasonable range of redress possible from the University's formal complaints processes given countervailing policies, statements, and guidelines.

V.3.A. Distrust of the University complaints process

As it turns out, many of those who were consulted expressed disdain for the University's complaints process, unconvinced that it does anything to assist them:

> *[A]s someone who is familiar with the supports and resources available at academic institutions, I know they never accomplish anything…* (MAP DWG survey respondent).

> *University services are notoriously considered unsafe to access for those who advocate for Palestinian human rights and anti-Islamophobia. Most of my Palestinian students regardless of their faith have been reluctant to self-identify as Palestinian due to the racial discrimination they experience* (MAP DWG Survey respondent).

> *[T]he University won't do anything* (MAP DWG Survey respondent).

MAP DWG applauds the University for publishing online *Pathways for Raising a Concern or Complaint*, which accumulates relevant information about the complaints process. That online resource explains that "[a]ll employees at the University of Toronto have a right to work in an environment that is free of discrimination, harassment, or violence. To support this right, the University maintains a robust set of policies and has established pathways for employees to request accommodation, share a concern, or file a complaint." It also publishes online a Student Complaint Processes guide, which directs students to file complaints "at the local, divisional, faculty, and college level as appropriate to the situation. Deans of Students, Registrars and Professors are the starting points for most general complaints." It provides a separate resource guide for students who may have *Complaints about Prohibited Discrimination*.

The online portals generally list the University's policies that inform the complaints framework. However, MAP DWG noticed that missing in the lists was the *Statement on Freedom of Speech*. Because so many consultees spoke to us about their experiences as complainants and respondents with respect to research, speech and advocacy by or on Muslims, Arabs, and Palestinians, MAP DWG believes that the University's complaints portals do not adequately communicate what redress can reasonably be expected at a university when complaints concern speech-related content. The University's *Statement on Freedom of Speech* makes an important point that we believe should condition the entire complaints framework—especially in polarized environments such as the one that prevailed during our consultations:

> *The values of mutual respect and civility may, on occasion, be superseded by the need to protect lawful freedom of speech.*

This principle raises questions about how "freedom of speech" is balanced with, for example, the *Ontario's Human Rights Code's* definition of harassment, in particular the phrase "vexatious comment…that is known or ought reasonably be known to be unwelcome." It calls into question how the University should apply the *Civility Guideline,* which repeats the same language from the *Ontario Human Rights Code*. MAP DWG is concerned that the policy framework for complaints neither begins with respect for freedom of speech in the particular context of the university setting, nor provides guidance on how the scope of the existing complaints policies should be applied by reference to the University's protection of speech as central to its institutional purpose.

Recommendation 25

The Provost (or delegated offices) and divisional leaders should

A. Wherever relevant under prevailing complaints policies and guidelines, list the *Statement on Freedom of Speech* and the *Statement on Institutional Purpose* as the first relevant policies.

B. Draft and publish guidance for all U of T administrators who oversee and implement informal and formal complaints processes about when, under the *Statement of Freedom of Speech*, "the values of mutual respect and civility may, on occasion, be superseded by the need to protect lawful freedom of speech," with hypothetical examples related to policies that have the potential to limit speech (e.g. civility, harassment).

V.3.B. A test case in using the complaints process

When MAP DWG reviewed the current pathways for filing complaints, we became lost in the labyrinth of University administration. The sheer size of the University means that many offices play the role of way-finder when it comes to complaints related to Muslim, Arab, and Palestinian identities. Many offices direct complainants to other offices that could have jurisdiction on a specific complaint or set of complaints. MAP DWG learned that there are numerous variables determining what offices could have jurisdiction over a complaint. For example, faculty

members, staff, students, and librarians work across multiple offices, departments, Faculties, divisions, and campuses – each with their own claims of jurisdiction and their own procedures. MAP DWG is pleased that a new human rights policy and revisions to the *Code of Student Conduct* aim to address this confusion, and suggests readers refer to the Report of the Review of the Statement on Prohibited Discrimination and Discriminatory Harassment.

To gain experience with the complaints process, one faculty member of MAP DWG filed a complaint after receiving an email from an unknown student that evinced anti-Muslim, anti-Arab, and/or anti-Palestinian hate against them and a Muslim-identified student in their class. The faculty member did not know who this student was; but the context of the email and the *utoronto.ca* email address suggested it was likely a University student. Upon arriving at the *Pathways* portal, the faculty member was confused by the number of pathways to file a complaint. For instance, reviewing the *Code of Student Conduct*, they learned a complaint about a student could be filed with any of the following:

- a student's registrar's office or the office of their division head (i.e., College Principal, Dean of a Faculty, the Vice-Presidents and Principals of UTM and UTSC, or the Vice-Dean, School of Graduate Studies).
- the Institutional Equity Office

Not knowing where the student in question was registered, the faculty member emailed the Institutional Equity Office. Weeks later, they reported having a Zoom call with two Deans to give their account of the allegation, which the faculty member learned contradicted what the offending student had reported. Nearly six months later, the faculty member received an email from the Office of the relevant Dean, sharing with the faculty member the outcome of discussions with the relevant student. The faculty member shared with MAP DWG their disappointment at the length of time taken to redress the complaint, the ambiguity in the decanal response, and the limited sense of redress the faculty member experienced in the process given how long the process took to unfold. The faculty member explained how the Deans' deference to privacy concerns precluded a perception that the demands of justice or fairness were fulfilled, let alone actually done.

We repeatedly heard from University members who filed complaints that administrators so emphasize privacy and confidentiality that complainants received little feedback on what transpired thereafter, if anything at all. If there were consequences that flowed from their complaints, they were not informed. MAP DWG appreciates that provincial laws and regulations on privacy limit the degree to which divisional leadership can share anything with a complainant. Moreover, MAP DWG is pleased to know that central leadership of the University provides a general overview of possible outcomes of a complaints process, ranging from education-based conversations to termination or suspension. Nonetheless, MAP DWG continually heard that the limited transparency and accountability in the divisional or local complaints process undermined University members' trust/confidence in any meaningful resolution through the formal complaints process. As one medical learner at TFOM explained to MAP DWG:

> *I have had discussions with senior University Department of Medicine leadership who have been supportive, but they feel powerless to act. I have been assured that there have been quiet, behind-the-scenes discussion with faculty who have posted [allegedly] discriminatory posts on social media, but they cannot say what consequences were delivered. And their posts continue, clearly without consequence, perpetuating the harm to our community. This makes me reluctant to report because there is no transparency in the disciplinary process, and no accountability for their [allegedly] racist and hateful actions* (MAP DWG survey respondent).

MAP DWG appreciates that complaints processes can take time, and that all members of the University benefit from privacy protections. We also appreciate that centralized FAQ pages exist to share an overview of the complaints process and what may transpire. Nonetheless, we are not confident that University leaders who oversee these complaints processes in their division or unit have (a) secured an appropriate balance between administrative efficiency, privacy protection, redress mechanisms, and the scope of communication relative to the demands of justice, fairness, and equality; or (b) effectively communicated within the division or unit the range of reasonable expectations of redress regarding complaints about speech and/or advocacy that is possible from a University complaints process that is also consistent with the University's *Statement on Freedom of Speech* and *Statement of Institutional Purpose*. In cases such as these, it is not sufficient that justice be done*; justice must be seen to have been done* if it is to have its desired effect in and on the University community.

MAP DWG applauds an example from TFOM's Office of Learner Affairs (OLA). OLA produces an Annual Learner Experience Report which outlines the complaints received and the range of OLA redress mechanisms. As those reports make clear, the range of redress that could stem from complaints of mistreatment, discrimination, harassment, and lack of professionalism fall across a spectrum of institutional activity. Reviewing the 2023-2024 OLA report, MAP DWG learned that redress mechanisms include an "expectation setting conversation," namely the call-ins described above, a "systems-level intervention", and various other options. Systems-level interventions usually involve a programmatic response and not an individualized response against the respondent, though an "expectation setting conversation" may still occur. While we remain concerned about the procedural fairness in these "expectation setting" conversations, we find OLA's description of redress options helpful to establish shared expectations within a division or academic community.

V.3.C. The Massey College Example

In our consultations, we learned about a particular complaints process directed at two U of T graduate students of colour who live in residence at Massey College. Massey College declined to speak with us about its complaints process on the ground that it does not fall under MAP DWG's jurisdiction because Massey is independent from the University of Toronto. MAP DWG appreciates that legally speaking, it is a distinct corporation.[191] However, its history, policies, practices, and indeed location, make it a part of the student life ecosystem of the University.[192] Moreover, while MAP DWG respects the corporate independence of Massey, we also believe that by embracing relevant U of T policies that fall under our Terms of Reference, Massey College offers an illustration of University complaints policies in action. Additionally, MAP DWG considers the Massey example appropriate for MAP DWG to address because two racialized (and one identifying as Muslim), registered graduate students at U of T – who were junior fellows at Massey and subject to a *Code of Conduct* that incorporated by reference various University's policies – emailed MAP DWG to share their experiences. In addition, a University faculty member, who was a graduate advisor to one of the junior fellows, asked to speak with MAP DWG to raise concerns about procedural fairness in the Massey complaint processes.

We heard from the faculty supervisor and the two PhD students that the graduate students were the subject of a complaint regarding antisemitic speech, which they claimed was related to their critique of Israel. As per its policies or practices, Massey appointed a senior fellow to investigate the matter. Because Massey is independent of U of T, the investigator was not a member of the University of Toronto, though its senior fellows include many University faculty members. In addition, the appointed investigator had no experience conducting investigations. The investigating senior fellow relied on the *Ontario Human Rights Code* and common-law thresholds of evidence, despite having no record of formal training in law, evidence, or investigation. While neither the University's Code of Student Conduct nor Massey's *Code of Conduct* require investigators to have a legal background, MAP DWG would hope that investigators not overstep their competencies when conducting investigations. Moreover, MAP DWG would hope that the analysis of a complaint would be tied to the actual policies implemented by the relevant code of conduct. The senior fellow's written analysis, which was provided to MAP DWG for review, did not invoke any University policy as listed in the Massey *Code of Conduct*. Furthermore, consistent with our concerns about procedural fairness above, we learned of procedural irregularities that raise concerns about fairness in process. For instance, the two junior fellows denied saying or doing anything about which they were accused. Nonetheless, the investigator concluded without explanation or justification that they lacked veracity.

There is no indication of the purpose of this complaints process or its significance for the junior fellows, who, we were told, remain Massey alumni in good standing, though with a note about the complaint in Massey's record system. One of the junior fellows left the Massey residential facilities during the course of the complaints process. The other, who is party to a lease with Massey at the time of writing, only resided there one or two nights per week when working late at the University; otherwise, the junior fellow explained to MAP DWG that they resided with family and commuted as needed, unable to afford additional housing near campus. The two respondent junior fellows expressed to MAP DWG a profound sadness and frustration with the process, which left them alienated from Massey College and dubious of its treatment of racialized students, an accusation that has been leveled at Massey College before.[193] Consistent with what is described throughout this Section, MAP DWG is concerned about a lack of procedural fairness in Massey's complaints process, which in this case involved University constituents as respondents and apparent application of the University's own policies.

V.3.D. Toward a Restorative Justice Complaints Model?

MAP DWG addresses in this Section both (a) the informal call-ins often pursued under the auspices of collegial or mentorship roles; and (b) the more formal complaints processes under various University policies. What unites our analysis of both these processes is that in all cases reported to MAP DWG, the complaints concerned speech and advocacy by or on Muslims, Arabs, and especially Palestinians. Further, University members who spoke with MAP DWG characterized their experiences with these processes—largely as respondents—as adversarial and lacking procedural protections against bias and unfairness. Whether the process was formal or informal, we were told that there was not enough notice, clarity, evidence, dialogue, or opportunities for mutual learning on issues where reasonable people may disagree, especially when the underlying speech may occur in a polarized environment and/or challenge the cherished beliefs of society or even the University.

For example, MAP DWG learned that when one faculty member was called in for an informal discussion due to a complaint from a colleague about his/her speech on Palestine, the initial email invitation read:

> Importantly, we must emphasize that you should not attempt to contact or publicize the identities of any individuals whom you believe may have brought forward these concerns, even if it is to have a well-intentioned conversation to understand the situation better or to provide your perspective, as it may not be perceived that way and may cause further harm or be viewed as retaliation. Any substantiated attempts at retaliation would be subject to disciplinary consequences. (MAP DWG submission)

MAP DWG appreciates that the informal and formal processes were undertaken in a time of intense polarization on campus.

Senior administrators with purview over these sorts of processes may not have the requisite training to manage difficult conversations, let alone address colleagues whose research, speech, or advocacy may challenge the cherished beliefs of society at large and the University itself. Most academic leaders appointed under the *Policy on Appointment of Academic Administrators,* for instance, are recognized leaders in their area of academic specialization. In normal, ordinary circumstances, they are likely more than capable of managing an academic unit. But in times of a broadly polarized environment, when far away global affairs have impacts locally, these same administrators may find themselves lost in a cacophony of complaints and counter-complaints—all of which demand, indeed expect, institutional redress regardless of the University's countervailing commitments under its *Statements of Freedom of Speech* or *Institutional Purpose*. In other words, while we appreciate that divisional leaders under the *Policy on Appointment of Academic Administrators* have a duty to support a positive intellectual environment, MAP DWG raises the concern that University members' countervailing demands for *institutional redress against speech and/or advocacy* may demand too much of the University. In this context, we remind the reader of our recommendation that the University adopt a principle of restraint in lieu of the *de facto* principle of neutrality that appears operative across different divisions (see, Section IV).

We come to this conclusion largely because (a) many University members expressed to MAP DWG that existing informal and formal complaints mechanisms serve the primary purpose of, under the guise of human resource management, chilling legitimate speech on or by Muslims, Arabs, or Palestinians; (b) we experienced a prevailing climate of distrust of the University and its ability to apply its policies and procedures fairly and equitably; and (c) the current approach to redress complaints, whether formally or informally, does not appear to have fostered an equally fruitful intellectual environment for everyone. MAP DWG contends that polarizing moments full of copious complaint on all sides is precisely when a "principle of institutional restraint" (see, Section IV) would caution administrators to reflect on whether and how the institution can or should provide redress consistent with its institutional mandates and statements.

MAP DWG recognizes that Ontario laws and regulations require workplaces, including the University, to create complaints departments and procedures to ensure that the workplace is free of harassment. The University of Toronto, however, is not just any workplace. It is a space for the pursuit and production of knowledge, even knowledge that challenges our cherished beliefs as a society and nation. As the last few years have revealed, creating and enabling such an environment is not an easy matter. Through consultations with University members and senior administrators, MAP DWG understands many on campus have struggled with how to foster an open, collegial environment. Doing so with fairness and equity is especially challenging under what MAP DWG observed to be a condition of incurious ignorance about the lived experiences, histories and cultures of Muslims, Arabs, and Palestinians. MAP DWG holds fast to the University's *Statement of Institutional Purpose* to insist that other than universities "there is no one else, no other institution and no other office, in our modern liberal democracy, which is the custodian of this most precious and vulnerable right of the liberated human spirit."

Reflecting broadly on the purpose of universities in our society and in particular the University's *Statement of Institutional Purpose*, MAP DWG believes the University needs to reflect more robustly on how meaningful, education-oriented workplace complaints processes *related to speech* should be designed in a manner consistent with the University's *Statement of Institutional Purpose*. Such an effort would benefit all members of the University. For instance, non-academic staff working across a wide range of offices may not enjoy academic freedom, and employment law may impose adverse consequences when they choose to speak openly. Nonetheless, across MAP DWG consultations, non-academic staff made plain that they value their employment at the University precisely because of the unique role universities play in society by fostering meaningful and shared understandings. As staff members explained in the MAP DWG Survey:

> *I wish the university would leverage its power centrally to facilitate dialogue and learning and avenues for various kinds of support and community building…I want my Palestinian colleagues to know I have their backs, but that feels impossible… and it feels like that feels impossible because that is the point. That place of apathy isn't one that is productive or in alignment with the University's values (MAP DWG Survey respondent).*

> *The university…must reaffirm "the right to raise deeply disturbing questions and provocative challenges to the cherished beliefs of society at large and of the university itself." This includes the right to express such sentiments, or to defend those expressing such sentiments, without fear of professional, academic, or legal retribution (MAP DWG Survey respondent).*

Importantly, MAP DWG's recommendations on the formal and informal complaints process relates narrowly to complaints about speech and expression.[194] Our review of University speech policies that redress and/or restrain speech reveal that they are imperfect instruments that may inadvertently import unexamined biases in decision-making processes.[195] Moreover, given the sheer volume of complaints we heard across divisions that were related to speech, advocacy, civility and/or professionalism, MAP DWG believes the University can and should develop more specialized guidance on informal and formal complaints resolution processes with respect to speech-related matters, with special guidance for speech and advocacy in polarized environments. Across the University, there are scholars who study such issues, whether from the disciplines of education,

restorative justice, or agonistic democratic politics. For instance, research on restorative approaches to youth in schools "focus heavily on relationship building," including identifying, assessing, and repairing harm.[196] The purport of such guidance might consider centering the relationship between the parties and the intellectual environment under the auspices of the *Statement of Institutional Purpose*. MAP DWG does not pretend to have all the answers. Nonetheless, we believe we have meaningfully diagnosed an institutional problem that calls for greater reflection and consideration by those better versed in the relevant areas of pedagogy, conflict resolution and management, policy making, and institutional design.

Recommendation 26

The Provost (or delegated offices), in coordination with divisional leaders, should reform the University's complaints process and develop guidance for administrators on management of complaints (informal or formal) related to speech and/or advocacy that may implicate the *Statement on Freedom of Speech*, *Civility Guideline*, or concerns of professionalism. Such guidance should identify best practices, protocols, and procedures for a meaningful, education-oriented, workplace complaints process on speech/advocacy-related issues consistent with the University's *Statement of Institutional Purpose* and other relevant laws and regulations. .

V.4. Regulating Social Media Speech

In many, if not most, of the informal call-in cases shared with MAP DWG, the speech at issue concerned social media content. MAP DWG appreciates the value and potential of social media to communicate broadly and widely. MAP DWG also recognizes that social media provides some people with a vehicle for espousing hate without accountability, often heightening (if not instigating) tensions. The University is subject to provincial regulations that require it to redress various forms of harassment, including by University members on their personal social media accounts. As we noted above, many members of the University do not trust University administrators to apply these regulations fairly and without bias regarding online speech by or on Muslims, Arabs, and especially Palestinians. As such, they self-censor and hide their identities and/or viewpoints out of concern that they will be met with anti-Muslim, anti-Arab, and/or anti-Palestinian bias, harassment, discrimination, or reprisals in employment:

> *I need to hide my identity and self-censor. Most people with whom I work do not know that I am Palestinian and have family stuck in the Israeli attacks. I have grieved and suffered the trauma of our genocide silently… When people do find out my identity, I am expected to denounce Hamas and declare Israel's right to exist, or risk exclusion. I have never witnessed a Jewish student or faculty needing to denounce Israel's occupation and genocide and declare the right for Palestine to exist in order to be respected and offered a seat at the table. This double standard and dehumanisation of Palestinians contributes to the racism at the University* (MAP DWG survey respondent).

> *I feel very much stifled speaking in defence of my personal beliefs about matters in the middle east [sic]. On more than one occasion, I have been directly cautioned to stay silent, or been scolded for being present in the presence of pro-Gaza legal protest activity … Notably, the cautions and direct admonitions have come from persons appointed under the Policy on the Appointment of Academic Administrators. I have had to keep very quiet about my concerns about Gaza* (MAP DWG survey respondent).

> *Faculties need to stop pulling students into arbitrary meetings about social media posts because they promote views against violence and genocide* (MAP DWG survey respondent).

MAP DWG reviewed the University's *Social Media Resources and Support for Faculty Members and Librarians*. This resource applies to faculty members and librarians given their distinct right to academic freedom under both the terms of their employment and the U of T-UTFA MOA. MAP DWG appreciates that though clinical faculty do not fall under that MOA, "eligible clinical faculty" enjoy academic freedom under the *Policy for Clinical Faculty*. Staff and students do not enjoy such academic freedom. As union executives explained to MAP DWG, staff are held to a duty of loyalty and fidelity to their employer, which can include employment consequences for their social media speech if it impacts their employment responsibilities.[197] The *Code of Student Conduct*, s. B(1)(e) may provide a basis for the University to redress student social media content that may be considered "vexatious" or otherwise conduct/speech that is known to be unwelcome and exceeds "the bounds of freedom of expression or academic freedom as these are understood in University policies and accepted practices."

MAP DWG is deeply concerned that existing guidance and resources on social media usage offer no meaningful guidance to staff members or students on the implications of their social media speech considering prevailing principles of employment law or the *Code of Student Conduct*.

Recommendation 27

The Vice Provost, Students should develop and publish student-specific guidance and resources on social media usage based on applicable law and University policies, including the *Code of Student Conduct*.

With respect to faculty members', librarians', and "eligible clinical faculty" members' social media usage, MAP DWG understands that the University

> addresses concerns with respect to social media on a case-by-case basis. Generally, faculty members and librarians using social media are considered to be doing so in their personal capacity, but sometimes their usage is related to research, teaching or other professional activities.

MAP DWG appreciates that faculty members and librarians, under the terms of their employment contract and the U of T-UTFA Memorandum of Agreement, enjoy academic freedom. We also appreciate that under section 7 of the *Policy for Clinical Faculty,* "eligible clinical faculty" have "a right to academic freedom, which is defined as the freedom to examine, question, teach and learn, and the right to investigate, speculate and comment without reference to prescribed doctrine, as well as the right to criticize the University and society at large." Faculty members, eligible clinical faculty members, and librarians may engage in speech on their personal social media platforms that may constitute a form of academic freedom (e.g., intramural or extramural academic freedom). Consequently, when a faculty member, librarian, or eligible clinical faculty member speaks on social media, the University generally presumes they do so in their private capacity as an individual. In other words, they are not always using social media in their capacity as University employees.

At the same time, Ontario legislative requirements (e.g., OSHA, OHRC, and Bill 166), require the University to address complaints about its members' speech, including speech on social media. This means that while the University may consider faculty members' and librarians' social media speech presumptively private in their capacity as private citizens, the University may deem speech on these platforms as subject to University oversight, complaints policies, and so on. And since the University is not "governmental" for *Charter* purposes, University members do not enjoy *Charter* Section 2 protections of fundamental freedoms, including freedom of expression against University actions.

MAP DWG's review of the above Resource noted that the University refers to various policies and practices with respect to complaints. But it does not contain guidance, especially for divisional administrators, on (a) the evidentiary threshold required before an administrator may redress online speech or advocacy; (b) the type of social media content (e.g., creative content, written content, video content, shared or reposted third-party content, etc.) subject to University policies, procedures, and practices that may redress/discipline speech or advocacy; or (c) the procedures to be followed when subjecting the diversity of social media content to policies and guidelines that may redress speech or advocacy.

Stepping back from its particularities, MAP DWG reads the University's *Social Media Resources and Support for Faculty Members and Librarians* to create a presumption of privacy that effectively insulates the University from the content of faculty members' and librarians' social media speech. At the same time, that Resource makes the University responsible to redress faculty members', librarians', and eligible clinical faculty members' social media speech given prevailing provincial laws and regulations. MAP DWG appreciates a tension in the social media context: faculty members, librarians, and eligible clinical faculty members may speak online in their capacity as private citizens. The platforms they use, however, are not private but instead purposely public, and can thereby have implications for the workplace environment. Certainly, faculty members, eligible clinical faculty members, and librarians must exercise responsibility when exercising their academic freedom. At the same time, when the University attempts to redress this speech, it may be doing so pursuant to its own policies, or those informed by the provincial government (e.g., Bill 166 or Free-Speech directives). MAP DWG appreciates that some commentators are concerned about extending academic freedom protections to social media speech as a type of "extramural absolutism".[198] In contrast, others are reasonably concerned that we live in a murky time of governmental reach into university affairs.[199] While these commentators will continue to debate, the University nonetheless must act in real time. When the University redresses the social media speech of University members entitled to academic freedom, at no time is it also subject to the *Charter*. MAP DWG appreciates that with Ontario's directives on freedom of speech and its Bill 166, there is an argument to be made that the University is fulfilling a governmental function when it redresses speech,[200] though we remain agnostic on that evolving debate. Nonetheless, given this evolving environment, MAP DWG believes that the University—rather than presuming social media speech is private—should instead presume that faculty members', librarians, and eligible clinical faculty members' social media speech is protected expression as extramural academic freedom under Article 5 of the U of T-UTFA *Memorandum of Agreement* and section 7 of the *Policy for Clinical Faculty*.

MAP DWG proffers three reasons why, in our current historical moment, the University's *Statement of Institutional Purpose* justifies this change to its starting presumption:

- At a time when publicly funded universities are subject to ministerial directives that may reflect partisan interests, universities have every reason to affirm their institutional autonomy in part by enhancing their protections of academic freedom.

- The University's policies and resources, without more explicit guidance on procedural fairness requirements, render faculty members' and librarians' academic freedom vulnerable to a majoritarian politics – whether on the left or right – and a review process that is vulnerable to bias and prejudice.
- Faculty members' and librarians' social media content are subject to regulation by the University while the University is immune from *Charter* scrutiny in how it applies policies that can restrain speech.

Fundamentally, our proposed presumption protects both the University and the faculty member/librarian, while upholding compliance with relevant provincial regulations. The presumption can be defeated if the complainant satisfies the necessary burden of proof (as would be explained in future guidance), after which the University may proceed with resolving the relevant complaints under prevailing regulatory requirements. A change in the presumption, in other words, is consistent with redressing our observation of procedural unfairness and irregularities in both informal and formal complaints processes about speech.

Recommendation 28

The Provost (and delegated offices), with the agreement of UTFA where relevant, should revise as soon as reasonably possible the *Social Media Resources and Supports for Faculty Members and Librarians* to make clear that the University presumes faculty members' and librarians' social media content is a form of extramural academic freedom under Article 5 of the U of T-UTFA Memorandum of Agreement and section 7 of *The Policy for Clinical Faculty* in circumstances where such social media content is also subject to policies and guidelines that may restrain, redress, and/or discipline speech.

In addition, the Provost (and delegated offices) should develop and publish best practices for administrators, faculty members, and librarians on how to assess social media content in light of the revised presumption of extramural academic freedom, the necessary evidentiary threshold to defeat the presumption, and the requirements of procedural fairness to protect against bias.

V.5. Protest and Postering Policies

Following its litigation against the People's Circle for Palestine, the University issued a new *User Guide on U of T Policies on Protests*, which summarizes and condenses relevant content from existing policies and by-laws from across the University. The *User Guide* states that the University recognizes that peaceful protests "are a form of free expression and have been a force for progressive change at the University of Toronto (U of T) and elsewhere for generations." Nonetheless, it refers to "laws and long-standing U of T policies and guidelines" that allow the University to limit protests and postering based on time, place, and manner, including authorization.

The *User Guide* provides a summary of various policies and offers case studies for illustrative purposes. MAP DWG found it difficult to calibrate content in the *User Guide* with the relevant policy at issue because the *User Guide* is not annotated. Consequently, while we focus our analysis and recommendations on the content in the *User Guide*, we appreciate that fulfillment of our recommendations will require reviewing the policies that inform the *User Guide,* wherever they may exist and under whatever authority at the University that has oversight for the policy.

During our consultations, we heard considerable frustration from staff, students, faculty members, and librarians who claimed the *User Guide* is ambiguous, vague, and contrary to the University's *Statement of Institutional Purpose*. At the same time, we also appreciate that concerns about protests and their limits can sometimes conflate issues of freedom of speech and temporary space usage. For instance, a protest that is organized to begin at the intersection of Bloor and Avenue, and proceed along Philosopher's Walk to Front Campus in front of Simcoe Hall, and then continue to Toronto's City Hall requires no authorization because by virtue of its fluid movement, it is does not temporarily occupy space at the University. If on the other hand, a protest organizer wishes to use certain space at the University for a period of time, the *User Guide* explains that authorization must be secured in advance, in accordance with the requirements of the relevant unit or division responsible for managing that space. The *User Guide* summarizes the limitations on authorization, stating, for instance, that no "protests or gatherings are permitted from 11 p.m. to 7 a.m. Occupying space or premises overnight for the purposes of a protest is prohibited." But our discussions with University senior administrators suggested that there may be exceptions to this seemingly explicit prohibition: a quiet and temporary vigil at midnight that is not disruptive of students sleeping in nearby residences or other business operations may be fine, subject to the University's *Health and Safety Policy*, its *Policy on the Disruption of Meetings*, and so on. MAP DWG appreciates that the *User Guide* is not a perfect document; like all resource guides, it benefits when all University members engage critically to support clarity. The following sections reflect areas of ambiguity that arose during our consultations. The recommendations that follow are meant to support a more robust *User Guide* and improve the policies that it summarizes.

V.5.A. Excessive Noise

According to the *User Guide*, excessive noise refers to noise that may "obstruct U of T activities from continuing" and result from the use of amplifiers, megaphones, or microphones. While the use of amplification technologies is not strictly prohibited, the Guide raises questions about how protests can feature speakers and allow them to be heard. The University is a large place, and in many cases is located within an urban setting. Protests on campus will compete with the ordinary sounds of the city, including but not limited to car alarms and horns, ambulance sirens, and so on. At the same time, the University features student residential facilities, and is surrounded by residential neighbourhoods, which benefit from protection by municipal regulations on noise. Moreover, classes are conducted on University grounds and deserve to be respected.

MAP DWG finds the illustrations in the *User Guide* on excessive noise confusing because the analysis appears to cut across distinct policies, not all of which the reader would presume are related. The example involves a protest march at UTSC in which protestors walk around with megaphones to chant slogans. In one case, they keep the volume low due to exams being taken that day; in the second case, the volume is high and ultimately disrupts the exams. In neither case would the organizers have had to seek approval for the temporary use of space. But the reader is advised in the second hypothetical that if the protestors had consulted UTSC Conference and Events Services, the latter would have advised on better routes to take to limit disruption that would contravene the University's Health and Safety policy, its *Code of Student Conduct*, and its *Statement of Institutional Purpose*. If the protestors were to follow this advice, they would discuss their protest with Conference and Events Services concerning noise and disruption but would not need to apply to Conference and Events Services to authorize the temporary use of space. This distinction is apparent to MAP DWG only after considerable study of the issue; the ordinary reader might not appreciate this distinction. Rather, the User Guide gives the impression that any use of any space at the University requires authorization. As the User Guide makes plain: "Occupying or entering U of T premises without authorization is not permitted." The broad language in this sentence suggests that even a fluid protest moving through the campus constitutes an "entering" of U of T premises, for instance.

Recommendation 29

The Vice-Provost, Students should amend the *User Guide on U of T Policies on Protest*

A. To more comprehensively annotate the content and hypotheticals in the User Guide by reference to each policy at issue and why. The current annotations do not adequately explain what each policy contributes to the analysis.

B. To include hypotheticals of when a protest requires a prior authorization for temporary use of space and when it does not, including between 11 pm and 7 am.;

C. To clarify that refusal of authorization for the temporary use of space, space permitting, is content-neutral and consistent with the University's free speech policies, with refusals to be provided in writing and accompanying reasons;

D. To clarify that refused authorizations for the temporary use of space will not rely on the possible reactions of third parties;

E. To provide more clarity about how to appeal and/or complain about an authorizing unit's adverse administrative decisions on applications for the temporary use of space.

V.5.B. Blocking Access

The User Guide makes plain that blocking "doorways to buildings or roadways into campus or otherwise interfering with access to U of T is not allowed." The case studies are addressed to a student protestor audience and identify what student protestors may and may not do. However, there is no guidance for administrators or campus police on how they may or may not remove protestors who may be obstructing access, which if also featured on the User Guide would create the conditions for shared expectations between University members and administrators. As noted, our consultations shared with MAP DWG accounts of physical and verbal abuse directed against protestors, and their experiences of the perceived failure of Campus Safety officers to protect them (see Section III).

V.5.C. Postering and Signage

The *User Guide* notes that affixing "signs, posters or flyers (including the use of chalk, marker, paint, and projections) outside designated areas is prohibited as a form of vandalism." The hypotheticals provided address the use of chalk and postering on campus. The User Guide refers to the *Procedure on distribution of publications, posters, and banners* under the division of Facilities and Services, which applies to the St. George campus (similar procedures apply to the Mississauga and Scarborough campuses).[201] This procedure provides that the University will make "reasonable space available" in "specifically designated areas of appropriate buildings, land, and streets." Organizations are asked to use these public bulletin boards throughout campus buildings. Affixing posters anywhere else is subject to approval from the specific building's property manager. Postering that violates the various limitations will be removed and the offending organizations will be notified. "Organizations that persistently post flyers improperly in non-approved spaces will be charged for labour and/or material costs related to their removal." We were not advised of the metrics that property managers use to allocate approval in a content-neutral manner.

MAP DWG is concerned that this procedure is overbroad and does not provide guidance regarding the rights of those who are suspected of offending these policies and guidelines. Moreover, we disagree with the *User Guide's* assertion that electronic projections on a surface (e.g., building wall) constitutes vandalism. Senior academic administrators with whom we consulted were also of the view that projections on building surfaces should be subject to an approval process by the appropriate divisional unit for the temporary use of space. Further, as the discussion of Campus Safety's alleged treatment of University constituents suggests (see Section III), the postering policy does not adequately guide University administrators on how to engage those suspected of violating the postering policy, within the limits of their rights under applicable law and University policies.

Recommendation 30

The Provost (or designated offices) should

A. Remove "projections" from the list of postering examples in the *User Guide* that constitute vandalism.

B. include among the postering hypotheticals (i) examples with links to the postering procedures for all three campuses; (ii) a summary of what enforcement measures are available to the University under the relevant procedures; and (iii) pathways for complaints about how the postering policies have been enforced.

C. engage students at relevant orientations and in cooperation with student unions, on the issue of postering, including providing them with an outline of how to redress caretaker decisions to remove posters once posted.

D. maintain records of all violations of postering and signage rules, annually publish a review of these violations, and assess for differential impact in the application of University policies and protocols, including but not limited to University freedom of speech policies.

E. revise relevant policies, guidelines, and procedures on postering for conformity with University policies on free speech and its *Statement of Institutional Purpose*, and to allow faculty members, clinical faculty, students, and librarians to exercise autonomy over assigned workspaces, carrels, cubicles, doors, whiteboards, and pinboards with respect to postering, subject to applicable laws.

F. provide guidance for staff members on what they can display in or on their workspaces, carrels, cubicles, doors, white boards, and pinboards consistent with professional requirements and the expectations of their roles, particularly those who work in public-facing or student services positions.

V.5.D. Discretionary allocation of space to third parties

We conclude this section by revisiting the distinction we noted above between freedom of speech and the temporary use of space at the University. MAP DWG is concerned that the University's application of the policy on temporary space allocations may not effectively protect against external third-party threats to the University's institutional autonomy when they are also allowed to rent space on campus for their events.

For example, MAP DWG learned of a 2024 event featuring external parties – Coalition of Hindus of North America (CoHNA) and the Centre for Israel and Jewish Affairs (CIJA) – who rented facilities at the federated college, University of Victoria, to host a conference on rising Hinduphobia and antisemitism in Canada.[202] Those who rent space at the University and its federated colleges are generally held to the same policies and statements on freedom of speech as other members at the University.[203]

Faculty members with expertise on South Asia learned about the conference and voiced their reasonable grounds of suspicion to the Office of the Provost that the conference may perpetuate anti-Muslim, anti-Arab, and anti-Palestinian bias, prejudice, and hate. But they were told that the event was to take place at Victoria University, which is separately incorporated from U of T and operates its own space. In a subsequent meeting, taken by the Provost's Office as a courtesy to U of T faculty colleagues, the Provost's Office emphasized the University's commitment to freedom of speech precludes restraining or otherwise interfering with a conference like this, were it to take place at U of T and not Victoria.

When asked by the faculty members what they could do to counteract what they felt would be harmful – but legal – speech at the conference, the Provost's Office advised the faculty members that they could exercise their own speech, for example by publishing scholarly or non-scholarly writing of their own, criticizing the event. Or they could organize a counter-conference, or in other words, secure and allocate resources to invest in the marketplace of ideas to bring together community members and/or experts for dialogue about why the conference was problematic. From the Provost's Office view, therefore, cancellation of an event or de-platforming speakers was not a solution.

MAP DWG appreciates the University's commitment to freedom of speech. In a polarized political environment, this commitment to freedom of speech (even foul but legal speech) supports everyone's freedom. The concerns we heard about this event, however, were premised less on a concern about speech and more on a concern that a third-party with a history of interfering with the University's institutional autonomy could so readily rent its space. Among the two hosting organizations, CIJA is well known to the University, given its documented efforts to interfere in the Jackman Faculty of Law's 2020 hiring of a director for the International Human Rights Program, allegedly due to

her scholarship on Palestine.[204] CIJA's interference prompted a series of inquiries that ultimately led the Canadian Association of University Teachers (CAUT) to censure the University in 2021 for violating academic freedom.[205] CIJA's contribution to the event in question raised questions for MAP DWG about whether its history of interfering with the University's institutional autonomy could warrant exercise of discretionary authority to not allocate space to an external party.

MAP DWG's appreciates that Victoria is an independent organization. And though the University and Victoria share responsibilities in many areas, the federated agreement stipulates

> 4.13 The University of Toronto acknowledges that Victoria University owns and manages its properties independently, and is accountable to its Board for its space and physical facilities. The University of Toronto and Victoria University will enter into an Operating Agreement for the use of space and facilities, including classrooms, offices, student and related space.

For purposes of our analysis, MAP DWG will rely on the *Policy on the Temporary Use of Space* to elaborate its concern, namely that the current regulatory environment renders the University's institutional autonomy vulnerable to third parties that may seek to interfere with it.

Section 3(f) of The Policy on the Temporary Use of Space provides as follows:

> Although the University may permit the temporary use of space and facilities that are not required for its own activities, the University is under no obligation to do so and may permit or not permit such use as its sole and unfettered discretion.

The broad question for MAP DWG was when and under what conditions the University will decline to rent space to a third party. A corollary question we considered was whether those conditions include a third party's history of interfering with the University's institutional autonomy. We appreciate that answering this question is further complicated by the fact that the University may not in fact be at complete liberty to exercise that discretion given Ontario directives. Ontario's directives on Campus Free Speech have implications for how universities across Ontario allocate the temporary use of space to third parties. Indeed, in its 2025 report to the Higher Education Quality Council of Ontario, the University lists its temporary use of space policy as part of freedom of speech framework in compliance with Ontario's freedom of speech directives. Ontario's directive on free speech on campus creates a regulatory imperative to allocate temporary use of space to third parties broadly. But at what cost to the University's institutional autonomy? As this report has emphasized throughout, the University's operational integrity depends on institutional autonomy.

MAP DWG did not have the opportunity to discuss with relevant offices how they exercise discretion in allocating temporary use of space to third parties. Moreover, we appreciate that the University's space allocation procedures may vary from office to office. We also recognize that creating revenue streams that support operational costs is an important consideration that may drive hospitality and conference services for third party vendors. Moreover, in the specific instance of CIJA's participation in the conference, we are uncertain whether the scope of its actions constitute sufficient grounds for a finding of interference in the University's institutional autonomy. *None of these considerations preclude us from asking, however, under what conditions might the University, given its policy on temporary use of space and its compliance with Ontario free speech directives, decline a third party the temporary use of space for reasons related to its interference with the University's institutional autonomy.*

Recommendation 31

The University should review, in consultation with its federated universities and colleges, existing guidelines on the allocation of space to external parties to determine best practices for the protection of freedom of speech, academic freedom, *and* institutional autonomy.

VI. Governance toward Academic Freedom

Governance at the University often refers to the procedures and protocols stemming from the Governing Council, as distinct from the administrative role that faculty members, librarians, and academic administrators play in managing the day-to-day affairs of the University. It may also refer to the aspiration to "collegial governance" or "shared governance" in academic settings.

MAP DWG is concerned how administrative offices across the University protect, maintain, and enhance the University's institutional autonomy and the academic freedom that flows from it. For example, prior to MAP DWG consultations with senior administrators, whether academic or non-academic staff, MAP DWG asked standard questions about how they consider academic freedom in their day-to-day operations. Many had no answer to this question. In fact, MAP DWG was cautioned against asking such questions to non-academic staff leaders given that they do not enjoy academic freedom. MAP DWG recognizes that not all members of the University enjoy academic freedom. However, we also recognize that whether done by academic or non-academic staff, the University implements policies and mechanisms that fulfill the University's regulatory obligations, including in areas that may overlap with academic freedom considerations. The formal and informal complaints processes addressed in the previous section are only one example. So too are risk assessment metrics, as addressed in Section III.

MAP DWG insisted on asking these questions nonetheless because we appreciate that administrative decisions are not made in a vacuum. As a regulated entity, the University operates in the crosshairs of a polarized political environment. Those on the left push universities toward diversifying and decolonizing the curricula to create space for voices on the margins. Those on the right decry such efforts as "wokeness" that creates a "cancel culture" against the canon that has fashioned university life and education in Canada since the 19th century. The University's academic and non-academic administrators are not immune to these political debates in society at large; that is why MAP DWG is concerned how academic and non-academic staff members understand governing toward institutional autonomy and academic freedom as they *also* exercise discretionary decision-making power under a series of University policies, statements, and guidelines (e.g., *Policy on Appointment of Academic Administrators, Civility Guideline*, anti-racism policies, freedom of speech). MAP DWG appreciates that every member of the University community—whether or not trained in the intricacies of academic freedom and its governance—contributes to the University's institutional purpose in their own ways, subject to their roles. MAP DWG suggests that faculty, librarians, and staff in academic and non-academic administrative offices across the University—however directly or indirectly they contribute to the academic mission—should have exposure to key University concepts such as institutional autonomy and academic freedom, including consideration of any plausible impacts their roles may have on both organizing principles of the University.

MAP DWG also observed confusion between freedom of speech and academic freedom in many parts of the University. The University of Toronto's Statement of Institutional Purpose ties its *raison d'être* to freedom of speech and academic freedom when it states:

> Within the unique university context, the most crucial of all human rights are the rights of freedom of speech, academic freedom, and freedom of research. And we affirm that these rights are meaningless unless they entail the right to raise deeply disturbing questions and provocative challenges to the cherished beliefs of society at large and of the university itself.

The statement associates the freedom of speech and academic freedom under the register of rights. We are concerned that these two rights are often conflated, creating a composite right to *freedom-of-speech-academic-freedom* that ultimately undermines the distinctive features of both.[206] As we noted in Section III with respect to Canary Mission, it is a serious mistake to collapse the two, especially given that only a narrow portion of the University community enjoys academic freedom. Though we touched on this issue in Section III, we elaborate our concern more robustly in what follows.

Historian Joan W. Scott explains that political policies on freedom of speech can and do blur mere opinion and academic scholarship in university contexts without due consideration of the distinction between freedom of speech and academic freedom. Freedom of speech policies on campuses generally consider everyone's opinion as having *equal weight,* positing universities as a marketplace of ideas "in which all ideas are of equal value – the market [and not trained experts] will decide which is right or wrong."[207] This may echo right wing insistence on freedom of speech to combat a woke politics on campus, as evinced in the recent federal election in Canada. But as Robert Post explains, these populist concerns are not about freedom of speech, but instead about our collective politics today. "We fear that incorrect speech will be cancelled by the left or bullied by the right."[208] This fear, whether on the left or right, is covered over each time we turn to freedom of speech and construe the university as a *laissez faire* marketplace of speech (or at least *laissez faire* with respect to some speech).

MAP DWG devotes this section to academic freedom precisely because of (a) the wide scale confusion we found across University offices on best practices to maximize academic freedom, and (b) the adverse consequences of confusing freedom of speech and academic freedom on the research, speech, and advocacy by or on Muslims, Arabs, and Palestinians, in particular those who have suffered online harassment by foreign entities and bodies external to the University (see Section III).

VI.1. On Academic Freedom

Robert Post and Matthew W. Finkin adopt a four-pronged approach to defining the various features of academic freedom: "freedom of research and publication, freedom in the classroom, freedom of intramural speech, and freedom of extramural speech."[209] The Canadian Association of University Teachers (CAUT), a federation of faculty associations across Canada—including the University of Toronto Faculty Association[210]—adopts the same four-part approach, with clear explanations of each:

> **Academic Freedom in Research**
> The freedom of academic staff to pursue and disseminate scholarly research is essential to the foundational mission of universities and colleges to advance knowledge. Academic freedom in research ensures that academics can create new knowledge by granting them the freedom, within the law and consistent with professional standards and ethics, to inquire, speculate, investigate, and share the results of their research with peers and the public. Institutions have an obligation to ensure that academic staff are unimpeded in their research activities and are free from outside influence and pressure, including attempts to suppress research results or limit publication.
>
> **Academic Freedom in Teaching**
> Academic staff must have the freedom to exercise their professional expertise and judgment about how and what to teach. Academic freedom in teaching is the right, without restriction by prescribed doctrine, to teach and discuss in accordance with the teacher's academic expertise, limited only by relevant disciplinary standards, the enforcement of which is the exclusive responsibility of fellow academics. It includes the freedom of academic staff to organize course content and classroom or laboratory activities, to assess and evaluate student academic performance, to select pedagogical approaches, and to assign educational material, including textbooks, in a manner consistent with relevant academic standards and the course description approved by the academic body of the institution.
>
> **Intramural academic freedom**.
> [T]he right of academic staff to participate in institutional governance and comment on any aspect of policy, practice, or issue related to the institutions or systems where they work. Importantly, "intramural" does not refer to where the expression takes place, but rather to its subject – the academic's institution or system. Intramural academic freedom allows for robust interaction among faculty members regarding all aspects of the academic life – whether in departmental or Faculty meetings, committees, informal discussions, or exchanges with administrators. Every higher education institution relies upon academic staff engagement in governance, including in often contentious and difficult education and academic decision-making – on hiring committees, searches for senior administrations, departmental and Faculty curriculum committees, and academic policy setting bodies. The ability of academic staff to perform these crucial roles successfully depends on freedom of intramural expression.[211]
>
> **Extramural academic freedom:**
> [T]he right of academic staff, within the law, to express their views freely, whether related to their area of scholarly expertise or not, on matters of public interest or concern without reprisal or censorship. Extramural expression is an essential component of academic freedom because the other pillars of academic freedom cannot be fully exercised in an environment where there are institutional restrictions on the content or manner of the debates, exchanges, and discourse of academic staff.[212]

While in the United States, academic freedom falls under First Amendment guarantees of freedom of speech, in Canada, academic freedom is a function of labour contracts and/or memoranda of agreements between universities and faculty associations. At the University of Toronto, academic freedom is allocated narrowly to faculty members and librarians who fall under the *Memorandum of Agreement between the Governing Council of the University of Toronto and the University of Toronto Faculty Association*. Academic freedom is specifically defined in Article 5 of that Memorandum, which reads:

> ARTICLE 5: ACADEMIC FREEDOM AND RESPONSIBILITIES
>
> 1. The parties to this Agreement acknowledge that the University of Toronto is committed to the pursuit of truth, the advancement of learning, and the dissemination of knowledge. To this end, they agree to abide by the principles of academic freedom as expressed in the following statement: academic freedom is the freedom to examine, question, teach, and learn, and it involves the right to investigate, speculate, and comment without reference to prescribed doctrine, as well as the right to criticize the University of Toronto and society at large. Specifically, and without limiting the above, academic freedom entitles faculty members and librarians to:
>
>   A. freedom in carrying out their activities;
>
>   B. freedom in pursuing research and scholarship and in publishing or making public the results thereof; and
>
>   C. freedom from institutional censorship. Academic freedom does not require neutrality on the part of the individual nor does it preclude commitment on the part of the individual. Rather academic freedom makes such commitment possible.
>
>   For clarity, these protections apply to teaching, research and scholarship, including creative

> professional activities, carried out by faculty and librarians in their capacity as employees of the University.

UTFA executives confirmed to us in our consultations that they consider Article 5 to be consistent with the four-fold approach to academic freedom outlined above and affirmed by North American academic associations such as CAUT and AAUP. In other words, the above four-fold delineation of academic freedom is not mere theory; instead, it is, at least for UTFA, a typology of academic freedom that reflects the terms of Article 5 of the UofT-UTFA MOA. MAP DWG appreciates that university administrators in Canada may not agree with this four-fold breakdown. Indeed, Universities Canada, a body of Canadian universities, defines academic freedom as follows: "Academic freedom is the freedom to teach and conduct research in an academic environment", or in other words, Universities Canada considers academic freedom only in terms of two of the four prongs outlined above. MAP DWG recognizes that resolving disputes between UTFA and the University over Article 5's inclusion of extramural and intramural academic freedom falls outside the scope of its mandate. Nonetheless, as Section V makes plain, extramural academic freedom informed some of our recommendations with respect to speech.

The concern about confusing academic freedom and freedom of speech is that it erases the disciplinary (in terms of area of expertise) restrictions and restraints on academics who undertake research and publication "when exercised within a framework of accepted professional norms that distinguish research that contributes to knowledge from research that does not."[213]Academics who publish research do so subject to peer review where their draft research is reviewed by other experts in the field or their equivalent,[214] and assessed for integrity in research methodology and for findings that support and develop the knowledge base of a field.[215]

VI.2. Governing toward Academic Freedom: Political Appointees to Governing Council

Governing Council members are responsible for U of T's affairs at the most general level. As explained in *Principles of Good Governance*, the University's governors exercise fiduciary responsibilities with respect to long-term governance of the University; their role does not extend to the everyday administration of the University. The *Mandate of Governance* notes that the Governing Council contributes to human resource policies and planning. Importantly, it does not suggest that Governing Council members have the authority to bypass the President and Provost to direct or advise Deans or other academic administrators to, for example, cancel an academic event or discipline a faculty member for their speech on a private social media account. Nonetheless, MAP DWG learned that such bypasses have occurred with respect to research, speech, and advocacy by or on Muslims, Arabs, and Palestinians.

As an illustration, MAP DWG learned during consultations that a government appointee to Governing Council complained about a law professor's social media comments on Palestine to the Jackman Faculty of Law administration, along with others from inside and outside of the University of Toronto community. The Dean opted to discuss the matter with that professor, and included reference to the Governing Council member's complaint. MAP DWG raises two concerns in this instance: (a) by making the complaint to the Jackman Faculty of Law administration, the Governing Council member exceeded their mandate; and (b) by referencing the Governing Council member's complaint when meeting with the faculty member, the Dean's office exacerbated what was already a violation of a governance mandate.[216] Another example of interference by a Governing Council appointee can be found below in Section VI.4.

In such circumstances, the appropriate response of all academic administrators should be to redirect the Governing Council member to the Secretariat of the Governing Council for a discussion on the scope of Governing Council's mandate. The Jackman Faculty of Law administration, for instance, should not have spoken to the faculty member about the Governing Council member's complaint. A collegial conversation based on other complaints in order to raise awareness about the impacts, harms, and consequences of a faculty member's speech may be appropriate, subject to MAP DWG's concerns expressed in Section V about informal call-ins. *MAP DWG expresses the concern that academic administrators and senior non-academic staff members, whose actions may have inadvertent adverse consequences for both institutional autonomy and academic freedom, do not fully appreciate the distinction between governance and administration when they face queries from Governing Council members.*

Relatedly, MAP DWG is also disturbed that neither the University administration nor the Secretariat of Governing Council sufficiently clarifies in the *Mandate of Governance* and related operational documents the unique role government appointees play on Governing Council, relative to all others. Out of 50 governors, 16 are appointed by the provincial government, and the Chair and Vice-Chair must come from this politically appointed pool.

According to the *University of Toronto Act, 1971*, as amended in 1978, Governing Council consists of the following members:

Appointee Categories	#
Chancellor	1
President	1
Presidential Appointees among offices of the University and Colleges	2
Teaching Staff	12
Students	8
Administrative Staff	2
Alumni	8
Members, "none of whom shall be students, members of the administrative staff or members of the teaching staff, appointed by the Lieutenant Governor in Council"[217]	16
Total	**50**

Government appointees constitute 32% of Governing Council membership. Moreover, they hold three-year appointments, like teaching staff, administrative staff, and alumni, but unlike Presidential appointees and students who are appointed or elected for one-year terms. Though political appointees are a minority when compared to all other University-based constituencies combined, they are a significant estate in both size and duration relative to others.

MAP DWG prepared questions for the President's office to address concerns about government appointees on Governing Council. Our questions were subject to review by employees of the then-VP PSEC office, and the revised version was presented to the President's office prior to our actual meeting. During the interview, we followed the pre-circulated questions, while periodically following up with unscripted questions to seek clarity. When speaking with the University President about Governing Council in April 2025, MAP DWG asked the following questions:

> In our most recent consultations, MAP members tell us they are watching with great fear what is happening at Columbia University. Here at U of T, we are dependent on the Province for part of our base budget. Moreover, the Premier of Ontario appoints a number of members to Governing Council, many of whom may have political ideologies of their own, or [may] be stakeholders in interest groups outside the University. In this context, we have three inter-related questions…
>
> A. Does the university have a strategy to resist being instrumentalized by politicians with their own political agendas, including those that have line of sight on parts of our budget or as part of U of T governance on governing council?
>
> B. Governing Council governance documents distinguish between governance and administration. How do you understand the distinction between governance and administration?
>
> C. What is the role of the President's office if and when the Governing Council or its members exceed their authority?

The President responded as follows:

> The language we use in the Governing Council is "noses in, fingers out." For most governors, it doesn't take long to figure this out. Others might not have as much experience with governance and need more help figuring out their role. They misunderstand their role as shaping policy directions rather than approving or disapproving policy directions put forward by the administration. We need to manage the distinction every day. It requires constant attention. **Because it's not just appointees but also one-year student roles, where there is annual turnover.** Some Governing Council members also come with misconceptions of how that division of labour is supposed to work. We find ourselves at governance meetings and between governance meetings, working with individual governors to help them understand their appropriate roles. They have the right to ask questions, and can make suggestions or propose ideas. (Bolding added).

Certainly, it is true that on a day-to-day basis, every Governing Council member needs training on the scope and scale of Governing Council's mandate. We do not have reason to doubt that all members of Governing Council may require some feedback on the limits of their mandate, whether student, staff, faculty, or governmental appointee. But MAP DWG is concerned that by juxtaposing student members with political appointees, the response does not fully appreciate or anticipate the particular and unique challenge to institutional autonomy and academic freedom that political appointees to Governing Council may pose. As Julia Eastman, Glen Jones (of OISE) et al remark in their comparative study of Canadian universities and provincial governance, the relative autonomy of universities from government is potentially fragile: "provincial coordination mechanisms and the governance of universities could be shifted dramatically with a change in government, and major reforms could be only one piece of legislation away."[218]

Moreover, securing institutional autonomy and academic freedom against undue interference from political appointees is especially important to uphold the freedom to challenge deeply held values in society, which in the polarized environment of our consultations, was captured by research, speech, and advocacy by or on Muslims, Arabs, and Palestinians. As such, we were surprised to learn that neither the University administration nor the Governing Council Secretariat provides unique or distinct guidance to government appointees on Governing Council that explains the potential downstream adverse consequences of their actions on the University's institutional autonomy and academic freedom, despite the growing literature on this very issue.

VI.3. Academic Freedom and the Classroom: Normalizing bias and the pedagogy of smugness

MAP DWG appreciates that academic freedom is not merely a right faculty members and librarians enjoy under contract. It also implies a set of responsibilities or duties on them. The U of T-UTFA *Memorandum of Agreement* makes these responsibilities explicit. For example, Article 5(2)(a) provides that "[a] faculty member shall carry out his or her responsibility for teaching with all due attention to the establishment of fair and ethical dealings with students." Moreover, for faculty members at the University, teaching and pedagogy are important to tenure and promotion: "Teaching effectiveness is demonstrated by the degree to which the candidate for promotion is able to stimulate and challenge the intellectual ability of students, to communicate academic material effectively, and to maintain a mastery of his or her subject areas."[219]

Across multiple consultations, MAP DWG learned from students about a wide range of classroom practices that raised concerns about whether some faculty members are falling short in their pedagogic responsibilities, specifically with respect to students who may identify as Muslim, Arab, or Palestinian. Across multiple consultations, we were told of a professor who, on the first day of class, wrote on the classroom board something to the effect of "I am a Zionist. Do with that as you will." In another case, we heard about a professor who questioned a Muslim woman's wearing of *hijab* during a test, worried that hidden under her veil were earbuds allowing her to cheat. And we received multiple complaints about how religious, ethnic, and national symbols on sweaters, jewelry, and other clothing, were narrowly construed by faculty members as political, even threatening to the classroom experience:

> *I wore a sweater with the Palestinian flag to one of my classes and the professor kept giving me dirty glances, and would not answer my questions. He would ask if there were any questions and despite me putting my hand up, he would look at me and make eye contact, then look away* (MAP DWG Survey respondent).

The respondent inferred from the faculty member's behavior that "he was very unhappy with the sweater because he kept looking at it." During our administrative review process, we learned that similar concerns have been raised against other faculty members respect to their speech/advocacy on Palestine, transgenderism, anti-wokeness, and so on. In other words, the phenomenon we identify is not content specific but instead broadly about classroom pedagogy and responsibilities.

MAP DWG raises two concerns from our consultations related to the classroom. The first relates to bias, prejudice and discrimination. For instance, suspecting a *hijab*-wearing woman of cheating raises serious concerns about religious discrimination on campus. Unless faculty members strictly scrutinize every student for any technologies they may be hiding – whether in their shoes, in their pockets, under toques or baseball caps – the alleged specific focus on a covered Muslim woman raises concerns about bias and discrimination on grounds of religion. More broadly, we heard repeatedly from Muslim women on campus about being treated without due regard because they chose to wear a religious head covering, whether a *hijab* or *niqab.*

> *[M]yself and my other classmates who wear the hijab have been told we 'look the same', 'can't be told apart', and have had our names mixed up repeatedly after correction by faculty members/ professors* (MAP DWG survey respondent).

> *I have had staff make comments about a woman's hijab and questioned whether she had a bomb hiding under there* (MAP DWG survey respondent).

MAP DWG is deeply troubled that some Muslim women on campus may experience discrimination, bias, and/or harassment simply because they choose to wear a head covering consistent with their religious beliefs. MAP DWG appreciates the scholarship that raises the concern that Quebec's discourse on *laicité,* and in particular Law 21, has the potential of normalizing in Canada what would otherwise be discriminatory practices against Muslim women for wearing the *hijab.*[220] MAP DWG is concerned that—since the University and its employees do not exist in a cultural, social or political vacuum—the prevailing social and political norms in Canada about religion and secularity creates the condition for mainstreaming bias, prejudice, and harassment of Muslim women who wear a head covering. At the very least, it calls upon all of us to exercise greater vigilance.

MAP DWG's second concern relates to the conditions for effective pedagogy in the classroom, especially in highly polarized times and environments, as was the case throughout our work. This concern draws on the numerous consultations in which we heard from students about allegedly distinct (and unexplained) treatment of Palestine and Ukraine in the classroom. The perception we heard was that research, speech or advocacy supporting one was unproblematic while research, speech, or advocacy supporting the other was not. Students expressed confusion about what they were to take away from this apparent distinction and how the distinction is informed by the disciplines they were studying. To use the above example about a professor asserting his Zionist identity on the first day of class, making a statement about Zionism without also creating a pedagogic opportunity in the classroom to discuss Zionism left student-consultees wondering what they were supposed to "do" with this assertion. MAP DWG appreciates that faculty members are free to hold whatever viewpoints they wish. As we note above, the viewpoint itself is not the issue, whether it be Zionism, Palestinian freedom, transgender advocacy, anti-gender politics,

neoliberalism, or democratic socialism. As students shared with MAP DWG, however, they were confused by what they were supposed to do when the views expressed have little to no relevance to the classroom, syllabus, and student-oriented pedagogy. For instance, one student shared as follows:

> *There are . . . insertions of Israel. . .in our class without reasons; the content is not relevant to the course nor is it anywhere on the slide* (MAP DWG survey respondent).

Others raised concerns about the lack of uniform standards or objective analysis in the classroom:

> *When a student used the term "Palestinian health disparities" a lecturer interrupted to say "let us not bring conflict here," then later discussed health effects of the Ukraine war without restriction* (MAP DWG survey respondent).

> *A student wearing a small "Free Palestine" pin was told to remove "political messaging" while classmates wore disease [awareness] advocacy pins without comment* (MAP DWG survey respondent).

Faculty members enjoy academic freedom on the basis of hard-earned expertise proven through advanced degree programs, published research, or creative outputs. Faculty and other instructors share their opinions, their research, and their findings within the disciplinary expectations of the class and syllabus. Based on our consultations, however, we found that professors from all political standpoints indulge what we are calling a *pedagogy of smugness* in teaching – in some cases closing conversations down before they even start. This smugness revealed itself in many ways that were disparaging to Muslim, Arab, and Palestinian constituencies, including but not limited to an unwillingness to have a respectful discussion about the critique of Zionism, as though its legitimacy must be taken for granted to be accepted as a serious student or academic. From our consultations, MAP DWG learned of numerous instances when this pedagogy of smugness, apparently driven by a dismissive attitude toward Muslims, Arabs, and Palestinians, left Muslim, Arab, and Palestinian students not only without a meaningful learning opportunity but also chilled in their speech and effectively excluded from meaningful classroom participation.[221]

MAP DWG's purport here, in the spirit of the University's *Statement of Institutional Purpose*, is to uphold the role faculty members play in fostering a space of academic freedom and freedom of speech. At the same time, the Provostial Guidelines for Developing Written Assessments of Effectiveness of Teaching in Promotion and Tenure Decisions, makes plain that

> A commitment to excellence in teaching and research is the core of our mission as a University. Our mission statement affirms the University's commitment "to strive to ensure that its graduates are educated in the broadest sense of the term, with the ability to think clearly, judge objectively, and contribute constructively to society."

It further outlines how faculty members are evaluated for competence in teaching, including "success in stimulating and challenging students and promoting their intellectual and scholarly development." MAP DWG is mindful that quality in teaching is dependent on effective pedagogy, and appreciates that the *Provostial Guidelines* call upon all faculty members to provide a 'statement of teaching philosophy' when seeking tenure or promotion. MAP DWG is concerned that our observation of a pedagogy of smugness, particularly in highly polarized environments, runs contrary to the University's expectations and guidelines of competence and excellence in teaching, and may require divisions to examine and deliberate on pedagogic best practices in an environment that includes "deeply disturbing questions and provocative challenges to the cherished beliefs of society at large and of the University itself."

VI.4. The "Lawfare" of Procedure[222]

We heard of several cases in which University administrators use ostensibly neutral rules of 'process' or 'procedure' to deter engagement by students and others on research, speech, or advocacy related to Muslims, Arabs, and especially Palestine. Students across multiple divisions told us about efforts to put on research workshops and conferences in 2024-25 that centred on the implications of Israel's devastation of Gaza. Undergraduate students from the Munk School explained how its program encourages students to host annual conferences with budgetary resources and academic support furnished by the School. Such exercises support student learning while fostering leadership and networking through knowledge dissemination. Students shared that the conference in 2023-24 featured speakers who had committed to topics before the events of October 7, 2023. Because the conference took place after October 7, 2023, not surprisingly, many speakers went off script, reflecting instead on how their academic topic related to the events taking shape in Gaza.

The students told us that the Munk School told them that the 2024-25 conference would be cancelled, allegedly because of the off-script speeches at the prior year's conference. As the students tried to reinstate the conference, they shared what they perceived was an especially onerous process to organize a conference that included panels discussing the events in Gaza and Palestine. Students complained of having to undergo many iterations of a conference proposal in relation to what they experienced

as unexplained requirements. Students experienced this new process as not only a marked departure from previous years but also as procedurally excessive. Munk students complained that supervising faculty members offered no guidance on what the new requirements and procedures required of them. Students told us that faculty supervisors required students to integrate certain academic themes and approaches, but were unclear why they were making these demands. Relatedly, they experienced faculty supervisors as dismissive of and/or oblivious to the Palestine exception and its implications on academic knowledge creation and dissemination, or in other words, incuriously ignorant of the discipline of Palestine studies.[223] Unfortunately, due to time pressures to complete our consultation phase, we were unable to organize a consultation with leaders from Munk to confirm the reported facts.

Public health graduate students at the Dalla Lana School of Public Health (DLSPH) complained about significant procedural hurdles when they sought to host a workshop on their academic research related to statements by health care and educational institutions about Gaza. The student researchers had already presented their research at a national annual conference and were invited to present it to their DLSPH cohort. Concerned about their positionality as non-Palestinians speaking about Palestine, the students wanted to include in their presentation a video featuring healthcare workers in Gaza to give voice to Palestinian health care workers. This was originally agreed upon by faculty members involved in the organizing process. Once the event was publicized, complaints began to come in, including from a political appointee to Governing Council, and academic administrators suggested that the event be paused. But not everyone agreed: one faculty member expressed disappointment that the event would be paused or cancelled due to complaints that "don't warrant the outcome." The DLSPH administrators ultimately paused the event and conducted a review, ostensibly due to the inclusion of the video, which they explained to MAP DWG was not typical for the format of the event in question. The students shared that they had offered to withdraw the video from the event,[224] but that compromise did not change or alter the process they subsequently faced.

MAP DWG appreciates that the University addressed this issue in its 2025 report on freedom of speech, where it explained:

> The event posting generated significant comment in the School's own community and among the University's extended network of stakeholders. There was also a letter- writing campaign, and several individuals approached the School directly to express concerns. In response, the faculty organizers decided to pause on delivering the event in order to allow concerns to be raised and addressed.

The report continued by saying that a "rescheduled event proceeded with the same presenters and occurred without interruption on April 29, 2025."

By adopting a lawfare lens of analysis, MAP DWG's is mindful that while the University's narrative is not incorrect, it does not address (a) why the complaints should delay the event; (b) the salience of an otherwise *ultra vires* complaint from a member of Governing Council; and (c) the concerns about video presentations despite University policies that recognize the creative arts as constitutive of the academic enterprise. In other words, from a free speech perspective, we appreciate that the event eventually came to pass. From a lawfare perspective, we are concerned that administration of apparent processes created delays on grounds that may not have warranted such decanal attention in the first place let alone delay.

Recommendation 32

The Governing Council secretariat should

A. Prepare specific guidance for Lieutenant Governor in Council Members (LGIC; political appointees) of the Governing Council to explain the unique challenges that their status as government-appointed members could pose to institutional autonomy and academic freedom, and how they should approach their governance role accordingly.

B. In coordination with the resources provided in Recommendation 3, develop trainings specific to the mandate of Governing Council and its members, addressing anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment, with a requirement that all members complete the training before their term of service commences.

Recommendation 33

The Office of the Provost (or designate) should develop, in coordination with the resources identified in Recommendation 14 and 21, specialized training for all unit leaders appointed under the *Policy on Appointment of Academic Administrators* to help them better understand the nature of University corporate governance with specific attention on protecting, preserving, and upholding institutional autonomy, academic freedom, and freedom of speech. This training should be required of all who assume these roles on a periodic basis (e.g., with every term renewal), and should be periodically updated and revised to reflect changes in the regulatory environment.

Recommendation 34

The Vice-Provost, Teaching & Learning, and the Centre for Teaching Support & Innovation should draw on scholarly experts at U of T to develop guidance on pedagogic best practices for teaching, classroom engagement, and social media content development in the teaching and learning context when it comes to difficult, polarizing topics.

This guidance can support, consistent with Recommendation 24(d), academic administrators in exercising divisional oversight and conflict resolution with regard to informal concerns and formal complaints related to speech by faculty members and librarians.

Recommendation 35

Pursuant to the principles of institutional autonomy, academic freedom, and freedom of speech—and in light of University policies on freedom of speech and the *Policy on the Temporary Use of Space*—the Provost should issue guidance to all Deans, Principals, Chairs, and Directors concerning the cancellation, postponement, or alteration of an already publicized event after receipt of complaints, whether from external parties or other members of the University. After an event has been organized, scheduled, and publicized, administrators undertaking a subsequent review or other process should bear an onus of transparency, accountability, and restraint before canceling, postponing, or in any way altering the event following receipt of a complaint or complaints.

The guidance should provide best practices to administrators on enhanced due diligence, transparency and accountability in the service of the University's *Statement of Institutional Purpose*, including but not limited to requiring administrators to provide detailed written reasons and policy-based justifications explaining their decision to cancel or delay a previously scheduled event that has since generated complaints.

VII. Temerty Faculty of Medicine

Across consultations and survey responses, MAP DWG noticed a consistent and recurring pattern of concerns and allegations about the Temerty Faculty of Medicine (TFOM). TFOM presents a unique challenge for our review given the complex relationship it has with affiliated hospitals, governing bodies (e.g., TAHSN, CPSO), and the Ontario Ministry of Health.[225] Every member from TFOM who spoke to us in consultations shared how they experienced a culture of bias and threats of reprisals that appeared animated by anti-Muslim, anti-Arab, and anti-Palestinian discrimination and/or harassment, and reflected over-policing and under-protection of speech by or on Muslims, Arabs, and/or Palestinians. We were especially concerned that an inordinate brunt of this over-policing and under-protection adversely affects racialized female medical personnel. As we considered recommendations in this complicated institutional landscape, MAP DWG considered carefully TFOM's bargaining power in its relationships with affiliated hospitals and how that could be used to redress the harms we heard across consultations and survey responses.

VII.1 A Culture of Bias and the Threat of Reprisals

Consultations with clinical faculty and medical learners reveal that they experience speech on or by Muslim, Arabs, and Palestinians at TFOM as being over-policed based on TFOM's perception of such speech as a threat to the wellbeing of TFOM, the hospitals in which TFOM personnel work, and the patients they serve. One medical learner heard of some physicians (who are both physicians at hospitals as well as clinical faculty at TFOM)

> *…with more power than myself experiencing disproportionate discipline for pro-Palestine activism… I do not believe any of the hospitals affiliated with the university will respond in a more measured fashion especially since … doctors and healthcare workers were suspended at [Hospital] for social media posts supporting Palestinians while doctors at [Hospital] were allowed to share an hour-long lecture about Israel to staff and students.*[226] (MAP DWG survey respondent)

We were deeply distressed to hear from medical students and medical learners about experiencing reprisals for their speech on issues related to Muslims, Arabs, and Palestinians.

> *I applied for a staff physician job at [a TAHSN Hospital] with an associated faculty position at U of T. I had been encouraged by several faculty to apply for this position. My application was rejected one day after my submission. When I inquired as to why I was rejected, I was told "off the record" that a physician on the hiring committee had vetoed my application because he had seen my advocacy for Palestine and stated I was antisemitic* (MAP DWG survey respondent).

We also heard that Muslim, Arab, and Palestinian medical learners anecdotally share amongst themselves that certain residency programs at TFOM are hostile to Muslims, Arabs, and Palestinians. In addition, consultees and survey respondents from TFOM shared that clinical faculty in charge of reviewing applications under the Canadian Residency Matching Service (CaRMS) threatened to negatively evaluate their applications if they indicated support for Palestine. *CBC News* reported in December 2023 about a "Canadian Jewish Physicians Facebook group" that created a list of 271 medical students who signed an open letter calling for a ceasefire and an end to targeting health care workers in Gaza. According to the news outlet, the members of this Facebook group sought to share all 271 names with residency program directors in the hope of prejudicing their residency applications through CaRMS.[227] MAP DWG also learned that Health Workers Alliance for Palestine raised concerns about the use of the CaRMS process to chill speech of students and exclude them from the medical profession.[228] One survey respondent raised a number of issues that we were not empowered to investigate, but which nonetheless raise important questions for the University and TFOM leadership to consider:

> *The exposure of the Jewish Physician group gathering the names of student and resident signatories with the explicit objective of blocking them from inclusion in the CaRMS match for residency training programs is well-known. What is not well-known is who these individuals are, and what action our University took to protect the students and residents, and what punishment ensued for those who participated in this display of McCarthyism* (MAP DWG survey respondent).

Across the TFOM, Muslims, Arabs, and Palestinians perceive—at the very least—that they are vulnerable to the arbitrary racialized biases of clinical faculty physicians who are also leaders in hospitals, and who take issue with their religious, racial, or national background. For instance, one medical learner provided a list of experiences of anti-Muslim, anti-Arab, and anti-Palestinian discrimination and/or harassment by TFOM affiliated clinical faculty. We include the descriptions here for a sense of the experiences of Muslim, Arab, and Palestinian learners at TFOM:

> *Clinical teaching, OBGYN service. A staff physician physically rotated a newborn away from a visibly hijabi trainee, stating that*

"careful she may throw rockets at us." The trainee wore standard surgical PPE and a tucked scarf. This occurred in front of learners and nurses. No one intervened in the moment. The trainee cried in the call room afterward and skipped the next teaching session.

Teaching rounds, internal medicine. Jokes about "prayer breaks" were made when a Muslim resident asked to step out for dhuhr [noon-time prayer] in a nearby reflection room. The attending granted the break but added, "This is why we prefer people who can stay the whole time," which discouraged the resident from asking again.

OSCE preparation, pre-clerkship. A tutor told a hijabi student to "consider removing the headscarf for [patient] exams, patients will be more comfortable."

Ramadan call shifts. A scheduler refused minor shift swaps to avoid sunrise bloodwork rounds during the last week of Ramadan, saying, "Religion is personal, scheduling is business."

On the wards. A patient's family refused care from a hijabi resident and used the word "terrorist." The resident was reassigned without staff addressing the slur with the family. This is quite common.

Hiring and committees. A student leader wearing a hijab was told her "visibility" might "polarize" a wellness committee and was advised to apply next year.

Online environment. Muslim students received targeted trolling after a student society posted about Eid. The report button was used. No follow up came from the unit for weeks (MAP DWG Survey respondent).

Indeed, some clinical faculty and medical learners expressed to MAP DWG that they are concerned about appearing too Muslim, too Arab, too Palestinian, lest they lose opportunities for advancement within the medical profession:

Many Jewish clinical Faculty have posted, liked or forwarded Islamophobic posts on social media in relation to the Israeli attack on Gaza. As a Muslim Palestinian…I cannot fathom how to face these colleagues both professionally, and as a patient myself within our University-affiliated hospitals. But I must do so silently from fear of targeted attacks and retribution from them and their supporters (MAP DWG survey respondent).

We are gravely concerned that numerous TFOM survey respondents who shared experiences of Muslim, Arab, and Palestinian discrimination and harassment were advised against filing formal complaints because they were told such complaints would likely bring reprisals from senior physicians/clinical faculty members.

[T]here are many Muslims medical students who are at present victims of racism, harassment and bullying from faculty. They come to us in [sic] and they have nowhere to go. One faculty even told a student if you report me, I will know it was you. Students are threatened on a regular basis and have to quietly listen to insulting comments from faculty about Muslims, Middle Easterns, Iranians, Palestinians, Arabs, South Asians … These faculty are program directors, leaders and the like (MAP DWG survey respondent).

One clinical faculty member explained why they did not report the harassment and discrimination they suffered at the hands of other clinical faculty at TFOM:

I did not formally report. I informally reported my personal experience to my local hospital division lead who supported me emotionally, but who also warned me that I would be targeted if I reported up the chain of leadership both at the hospital and University level. I reported informally to the Faculty of Medicine Islamophobia lead, but was reluctant to formally report due to fear of targeting and retribution (MAP DWG survey respondent).

That same clinical faculty member wanted to advocate for younger medical residents, but ultimately did not, explaining:

[T]he residents did not consent for me to report formally out of fear of targeting and retribution from the residency training program, hospitals, and University, impacting future subspecialty applications and employment opportunities (MAP DWG survey respondent).

VII.2 Under-Protecting Speech by or on Muslims, Arabs, and Palestinians

MAP DWG was pleased to have consulted with the Dean's executive team and those who lead different offices within TFOM. Many newly appointed to the role at the time of consultations, they evinced a real interest in the work of MAP DWG and were eager for our report and recommendations. We commend the leadership on their aspiration to create an inclusive space for faculty and learners.

Many TFOM learners who consulted MAP DWG or completed our survey reflected on their experiences prior to the appointment of some currently in leadership. Repeatedly we heard that learners at TFOM strongly believe its leadership and clinical faculty (who are also hospital physicians) did not care about, acknowledge, or make space for Muslims, Arabs, or Palestinian perspectives or viewpoints. For instance, one medical learner shared the following experience:

> *During a meeting intended to support trainees' emotional well-being a large portion (30+ mins) of the session was dedicated to discussions about Israel. An Israeli trainee spoke at length about the fear they experienced, with supportive statements made by the facilitators. Both had used the word "terrorists" to describe Palestinians. While they may have used it in reference to those committing acts of violence, I cannot imagine anyone tolerating the same words being used to describe Israeli perpetrators of violence, or anyone else for that matter. Not to mention that there were at least three Arab trainees in the session, none were invited to share our perspective. No facilitator paused to acknowledge the complexity of the conversation or the presence of those in the room who may also be impacted by the ongoing violence. It was selective empathy, and our pain was presumed absent and felt unworthy of acknowledgement* (MAP DWG survey respondent).

Members of TFOM who met with MAP DWG believe that TFOM has historically prioritized harms of antisemitism over harms of anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment. One example repeatedly raised was TFOM's pivot to online learning for its first and second year medical students out of deference to the expressed fears some Jewish students had about the People's Circle and its proximity to the Medical School (see Section III.3.B.). TFOM submitted an affidavit as part of the University's litigation. As TFOM stated therein, the leadership heard "that an image of the flag of Al-Qassam Brigade, a military wing of Hamas, was projected onto the side" of the Medical School Building, which apparently "caused considerable distress to faculty members and students in the Faculty. Some faculty members and students conveyed to me that they felt it meant that TFOM was complicit in or participating in the Encampment."[229] This issue came before the Ontario Superior Court in the University's injunction action against the Peoples' Circle for Palestine. Justice Koehnen remarked: "Certain classes in the medical school were moved online as a result of this incident, although others had already been moved online. It appears that classes were moved online without a detailed investigation of the incident."[230] TFOM members who consulted MAP DWG identified this instance of TFOM's policy-in-action as an illustration of how the over-policing and under-protection of research, speech, or advocacy by or on Muslims, Arabs, and Palestinians takes shape in ordinary, discretionary administrative decisions and practices authorized under the *Policy on Appointment of Academic Administrators*. They expressed frustration at the apparent over-determination of speech by or on Muslims, Arab, and especially Palestinians as antisemitic and/or hateful. As one TFOM member wrote in the survey:

> *Since October 7, I have seen many instances where advocacy for Palestinians has been framed as antisemitic. I have seen criticism of Israel being framed as antisemitic* (MAP DWG survey respondent).

One member, for instance, wrote as follows:

> *After October 7, the University (and Faculty of Medicine) came out with a policy that they will no longer comment on… international events, however, not long after, there was a demonstration in [Toronto] and there was a 'Spider man' for Palestine that was climbing all kinds of buildings and lamp poles and this individual also climbed the building of Mt Sinai Hospital and immediately after that, (within a day or two) there was a major communication condemning this act of 'antisemitism' signed by the then Acting Dean of TFOM* (MAP DWG Survey response).

The "major communication" likely refers to the letter issued by the Toronto Academic Health Science Network (TAHSN), the network of hospitals that have affiliation agreements with the University, and on which TFOM leadership sits. The letter complained that the protests "ran the real risk of disrupting hospital operations," and then characterized the protest as a "display of antisemitism".[231] MAP DWG appreciates that TAHSN is an independent consortium of hospitals; at the same time TFOM executive leadership sat on the TAHSN board representing the University's interests. Among the signatories to the TAHSN letter was then Interim Vice Provost of Relations with Health Care Institutions. Members of TFOM complained to MAP DWG about the perception of TFOM's endorsement of a highly contested narrative on which it had no competency to assess the facts. For instance, media accounts suggest that the protest began at Yonge and Bloor Streets, went south on Yonge, west on College, and south on University, going past what is commonly known as "hospital row" on Toronto's University Avenue. It continued with the final destination being Yonge and Dundas Square.[232] By signing onto the letter, TFOM appeared to some TFOM members to exercise an institutional competency over how the City of Toronto manages its policies over a fluid protest march through the city. Moreover, by characterizing the protest as necessarily antisemitic, TFOM appeared to some of its members to make a factual claim about the intentions of a young man dressed as spiderman. Journalist Ben Cohen interviewed the "Spiderman4Palestine", who explained:

> I never intended to make a statement by climbing up the hospital foyer…It was just somewhere high up and visually appealing to me. I didn't realize it was a hospital at the moment, and had no idea that the building had historical ties to the Jewish community.[233]

TFOM members raised concerns about TFOM's institutional support of this letter and perceived rush to judgment about the hatefulness of the protest when the facts themselves were highly contested, and without undertaking even a minimal investigation in what transpired.

MAP DWG appreciates that academic administrators are not necessarily trained to manage an intellectual environment and/or institutional partnerships in a time of intense polarization. Nonetheless, MAP DWG believes that the regulatory regime governing the University, including its own policies and

statements of institutional purpose, freedom of speech, and excellence through diversity require academic administrators to exercise some restraint as they make decisions based on reasons, verifiable evidence and data, and an objective basis beyond mere hearsay. In other words, polarized environments neither justify nor excuse administrative decision-making based on specious evidence vulnerable to bias. Moreover, we appreciate that members of the University may have widely disparate feelings about global events far away from campus. But those feelings do not entitle them to secure from University officials institutional redress against those with whom they may disagree or find upsetting. Yet, adverse institutional redress is precisely what many TFOM members complain they suffered (at TFOM and its affiliated hospitals) with respect to speech by or on Muslims, Arabs, and especially Palestinians.

For instance, students, learners, and clinical faculty members at TFOM expressed frustration about the apparent disparate handling of two controversies at the medical school. As national media outlets reported, a physician and faculty member who was also the social justice lead for medical education at TFOM signed an open letter calling upon Canadian health workers to express solidarity with Palestine, given the then-worsening crisis. TFOM was deluged with demands that the faculty member be removed from a leadership position on grounds of antisemitism.[234] The TFOM Dean's Office publicly made clear in an email to the Department of Family and Community Medicine that there was no intention to remove anyone from such positions: "[F]aculty members are entitled to exercise their right to academic freedom and freedom of speech, including expressing their personal perspectives on social media, subject only to limits set out in applicable U of T policy and human rights laws."[235] Though they may not have liked the outcome, those who complained about antisemitism received a formal institutional response that recognized their claimed injury and outrage. We applaud the dean for issuing this statement for two reasons. First, it was a pedagogic opportunity to instruct members of the community about the limits of institutional redress. Second, it was an opportunity to signal to those who complained that, despite the limited institutional redress, their concerns and perspectives matter and are acknowledged by the academic administration of TFOM. Though complaining parties did not get the redress they wanted, their viewpoint or perspective was at least acknowledged within the TFOM institutional environment, signaling that, at the very least, those viewpoints reasonably belong in the TFOM environment.

In a second case, a clinical faculty member was videotaped telling protestors at the People's Circle for Palestine "I hope you never need health care from U of T," suggesting that they would not be treated medically despite their presumed OHIP coverage under Ontario's health care system, let alone any medical ethical obligations this physician had under CPSO guidelines. The comment circulated widely on social media and independent student and media outlets subsequently reported the faculty member's comments. The content and tone of this statement generated substantial concern among medical learners, faculty members, and community members, particularly Muslim, Arab, and Palestinian constituents. They explained to MAP DWG that it was directed against individuals advocating for Palestinian human rights and appeared incompatible with the ethical commitments of physicians to provide care without discrimination or prejudice. The physician in question is a member of the faculty at TFOM with access to and authority over residents and medical student learners at TFOM. MAP DWG appreciates that the faculty member in question issued an apology. We also understand the faculty member was the subject of a confidential investigation. Many TFOM members complained to us that the TFOM administration made no institutional statement on the matter. MAP DWG was not empowered by its terms of reference to investigate TFOM's distinct communications practices in these two cases. We appreciate that in both cases, such statements would not provide the institutional redress desired by either side. But in a polarized environment, MAP DWG contends that (a) there is pedagogic value in communicating why TFOM (or any division for that matter) is an administration of limited redress, and (b) there is community-value in acknowledging, despite the limited redress, that the concerns expressed were heard and accounted for. TFOM members who consulted MAP DWG explained to us that they inferred from the decanal silence a lack of care, concern, or acknowledgement of Muslim, Arab, or Palestinian concerns, perspectives, or vantage points. For instance, one member wrote:

> *As an openly queer, racialized Muslim woman with multiple disabilities and chronic illnesses, I worry about how I will be treated by clinicians constantly, anyway. I also work in health care and see anti-Muslim, anti-Arab, and anti-Palestinian sentiments shared with ease and with no one batting an eye…Seeing physicians and health-care workers behave this way, and without investigation or scrutiny from administration, has me further convinced that my dignity does not matter as a student nor as a colleague. It communicates to me that I do not equally deserve to study or work in an environment without open discrimination. People have been fired, scrutinized, and punished, for much, much less - sometimes for simply recognizing that Palestinians exist and do not deserve what they are currently and have been experiencing* (MAP DWG Survey respondent)

In other words, the administration's public silence did little to suggest that, despite its limited redress, Muslim, Arab, and Palestinian perspectives belong no less at TFOM than any others. MAP DWG believes the TFOM Dean's office missed an important opportunity to support belonging of Muslims, Arabs, and Palestinians while educating its community members on the limits of institutional redress, especially in polarizing environments.

VII.2.A. Over-Policing Speech by or on Muslims, Arabs, and Palestinians

MAP DWG is equally concerned that TFOM may over-police otherwise legitimate speech by or on Muslims, Arabs, and especially Palestinians as hateful or antisemitic. One medical resident explained to MAP DWG:

> *I have been a vocal advocate for ceasefire in Gaza and [against] anti-Palestinian racism at the University of Toronto, including on Twitter. I shared a tweet about anti-Palestinian racism and I was reported to my program director for this tweet stating that it was antisemitic to state there was anti-Palestinian racism at U of T. I had to have a formal meeting to review this post* (MAP DWG Survey respondent).

Across consultations and survey responses, we encountered many statements like the above. For instance, one survey respondent described being accused in a training setting of refusing to attend a group event "because they would not sit beside a Jew," even though the learner had a scheduling conflict and had communicated this in advance. The accused learner believed that their attempts to contextualize or rebut the claim were disregarded by the TFOM administration.

TFOM members complained that when they were subject to an informal call-in about their speech on Palestine, senior administrators insisted that clinical faculty, residents, and medical students meet immediately to discuss their online speech, despite their classes or rotation schedules. These University members were subjected to scrutiny under professionalism frameworks and/or warned about reputational and career consequences with few if any protections for procedural fairness. While MAP DWG does not necessarily recommend that informal call-ins should transform into more adversarial complaints processes, we remain concerned that informal call-ins at TFOM are experienced as more adversarial and consequential than they are intended to be, with few procedural safeguards to mitigate against bias (see also, Section V).

We also received reports about complaints filed with the College of Physicians and Surgeons of Ontario (CPSO), targeting TFOM clinicians and educators for public statements in solidarity with Palestine. University members described these complaints as frivolous, repetitive, and clearly intended to intimidate and chill speech rather than to address genuine professional concerns. MAP DWG learned that TFOM leadership consistently framed these complaints as matters of individual dispute or regulatory necessity outside the jurisdiction of TFOM. MAP DWG appreciates that the CPSO is an independent regulatory body and has its own processes that fall outside the scope of TFOM competency and capacity. Nonetheless, clinical faculty at TFOM reported to MAP DWG that they enjoy little support from the University against such campaigns. MAP DWG found this confusing because, if the complainants themselves are members of the TFOM community, their conduct could be violative of University policies and statements, including the *Statement on Institutional Purpose, Statement on Freedom of Speech,* and the policies against harassment. Our concerns about this specific issue are analogous to what MAP DWG has already addressed and recommended in the concluding part of Section III (see, Recommendation 22).

MAP DWG appreciates that TFOM exercises jurisdiction in tandem with affiliated hospitals, and that under the terms of the Governing Council-approved hospital affiliation template, those jurisdictions may overlap. In our consultation with TFOM leadership, University officials consistently emphasized that the hospitals are "independent" from the University, thus leaving the University with limited recourse. MAP DWG addresses in Section VIII how the University's relationship with these independent bodies is memorialized in a series of written agreements. These agreements create the conditions for the hospitals and the University to grow and evolve their relationship as changing circumstances require. In other words, the University chooses to exercise its bargaining power to change the terms of the agreement with the relevant parties. MAP DWG is concerned that TFOM and University leadership are not using their respective bargaining power under existing affiliation agreements to full effect to redress the harms experienced by Muslims, Arabs, and Palestinians. For our recommendations on the affiliation agreements, see Section VIII.

Recommendation 36

The Provost (or delegated offices) and the Deans of any Faculty that has a curricular relationship with a TAHSN hospital (e.g., TFOM, Dalla Lana School of Public Health, Bloomburg Nursing, Leslie Dan Faculty of Pharmacy, and Factor-Inwentash Faculty of Social Work), in coordination with the resources provided in Recommendation 3 and the TAHSN executive, should

A. Create, publish, and distribute—through the TAHSN network on which a University representative sits—to all affiliated hospitals best-practice guides for addressing anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment, and develop training modules that TFOM clinical faculty members (who also work at TAHSN hospitals) should complete if they wish to work with, oversee, or supervise the University's medical learners on hospital grounds.

B. Jointly develop and publish guidance on procedural fairness requirements when complaints of civility and/or professionalism (e.g., CPSO, CASW) are made against any member of the University and a TAHSN hospital with respect to their research, teaching, expression, and/or advocacy.

Recommendation 37

TFOM, DLSPH, and the other health sciences Faculties—in coordination with the Institute of Islamic Studies, the proposed Centre for Palestine Studies, and the resources provided in Recommendation 3—should develop a shared strategic plan about Muslim, Arab, and Palestinian communities and health equity. Subject to collegial governance processes, MAP DWG strongly encourages inclusion of potential academic fundraising priorities under the *Provostial Guidelines on Donations;* streams of dedicated funding; and a commitment to study the effects of Muslim, Arab, and Palestinian discrimination and harassment on public health outcomes of those communities, and mental health.

VIII. Professional Schools and Partnership Management

Since the events of October 2023, many who have spoken in support of Palestine have lost opportunities, including employment, volunteer, and otherwise. Members of the UTSC campus repeatedly complained to MAP DWG at the sudden dismissal of chaplain Omar Patel from serving the UTSC Muslim student community based on alleged antisemitic social media postings.[236] Across North America, graduating law students lost employment over their political speech for Palestine.[237] In fact, Ontario's Ministry of the Attorney General went so far as to require Toronto Metropolitan University law students with current or upcoming employment with the Ministry to attest formally that they did not sign an open letter supporting Palestine.[238] In Canada, the CBC reported that people expressing pro-Palestinian views suffered censure and suspension from places of employment and their schools.[239] Medical professionals across Canada have also raised concerns about the efforts of physicians to adversely influence the Canadian Resident Matching Services (CaRMS) to deny residency placements to medical learners for their speech, research, and/or advocacy on Muslims, Arabs, and Palestinians (see Section XI).[240]

The fear of reprisal expressed by Muslim, Arab, Palestinian, and allied members of the University often results in self-censorship.

> *I know a Palestinian (born in Israel) who is affiliated with the university and afraid to speak out about [their] experience with the apartheid Israeli state that [they] emigrated from. [Their] family moved to Canada due to mistreatment and anti-Palestinian racism. [They are] unable to speak about [their] experience in Israel because [they have] previously been called antisemitic for speaking up about the poor behavior of the Israeli government towards [them and their] family. [They are] afraid to speak up due to fear of reprisal* (MAP DWG survey respondent).

University members repeatedly asked MAP DWG to recommend protections against reprisal in response to research, speech, and advocacy by or on Muslims, Arabs, and Palestinians.

> *The University must explicitly affirm that expressing solidarity with Palestinians or critiquing Israeli government policies is legitimate political speech, not hate speech, and should be protected from reprisal* (MAP DWG Survey respondent).

One staff member revealed their distrust of the University's complaints processes when asking for a

> *[c]omplaint pathway with anti-reprisal guarantees. Written assurance that filing good-faith reports will not affect evaluations, electives, or references*. (MAP DWG survey response)

MAP DWG decided to examine how the University's institutional partnerships may create certain vulnerabilities when private sector firms and not-for-profit institutional partners do not share the same values as the University for freedom of speech. MAP DWG appreciates that the universities are unique in society precisely because they uphold these values in ways other institutions do not. That does not mean the University can or should hold other institutions to adopt its values. Nonetheless, in many cases the University engages third-party institutions in partnerships to help deliver the University's curriculum. Students may enjoy placement opportunities in these third-party venues; those placements help constitute their matriculation in their academic degree program—in many cases they are a prerequisite for graduation.

Throughout our consultations, we heard that these third-party partners are independent from the University. In some cases, they are incorporated entities subject to their own regulatory requirements (e.g., Hospitals). In other cases, they are public corporations subject to boards and ministerial directives of their own (e.g., Toronto District School Board). We were told that actions taken by employees of these partner institutions on their premises fall outside the review or jurisdiction of the University. While this is formally true, it is no less true that these third-party organizations are in a partnership agreement with the University. Those agreements are premised on the fact that both parties benefit from the partnership: students enjoy market pathways and on-the-job training while the third-parties secure cheap or free labour from our students and medical learners, as well as expertise from faculty members who support these students and medical learners. As such, while third-party institutional partners are independent and separate, the mutual benefit of the partnership, we believe, allows MAP DWG to suggest recommendations that call upon institutional partners to re-consider whether and to what extent they are entitled to render our students and learners vulnerable in ways that they might not be, were their placements held on campus instead.[241]

Professional Faculties offer an important lens to appreciate how the University is situated between its commitment to pure research and academic freedom on the one hand, and market realities on the other. Students in the University's professional programs are particularly vulnerable to the pretextual deployment of speech restraint policies and practices of licensing bodies (e.g., Law Society of Ontario, College of Physicians and Surgeons of Ontario), partner teaching institutions (e.g., Hospitals and school boards), and corporate research sponsors and prospective employers because their chosen fields have additional requirements and limitations on expression beyond what the University requires. While we acknowledge that students

self-select into these fields and accompanying professional obligations, we remain concerned that the impacts of these partner institutions on the University's environment are not necessarily "conducive to the growth of intellectual life within the division[s]."[242] Though institutionally distinct from the University, these professional and market institutions directly and indirectly contribute, both positively and negatively, to the University's mission, purpose and intellectual environment.

For instance, regional public schools offer training opportunities for our students at the Ontario Institute for Secondary Education (OISE) in a budget-neutral exchange for student-staff who support public schools' curricular and teaching needs in the classroom. Hospitals benefit from the University because they do not need to budget for the salaries of residents who come through the University's matching program. Funding for these residents is run through the University, which places these post-graduate medical learners in affiliated Hospitals and provides for their salaries.[243] Medical students performing rotations in these Hospitals *both* learn on-the-job *and* provide labour to Hospitals at no cost to the latter. Without the fellows that are financed through the University, the Hospitals could suffer adverse effects in operational integrity, as became clear when Saudi Arabia recalled its various students in Canada in 2018, including its medical residents across the country.[244]

While the history and current agreements that structure these partnerships fall within the terms of reference of MAP DWG, we did not have the requisite time or expertise to review all such partnership agreements. Moreover, we were unable to secure some agreements that became relevant during our consultations. For instance, MAP DWG learned from OISE administrators about an OISE student placed in a local public school as part of the curricular requirements of her program. By all accounts, the student performed exceptionally in the classroom. We were told that the student wore items symbolic of Muslim, Arab, and/or Palestinian identities. When parents learned of the items, they inaugurated a campaign to remove the student from the classroom. Under considerable pressure, the principal yielded. MAP DWG was impressed with the strong support OISE provided the student to secure a different placement part-way through the academic term. At the same time, MAP DWG is concerned that this mid-term change came at considerable pedagogic, educational, and emotional cost to the student. The placements are structured in accordance with the academic term to enable University students' understanding and experience of curricular development and delivery within the public-school calendar. Because all relevant events happened at the public school, and the Principal of the school exercises jurisdiction in that space, OISE had little choice in the matter despite the harm – emotional, pedagogic and curricular – to our graduate student. MAP DWG asked to see the partnership agreement with the school board, but we were unable to obtain it for review.

Despite these partners' corporate independence from the University, the agreements that capture and regulate University-partner relationships show that in the course of negotiating these agreements and periodically updating or revising them, the University enjoys *bargaining power* that it can and does use to support its members and its institutional purpose. Based on consultations and survey responses, MAP DWG 's recommendations relate to the University's exercise of its bargaining power to prevent or redress harms its partners' institutional actions cause members of the University, including Muslim, Arab, and Palestinian members of the University community.

VIII.1. The U of T-Hospitals' Agreement and the Forum Shopping Loophole

The University's relationship with Hospitals is captured in templated partnership agreements between the Governing Council and local Hospitals. The University's relationship with Hospitals is complex and is largely overseen by the Toronto Academic Health Sciences Network (TAHSN), which is a body that includes representatives from the University.

In its template agreement, the University provides among its principles "the fair and equitable treatment of all who work and study in the University, including clinical teachers at Hospitals and other community teaching sites" (section I.1(ii)). The University and Hospitals agree that notwithstanding their "mutual respect" for academic freedom, "Faculty Members…remain subject to applicable ethical and clinical guidelines or standards, laws and regulations and to the Hospital's relevant policies or by-laws" (section I.3). Though the agreement indicates a wide range of University policies that the Hospitals either accept or acknowledge, there is no express mention of the University's *Statement on Freedom of Speech* (section I.5) as animating, conditioning, or informing the templated agreement between both parties, though this principle appears in various schedules annexed to the agreement.

In our consultations, many clinical faculty at TFOM reported being cited for unprofessionalism when signing an open letter supporting medical workers in Gaza. Health Workers Alliance for Palestine (HWAP) issued a statement on November 10, 2023, to which health workers could affix their names. The letter explained that "[a]s health workers, we are watching in horrified despair and anger the targeted devastation of health facilities and the killing of health workers in Palestine." In other cases, clinical faculty were cited for unprofessionalism for other social media content

communicating similar concerns. Some clinical faculty shared someone else's content (e.g., a retweet on X (formerly Twitter)), while others offered content and commentary of their own, and still others authored their own statements in, for example, an online blog post or op-ed in a newspaper. One clinical faculty member explained to their supervisors and to MAP DWG that their social media engagement was consistent with caring for patients. As they explained, their perception of the Hospital and University messaging on Israel rendered marginalized patients, in particular Muslims, Arabs, and Palestinians, insecure in the Hospital environment:

> *[P]atients who are less privileged than [me], and particularly Palestinian patients, feel unsafe at [TAHSN Hospital] and other institutions, and [I] see the University as having an obligation to address this* (MAP DWG submission).

MAP DWG appreciates that the University is not in the business of caring for patients. But the University is in a close partnership with Hospitals, which is made manifest by clinical faculty and medical learners who move between both spaces relatively seamlessly. That seamlessness creates efficiencies for the institutional partners. But the actual people who make that efficiency manifest—clinical faculty, medical learners, and so on—repeatedly complained to MAP DWG that they were the victim of a forum shopping that took advantage of the Hospitals' less robust commitment to freedom of speech, and procedural irregularities in human resource proceedings that were allegedly based on CPSO standards of professionalism and advocacy.

Clinical faculty reported undergoing a series of "time sensitive, non-disciplinary"[245] call-ins, often by Hospital chiefs who are also clinical faculty at TFOM. Frequently, a departmental supervisor (i.e., a department chief who would also be clinical faculty at TFOM) would invite them for a meeting with no notice about the nature of the discussion. The head of department would inform the clinical faculty that someone had complained about the negative impact or harm that their social media had caused, and that their social media content could constitute grounds of unprofessionalism with respect to the workplace and patient wellbeing. University members at TFOM shared with MAP DWG stories such as the below:

> *I am a medical resident at the University of Toronto. I have been a vocal advocate for ceasefire in Gaza and [against] anti-Palestinian racism at the University of Toronto, including on Twitter. I shared a tweet about anti-Palestinian racism, and I was reported to my program director for this tweet stating that it was antisemitic to state there was anti-Palestinian racism at U of T. I had to have a formal meeting to review this post. Moreover, whilst working at [a TAHSN Hospital], I was forced to listen to several physician supervisors talk about their family members who work in the IDF, with some doctors outright bragging that their family members were "eradicating Gaza"* (MAP DWG survey respondent).

We were told that none of the clinical faculty members who attended these informal call-ins were permitted either to decline the meeting; to review the complaints; to discuss the matter with the complainant(s); or to assess the empirical bases for the claims of harm on staff, students, and/or patients. Rather, the call-ins proceeded as if a subjective sense of injury was sufficient evidence of actionable harm and unprofessionalism, ignoring the fact that it is inconceivable that staff, physicians, and patients in a highly diverse city could share a monolithic view of affairs halfway across the world. Indeed, a clinical faculty member shared with MAP DWG the letter a TFOM senior administrator sent after their "call in", which operated under an unreasonable and unrealistic assumption of viewpoint singularity:

> The University of Toronto is committed to the principles of freedom of expression and, for our faculty members, academic freedom. However, we pointed out that these freedoms are not unlimited. Our clinical faculty have additional professional obligations to our patients and to role model for our learners effective, inclusive advocacy that does not entail harm to specific groups. Thus, our clinical faculty members must exercise their rights to freedom of expression and academic freedom in a manner that is consistent with Temerty's Standards of Professional Behavior, as well as the policies and professionalism expectations imposed by the CPSO and their clinical site. (MAP DWG Submission).

The clinical professor asserted to MAP DWG that the University and the Hospital tend to caricature the "patients", "inclusiveness" and "harm" without attention to empirical realities, objective criteria, patient demographics, or viewpoint diversity, particularly in an environment of highly polarized viewpoints.

More troubling to MAP DWG is that 'call-ins' with learners at both the Hospitals and TFOM evinced (a) the precarity of freedom of speech when it intersected with speech on or by Muslims, Arabs, and Palestinians; and (b) the unempirical and unsubstantiated claims of potential unprofessionalism directed at speech or advocacy by or on Muslims, Arabs, and Palestinians, which themselves may have been predicated on invidious stereotypes of Muslims, Arabs, and Palestinians.

From the narratives of those who participated in informal call-ins at both TFOM and at the Hospitals and who shared their stories with MAP DWG, we did not hear the expected hallmarks of procedural fairness. We were told that hospital leadership, which includes TFOM clinical faculty members, offered no evidence to the respondents that patients suffered harm or somehow lost confidence in the Hospital or health system due to speech or advocacy by or on Muslims, Arabs, and Palestinians. They were not provided any evidence that the complained-of social media content resulted in harm to Hospital staff. Even if we assume these social media posts caused someone an injury, consultees told us that there was never any evidence about the scope/scale

of the alleged harm, or how the alleged harm interfered in the Hospital's ability to fulfill its mission, despite CPSO standards requiring such evidentiary thresholds.

The relevant professional ethical obligations at issue are those of the College of Physicians and Surgeons of Ontario (CPSO), a licensing and standard setting body for the medical profession. Hospitals exercising jurisdiction over complaints about speech will generally rely on standards set forth in the CPSO's Guidelines on Professionalism. The experiences shared with MAP DWG illustrated an absence of evidence to support the claim of unprofessionalism. To gain greater insight on what the CPSO standards are and what they require, MAP DWG's chair contacted the CPSO. The CPSO provides an email-based information line to support patients and others to understand the implications of their standards for quality health care provision. The Chair of MAP DWG used this service to begin an email discussion with the CPSO Policy Department about the phenomena of clinical faculty being disciplined for unprofessionalism for their online speech regarding Palestine and Gaza. The CPSO responded with a summary of relevant guidelines that the CPSO called "high-level, and principle-based, and are intended to set out a guiding framework for physician professionalism." In a follow-up email, the Chair referred specifically to the letter by Health Workers' Alliance for Palestine (HWAP) and asked, "How does advocating for health professionals in Gaza constitute a breach of CPSO professionalism?" The CPSO did not comment on how its policies are interpreted or applied by other parties; nor would it provide guidance on a specific scenario. Rather, the Chair was provided with further links, including to a document entitled *Advice to the Profession: Professional Behaviour,* which recognizes that *advocacy* is an important part of a physician's role and protected under the *Charter of Rights and Freedoms.* However, advocacy can be restrained on grounds of unprofessionalism, which demands an evidentiary showing that "*the nature and seriousness of the conduct and/or communication itself*, whether or not the physician was known to be, could reasonably be known to be, or represented themselves as a member of the profession, and the connection between the conduct and/or communication and the physician's role and/or the profession."[246] In other words, deciding whether online advocacy by or on Muslims, Arabs, or Palestinians is unprofessional requires a factual determination about what was said, the intent behind it, the impact it had and upon what range of people, and the relevance of the content to the role the speaker-as-physician plays in the Hospital and/or more broadly across the profession. In all consultations concerning clinical faculty and medical learners, MAP DWG was troubled that the call-ins on professionalism did not appear to engage in basic procedural fairness requirements (including evidentiary thresholds) in order to both justify calling someone in for an informal conversation, and to warn them they could face consequences related to professionalism. We appreciate that TFOM and the Hospitals, consistent with CPSO standards, have an obligation to support the medical profession by training professionals who can generate confidence in the health care system. At the same time, MAP DWG is aware that "professionalism" like "civility", without clear standards, evidentiary requirements, and procedural safeguards, is vulnerable to bias.[247] MAP DWG is concerned that what counts as unprofessional speech on and by Muslims, Arabs, and Palestinians may be informed by bias or prejudice in the absence of more robust evidentiary burdens and procedural safeguards exercised by the institutional parties that initiate these informal call-ins, especially in times of polarizing viewpoints.

MAP DWG appreciates that the University and the Hospitals delicately must balance their respective jurisdictions over complaints that occur on their respective grounds. For instance, the University ought not assume jurisdiction over complaints filed by patients against physicians' actions on Hospital grounds simply because they are also clinical faculty at TFOM. Nor should Hospitals assume jurisdiction over complaints related to matters that occur on University property. However, MAP DWG repeatedly heard clinical faculty members express frustration about why their advocacy/speech on a third-party online platform (i.e., distinct from either the University or a Hospital) would or should be subject to a Hospital's jurisdiction with respect to complaints about professionalism related to their off-site speech. As they explained to us, Hospitals do not adhere to the primacy of freedom of speech. Section I.2 of the U of T-Hospital affiliation template explains that Hospitals' objectives "are to provide, promote and advance patient care in accordance with any and all legislative requirements by continuing to foster excellence in healthcare delivery, teaching, and research." Clinical faculty members expressed concerns to us that the U of T-Hospital affiliation agreements create the condition for forum shopping given the shared jurisdiction between the University and the Hospital. We appreciate that the University and Hospital enjoy a protocol by which they triage complaints to the appropriate body. But what is the appropriate body to redress concerns about speech on an online platform that exists neither at the Hospital nor the University? Clinical faculty members we spoke with believe that this jurisdictional ambiguity renders them unduly vulnerable when raising questions or "provocative challenges to the cherished beliefs of society at large" with respect to health care advocacy here and abroad.[248]

MAP DWG is concerned that members of the TFOM community were subject to informal and formal processes under the guise of professionalism that effectively over-policed and under-protected speech and advocacy by and/or on Muslims, Arabs, and Palestinians. Moreover, a review of the annual reports of the Office of Learner Affairs reveals that complaints about professionalism represent one of the largest areas of complaints they receive. MAP DWG was not privy to any Hospital annual report outlining the complaints they address annually or how many are on grounds of professionalism. Nonetheless, it would seem from TFOM data that professionalism is a category that attracts a wide number of complaints, with a range of redress mechanisms exercised by TFOM.

While the University is not responsible for the Hospital's actions, it nonetheless exercises bargaining power when negotiating the templated agreements used to memorialize the partnership between the University and Hospitals. MAP DWG has identified a jurisdictional ambiguity in the affiliation agreement as it relates to offsite speech and advocacy (online and otherwise), professionalism, and procedural fairness in informal and formal proceedings, whether under CPSO guidelines or otherwise.

MAP DWG appreciates that resolving issues around freedom of speech, advocacy, professionalism and confidence in the medical system is not an easy matter. As much as we heard from University members about how their speech was policed, many also shared their profound disdain for the speech of others. We heard many complaints about the 555 clinical faculty members who signed a letter published by Doctors Against Racism and Antisemitism in November 2023, hereinafter the DARA 555 letter. In that letter clinical faculty at TFOM expressed their commitment to Zionism and the right of Israel to defend itself. The letter stated, among other things:

> We affirm the right of TFOM faculty to be openly Zionist and to support the right of Israel to exist and defend itself as a Jewish state and for those faculty to be free of public ostracism, recrimination, exclusion and discrimination in the TFOM.
>
> To us, being a Zionist in 2023 means that we accept the right and the necessity of the survival of the Jewish people, and the existence of a Jewish state that ensures their survival.
>
> We know that accusations against Israel as … committing genocide are mendacious.[249]

Medical learners shared with us that the DARA 555 letter contributed to a climate of anti-Muslim, anti-Arab, and anti-Palestinian hatred. They expressed reservations about having to work under signatories to a letter who they believed disregarded their humanity. As one remarked to us:

> *After the war started between Palestine and Israel…many staff there are Jewish and participated in an open letter to the University of being proudly Zionist and that condemning Zionism is antisemitic in what I found an aggressive letter embedded with deep Arab and Muslim hatred* (MAP DWG Survey respondent).

Some members of the University explained to MAP DWG that after reading the DARA 555 letter, they were deeply concerned about the quality of care they could expect from doctors who affixed their name to it. For instance, one University staff member reported that before she gave birth to her Palestinian baby, she learned that her delivering physician had signed the DARA 555 letter. She asked the doctor whether, having signed the DARA 555 letter, the doctor would nonetheless remain faithful to relevant standards of medical professional ethics in the delivery of her Palestinian baby. The physician did not respond.

MAP DWG appreciates that in polarizing political environments, what happens halfway around the world is experienced locally on campus, in our affiliated Hospitals, and in proceedings on speech and advocacy under the guise of professionalism. Viewpoints will differ, which is what one would expect in a marketplace of ideas. The problem MAP DWG identifies is that, in some cases, individuals on all sides of an issue will insist that their viewpoint (or their offense at someone else's viewpoint) requires institutional redress. MAP DWG is concerned that the informal call-ins and the more formal complaints processes on professionalism were instrumentalized to effectuate such redress, often with the effect of chilling otherwise legitimate speech or, in more extreme cases, reprisals in employment.

Whether the University or Hospitals provide such redress must carefully balance institutional priorities, including freedom of speech. While the University cannot control what Hospitals do, it can negotiate with TAHSN Hospitals to amend the affiliation agreement to (a) resolve the jurisdictional ambiguity that the current agreement allows with respect to off-site speech and/or advocacy; (b) create a shared commitment to freedom of speech and advocacy in polarized political environments that is also consistent with the role of medical professionals and CPSO guidelines; and (c) develop agreed upon processes to ensure procedural fairness, whether in formal complaints processes or informal collegial/mentorship discussions related to speech and/or advocacy that may challenge the cherished beliefs of society at large.

Recommendation 38

When the University next enters into negotiations with TAHSN hospitals over the terms of affiliation, the University should propose a Protocol with Health Care Institutions, that addresses which institution exercises jurisdiction and how it is exercised with respect to professionalism and/or civility complaints related to speech and/or advocacy, including best practices on procedural fairness, evidentiary requirements, and the relevant indicia of public trust in health care provision to ensure greater accountability and transparency in how the relevant institution administers formal and informal complaints processes on University members with respect to any and all relevant guidance and policies on professionalism, civility, speech, advocacy, and social media usage, especially with respect to speech/advocacy that may challenge the cherished beliefs of society at large, including the University and the Hospitals.

MAP DWG understands that this is a point of negotiation with the Hospitals. Nonetheless MAP DWG's preference would be that the University should play a more robust jurisdictional role with respect to complaints against medical learners and faculty

(clinical and otherwise) with respect to allegations against *their speech or advocacy,* and that any such complaints should be adjudicated consistently with both University policies and CPSO guidelines with reasonable safeguards to ensure procedural fairness and appropriate evidentiary thresholds, while exercising restraint in the face of a highly polarized environment.

Recommendation 39

The Provost (or delegated office) should provide and publish guidance on best practices for procedural fairness in informal collegial and mentorship discussions, especially as related to speech or advocacy that may challenge the cherished beliefs of society at large or of the University itself. Best practices may include, for instance, notice to all parties; an opportunity to respond to allegations; evidentiary basis for the complaint and/or concern; and a written explanation of which University policies the conduct at issue allegedly contravenes.

Recommendation 40

The Provost and President shall undertake a review of the University's partnership agreements with local institutions (e.g. TAHSN hospitals, school boards) providing research, teaching, and learning opportunities to our students and faculty members, and negotiate revisions and amendments that ensure that complaints against University members' research, speech or advocacy offsite is subject to a jurisdiction that protects freedom of speech and adopts best practices for procedural fairness, whether in formal or informal review processes.

Recommendation 41

Any time a licensed professional, whether in a voluntary capacity or as part of a partnership with the University, refuses to complete the necessary requirements for a University student to complete an academic activity, such as a practicum, because the licensed professional disagrees with the student's otherwise legitimate and lawful speech, political views, or assembly choices, the Dean of the relevant Faculty must issue a prompt complaint to the appropriate licensing body on grounds of unprofessionalism and should exercise the necessary accommodations and/or measures to ensure the adversely affected student is not unduly prejudiced in fulfilling academic requirements.

Recommendation 42

The Vice-President, Advancement, in consultation with Principals and Deans, should promulgate a Volunteer Code of Conduct for any external person or body that seeks to contribute their time or in-kind resources, without compensation, to the mission and purpose of the University – for example, advisory boards, alumni volunteer bodies or activities such as mentoring, and so on. The Volunteer Code should expressly address their duties as volunteers to our students, and any consequences that may arise from not fulfilling those duties properly, particularly with regard to allegations of harassment and/or discrimination.

IX. Student Organizations and Student Societies

MAP DWG was pleased to engage with students across all three University campuses. Their concerns and ideas have been instrumental to many parts of this report. In Section II we address their concerns at how the People's Circle for Palestine was represented. The discussion of campus safety and protesting in Sections III and V stems from their concerns about their adverse treatment while participating in or leading protests on campus in furtherance of their freedom of speech. Their examples of experiences in classrooms, libraries, and laboratories informed our recommendations in Section VI concerning bias and pedagogy, and the lawfare potential of review processes over research and advocacy by or on Muslims, Arabs, and Palestinians. We are grateful to all the students who spoke with us.

In this section, we focus on student organizations and student unions. We were pleased to have met with representatives of many student unions across the three campuses, and a cross section of the many student organizations organized across the University. We organized our meetings with student organizations and unions on a campus-by-campus basis. The University of Toronto comprises three separate campuses situated across the Greater Toronto Area. The UTSC and UTM campuses are each led by Principals and a decanal team overseeing the respective campuses and their academic programming, whereas the UTSG campus features professional schools, the School of Graduate Studies, and the University's central administration. We were pleased to have met with a wide range of constituents across the three campuses. Notably, while we were pleased to meet with UTM students, staff, and faculty members, we were disappointed that the Offices of the Principal and Dean at UTM did not consult with us. Though we submitted questions to them to address two months in advance, those offices did not provide written responses until after our consultations concluded in February. Moreover, their responses did not address our specific questions. As those offices explained, "given the scope and level of detail within the consultation questions, we cannot address each item individually."[250] MAP DWG is concerned that UTM's failure to meet or meaningfully respond to our distinct questions runs contrary to Recommendation 6 of the Civil Discourse Working Group on transparency and accountability.

IX.1. Space for Muslim Religious and Cultural life

Muslim student organizations on all three campuses complained about the lack of space for prayer facilities. Muslim Students Associations and the larger student unions, especially on the UTM and UTSC campuses, made plain this need.

> *Inclusion of prayer spaces in building[s], even if not a private space, but signage saying you're welcome to pray in this corner/ area is helpful* (MAP DWG survey respondent).

> *[S]upport spaces for Muslim and allied students must be expanded and respected. The University should increase funding for Muslim student organizations, prayer spaces, and community events* (MAP DWG survey respondent).

> *I asked someone in a UofT building if there was a prayer room or prayer space I could use and was told "This is not a Muslim school." Their tone was aggressive and my question seemed to anger them. I was kind in my approach and tone and was jarred by their response. I am new to U of T and I'm not familiar with the buildings here, and most definitely not familiar with the culture of Muslim hate* (MAP DWG survey respondent).

MAP DWG was pleased to meet dedicated staff across the University and at affiliated organizations who secure space for Muslim students to perform religious services. Emmanuel College, the Multifaith Centre, Hart House and others provide space to support Muslim life on campus. As MAP DWG's consultations concluded, we learned of a new space that opened in the Bahen Centre on the St. George campus, which will be supported by the administration with custodial and other services. We also learned that the Institutional Equity Office is leading initiatives on securing regular spaces on the three campuses for faith-based activities for our students.

We raised these issues about space with senior administrators at all three campuses and secured considerable feedback. The limits on space allocation often turn on space availability; custodial costs related to setting up a room for prayer and returning it to its original state; and a priority given to reserving space for teaching. MAP DWG also learned about the arduous work of many staff members across the three campuses to create workplans for space provision. Some expressed frustration at their inability to do more for the students and shared ideas with MAP DWG. For instance, some staff asked MAP DWG to recommend the University allocate space without imposing on student groups the current costs of custodial care, which have been a burden many student groups cannot bear. Others suggested the University allocate space in every building for prayer and meditation on a non-denominational basis. This latter recommendation was construed by many as impracticable given the demands on space for everyday University business. However, as MAP DWG was finalizing this report, news media reported that

the Canadian government has allocated over 934 open spaces in buildings for wellness purposes to support federal civil servants.[251] While some may view that as a waste of space, it is no less true that students are in our buildings every day. Not all can live on campus; the University does not have enough residential space for all its students. As Graham F. Scott reports, "it's estimated that roughly 85 percent of U of T students commute to one of the three campuses."[252] The creation of such open spaces in each building may be conducive to wellness of the overwhelming number of students who commute to campus each day.

With guidance from student organizations during our consultations, MAP DWG approaches the issue of space for Muslim religious accommodation on campus by reference to (a) the University's built environment, including denominational spaces that are already part of the University now, particularly at the federated universities and colleges; and (b) how the University has already provided accommodations for religious life and cultural practices given our global student body.

The University's built environment includes spaces formally owned by independent colleges that are "federated" with the University pursuant to a series of federated agreements. As much as a secular reading of the University's mission and purpose might preclude prioritizing the building of new religious places for worship on campus, the University's history reveals a different story. The University's history shows that it has long engaged, enabled, and partnered with religious institutions that support the University's constituents. For instance, the Trinity College Chapel at the St. George campus holds services weekly, with Holy Eucharist offered on Sundays. The chaplaincy at Trinity is funded by a $1 million endowment made in 1995. Emmanuel College at the federated Victoria University, makes plain it is "[r]ooted in the ecumenical heritage of the United Church of Canada." Hillel Ontario, which serves the local and regional Jewish university student community, has a home in the heart of the St. George campus on lands it leases from the Governing Council of the University. In other words, whether through a range of historic agreements, real estate partnerships, or both, the University enables and/or creates the conditions for religious life on campus to flourish.

MAP DWG appreciates that the University must balance cost with accommodation. At the same time, MAP DWG recognizes that how the University balances the two can have implications for how it signals its inclusiveness to a global student body. During our consultations, MAP DWG was repeatedly told about UTSC's "bidet program" as an accommodation that reflected the needs of the University's global student body. As an op-ed in *The Varsity* explains, "[f]rom Asia to Europe, many people across the world are accustomed to seeing bidets in bathrooms – experiencing a culture-shock to discover that bidets are not a standard bathroom practice in North America."[253] Like space allocation, the provision of bidets poses costs. Bidets are just one more item in a bathroom that might break, creating an opportunity for leaks, water damage, and potentially higher insurance and/or maintenance costs. While some would wish for bidets in all UTSC rooms, the administration offers students a "Bidet Request Form" by which they can request a bidet in their residential washroom for a $100 fee. We appreciate how the University has accommodated diverse student needs and recognize that the accommodation is limited by the extent to which the costs can be covered by students. At the same time, MAP DWG notes that the University does not consider a bidet to be a standard fixture in washrooms across the campus, despite the diversity of students on campus, the international outreach the University conducts, or the time these students spend on campus, including use of public washrooms on the campus grounds. While the University is free to decide what is and is not a standard fixture, how it does so is no less constitutive of campus life and experience.

When MAP DWG discussed the issue of space and religious observation with Muslim student leaders, they recommended we examine real estate partnerships to address the issue of space. When we met with then-President Gertler, he told us about the newly opened Sam Ibrahim Building on the Scarborough campus:

> Tapping into new sources of wealth in the community is good news and a vote of confidence in the U of T. Sam Ibrahim is quietly building an enterprise of global reach, and he's funded a new building as well as a centre for leadership and entrepreneurship. Sam Ibrahim asked if we were sure we wanted to name the building after him, and we said that it's a positive signal to the community. We hope that it sets a precedent. And we need to do more.

MAP DWG recognizes the University's need to continue fundraising as it builds on its various land holdings across the three campuses. The Sam Ibrahim Building is the home for the Office of Student Experience and Wellbeing, Computer Science and Mathematics, and other student-facing services. It is also the home of the Sam Ibrahim Centre for Inclusive Excellence in Entrepreneurship, Innovation, and Leadership, an accelerator "dedicated to empowering entrepreneurs across every stage of their journey, from idea concept to business scaling and groundbreaking research." While the building's name rightly honours a high-profile member of the Toronto region who is also Muslim, MAP DWG was unable, to identify any aspect of the building dedicated specifically to Muslim, Arab, or Palestinian life.

We pursued this line of inquiry, asking questions about institutions such as the Newman Centre Catholic Mission and Hillel Ontario, and the history of their relationship with the University. We were told that privacy and confidentiality precluded discussion of lease terms and that our inquiries were "unrelated to the working group's mandate," despite its clear relevance in determining whether the administration is treating Muslims similarly to other religious groups on campus.[254] In the absence of any guidance, MAP DWG contacted the Office of the Vice-President, Operations and Real Estate Partnerships for clarity on the following:

What are the University's strategic priorities for real-estate partnerships?

Are real-estate partnerships that create spaces for Muslim religious and cultural life part of the University's strategic plan?

If not, what are the necessary conditions for developing such a real estate partnership?

What incentives, if any, has the University provided other independent bodies to operate spaces of religious life currently supporting University constituents?

We did not receive a response to either our invitation or our written inquiries and so were unable to secure answers to our questions about

1. The University's historic relationships with religious institutions.
2. The circumstances or broad outlines of any cooperation agreements that may serve as a template for future real-estate development projects supporting Muslim, Arab, or Palestinian life on campus.
3. The constituent features of a real estate partnership.
4. Whether real estate partnerships that result in student-facing services for the University community allows the University to provide leases at below market value given the services provided.
5. Whether real estate partners, however independent from the University, are nonetheless subject to the University's policies, and if so, which ones.

Recommendation 43

The University should:

A. Formally allocate a budget for custodial care in providing space accommodations to enable Muslim life on the three campuses.

B. Explore including within the University's 10-year real estate development plans the development of Centres for Muslim Life on the three campuses.

Recommendation 44

The Division of University Advancement – in coordination with the resources provided in Recommendations 3 and 7– should develop an advancement strategy to attract donors to a Muslim, Arab, and Palestinian excellence campaign at the University.

IX.2. The Autonomy of Student Societies: Over-Policing and Under-Protection of Student Union Speech on Palestine

In consultations with student leaders of the UTM Student Union (UTMSU), Scarborough Campus Student Union (SCSU), and the U of T Graduate Student Union (UTGSU), MAP DWG learned of considerable tensions between their organizations and University leadership. This section consists of two case studies that involve the University's *Policy on Open, Accessible and Democratic Autonomous Student Organizations*. As will become plain from the below analysis, MAP DWG is deeply concerned that the University's management of the relationship—where research, speech, and advocacy by and/or on Muslims, Arabs, and especially Palestinians is concerned—evinces a tendency to over-police and under-protect.

IX.2.A. The University of Toronto Mississauga Students' Union: Over-policed speech and under-protected from Ontario Government over-reach

MAP DWG learned about tensions between the University of Toronto Mississauga Student Union (UTMSU) and the senior administration of the Mississauga campus, particularly the Office of the Principal, with respect to a statement UTMSU issued a few days after Hamas' attack on Israel and Israel's commencement of bombings in Gaza. On October 10, 2023, UTMSU posted a statement online standing "in solidarity with all Palestinians and innocent civilians affected by the on-going conflict in Gaza and around its borders." The full statement situated the October 2023 violence in the broader history of the conflict, namely the *longue durée* of what Palestinians call the Nakba,[255] making clear that the UTMSU neither

> justifies [n]or accepts the killing of innocent people, but rather sheds light on the dehumanization of the Palestinian people. As a student union, we advocate for peace and for the divestment of weaponry, arms-manufacturing and any investment in apartheid … The conflict between Israel and Palestine is about the self-determination and freedom of the Palestinian people and their right to resist an apartheid regime and the forced dispossession of their territory.

On October 13, 2023, after hearing from students, staff, faculty , alumni, and parents of students, the Principal responded:

> UTMSU is an autonomous, democratically elected student organization on campus, whose membership includes all UTM students. It is entirely inappropriate for it to express a position that does not represent the views of its full membership –

> views that are as diverse as the student body itself. Student unions and governments must resist the urge to make public statements on contentious issues that purport to represent the views of all of their constituents.

A few days later, on October 17, 2023, in the Ontario Legislative Assembly, the Minister of Colleges and Universities denounced the UTMSU and its executive leadership committee for its statement on Palestine. The Minister's remarks are publicly available in the Ontario legislative record:

> After seeing the statement by the York University students' union and the University of Toronto Mississauga Students' Union that praises Hamas terrorist actions as necessary – it's absolutely appalling. The student union defended the actions of Hamas and other affiliated terrorist groups. They defended rape, torture and mass murder.

The statement proceeded to list the names of the students of the UTMSU Executive team, and then stated:

> Today, Speaker, I call upon York University and the University of Toronto Mississauga to investigate and, if necessary, bring non-academic misconduct reviews regarding the actions of the executives of both respective unions for their statements . . . Speaker, let me be abundantly clear: Students who support terrorism must be held accountable for their public statements.

MAP DWG finds the Minister's statement to indulge common anti-Palestinian tactics and tropes, and to ignore Canada's international legal commitments. The UTMSU's statement denounced the killing of innocent people and refers to the Palestinian peoples. The Minister, however, indulges a longstanding tactic of reducing "Palestinian peoples" to terrorists or terrorist groups. Moreover, the UTMSU's statement refers to international legal principles of self-determination. The United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP), to which Canada is a signatory, states in Article 3: "Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development." Notably, Article 3 of the UNDRIP quotes directly from Article 1 of the International Covenant on Civil and Political Rights, to which Canada became a party in 1976. The Minister's statement demonstrates a failure to recognize the Palestinians as a people entitled to rights under international law, and to that extent, is a paradigmatic case of anti-Palestinian discrimination and an illustration of how anti-Palestinian discrimination provides the foundation for harassment against research, speech, or advocacy by or on Palestinians.

MAP DWG found no statement from the Principal's office addressing the Minister's derogatory and hateful statements against our students, revealing once again how discretionary decisions on communication can contribute to our observation that research, speech, and advocacy by or on Muslims, Arabs, and Palestinians is reasonably perceived to be simultaneously over-policed and under-protected. UTMSU leadership was disappointed at the limited support they received from the administration, especially with respect to the Minister's incendiary remarks. MAP DWG did not receive any information from UTM in response to our questions about this incident.

MAP DWG appreciates that the relationship between the University and student societies is governed by the *Policy on Open, Accessible, Democratic Autonomous Student Organizations*, a policy that respects the autonomy of student groups while insisting on their democratic governance. MAP DWG appreciates that there is a delicate balance between the University and student societies that is not always harmonious. Under the Policy for Compulsory Non-Academic Incidental Fees (CNAIP), the University collects "a compulsory non-academic incidental fee" on behalf of student societies in which "membership is automatic and determined by registration and status in a particular division or program, or in one of a number of divisions or programs of the University of Toronto." Student unions are independent corporations under the law of Ontario, but also reliant on the University to collect the fees that constitute their annual budget.[256] MAP DWG appreciates that in recent years, as explained below, the Ontario legislature has sought to restrict student society incidental fees, which would threaten their operational integrity.[257]

Under Section 34 of The University of Toronto Act, 1947, student societies satisfy a legislatively recognized function of student representation and contribution to University governance. As much as the University and student unions are separate and independent, the legislative documents that undergird the University signal a close, proximate, even inter-dependent relationship between the two managed under the *Policy on Open, Accessible, Democratic Autonomous Student Organizations.* Included under the auspices of that *Policy* is the *Complaint and Resolution Council for Student Societies (CRCSS)*, "a University-wide complaint and resolution process applicable to student societies."

Importantly, the relationship between the University and student societies is one that stands in contrast to all external, third parties, including the Government of Ontario. The latter exercises regulatory authority over the University, and as noted above, has considered proposals to defund student unions. Ontario's courts have rejected such proposals. In doing so, however, the courts reiterate the interconnectedness of universities and student unions, especially when considering their relationship under the auspices of "institutional autonomy". Rejecting the latest effort to defund student unions, the Ontario Court of Appeal explained: *"Student associations cannot neatly be separated from university governance. On the contrary, they are an important part of it."*[258] Rejecting Ontario's proposal, the Court of Appeal explained:

> the [proposed] framework constitutes an incursion into university autonomy by interfering with the funding of student associations, and as a result their ability to play a role in university governance. Universities have exercised their authority to establish a mandatory fee system in order to promote student associations and support their participation in university governance.[259]

We appreciate that the relationship between the University and student societies can be contentious. But we also believe that because the University and student societies enjoy a relationship exclusive of all others, MAP DWG considers the relationship to entail some responsibilities toward one another when attacked by external third parties that may seek to interfere in the institutional autonomy of one or the other or both

For instance, in the case of the UTMSU statement and the Principal's response, MAP DWG is concerned that the University held UTMSU to an impracticable standard of democratic governance. In her remarks, the Principal stated: "It is entirely inappropriate for it to express a position that does not represent the views of its full membership."

The *Policy on Open, Accessible, Democratic Autonomous Student Organizations* certainly considers democracy to include, for instance, a commitment "to consider and respect the range of member's views whether majority or minority in nature." The *Policy* does not define what open, accessible, or democratic means. It provides examples of what each term might imply or mean for student societies. For instance, *Open* includes considerations of transparency, the dissemination of information freely, and a commitment to ensuring "that members' voices and perspectives whether expressed individually or by a group, can be heard and, if appropriate, acted upon." *Accessible* can include openness to scrutiny, respect for diversity and equity, fair processes for members to effectuate change, and so on. *Democratic* entails, for instance, an ability for all members to participate if they wish; financial transparency; consideration and respect for the range of member's views; and "ways for dissent, and for complaints, to be considered and resolved," and so on. Importantly, as much as student societies must account for the multiplicity of views, whether in minority or majority, nothing in the *Policy* suggests that a student society cannot act without unanimous commitment, agreement, or consent. Indeed, the anticipation of minority positions, dissent, and complaints implies the possibility that a student society may act or speak on an issue, contrary to the Principal's message, even if it "does not represent the views of its full membership." The *Policy* is focused more on process and is outcome neutral.

MAP DWG infers from the University's *Policy* the necessary inference that if a student society must consider dissent in accordance with processes that are open, accountable, and democratic, *it must by implication be able to act without universal assent*. Indeed, a requirement of unanimity would make governance impracticable. MAP DWG accordingly finds that by the University's own *Policy*, the Office of the Principal at UTM held UTMSU to an unworkable standard of democratic accountability with the implied effect of over-policing research, speech, and/or advocacy by or on Muslims, Arabs, and Palestinians. As a corollary based on the University's and UTMSU's relationship, MAP DWG does not agree with the Office of the Principal in its decision to assume no responsibility to protect UTMSU from external, third-party attacks, especially an Ontario cabinet minister who also exercises regulatory oversight over the University.

MAP DWG understands that an implication of the Ontario Court of Appeal decision on the Student Choice Initiative is that, while autonomous relative to the University, student societies are also entitled to University protection from *third parties* who are not part of the University-student society governance nexus precisely because *"[s]tudent associations cannot neatly be separated from university governance. On the contrary, they are an important part of it."*[260] While the *Policy* addresses the University's relationship with student organizations, it does not adequately explain the University's obligations, if any, to protect our student organizations from third-party, external attack, in furtherance of institutional autonomy as recognized by Ontario's courts. MAP DWG realizes that some may accuse us of trying to have it both ways, to ensure student unions are protected by the administration from external attack AND are also left alone to make statements and administer democratic processes. We believe, rather, that there is a balance that the student societies and the administration have not yet perfected.

Recommendation 45

The Provost (or delegated offices) should

A. In cooperation with the University's student societies, provide administrative guidance on the *Policy on Open, Accessible and Democratic Autonomous Student Organizations* to clarify that democracy means "representative democracy".

B. Consult with student organizations and unions about shared expectations on the balance between autonomy and the need for mutual support, in particular with respect to third parties or external actors, including Provincial regulators.

C. Develop resources – in cooperation with student unions and student organization leaders – to support senior academic and non-academic administrators and student union executives to understand the nature of representative democracy and disagreement.

D. Develop guidance for academic and non-academic administrators, consistent with the recommendations of the Working Group on Civil Discourse, on the requirements of transparency and accountability in performance of their duties.

IX.2.B. The University of Toronto Graduate Student Union (GSU) and its Boycott, Divestment and Sanctions Caucus

MAP DWG received submissions related to the University's current withholding of funds from the Graduate Students' Union for its continuing financial support of its Boycott, Divestment, and Sanctions Caucus (BDS Caucus), which the UTGSU created in 2012 and has repeatedly upheld through democratic processes. As the UTGSU explains, the BDS Caucus

> coordinates efforts to educate and mobilize the membership and our broader community in support of the Boycott, Divestment, and Sanctions movement. The work of the Caucus includes supporting the campaign for financial divestment from companies that benefit from violations of international law and human rights abuses in the Occupied Palestinian Territories.

As was reported in *The Varsity,* a PhD student considered the BDS Caucus a form of discrimination against a nationality. The complainant, having exhausted UTGSU internal complaints mechanisms, submitted his complaint to the CRCSS. As noted above, the CRCSS is a dispute resolution body designed to address complaints against student organizations and unions where internal resolution processes have been exhausted. Importantly, the UTGSU rejected this contention, claiming that the complainant was using the CRCSS as a bypass around the GSU's democratic processes. As the UTGSU explained, "the CRCSS is not a mechanism for members who are unhappy with the substantive policy or results of the democratic process to overturn them through the backdoor."[261] In this case, the CRCSS issued five recommendations that the GSU should redress. MAP DWG had a chance to review the UTGSU submission to the CRCSS, the CRCSS decision (which is public record in *The Varsity*), and the Provostial letter providing a final decision upon review of relevant evidence.

MAP DWG appreciates that among student societies consulted, there are substantive concerns about the CRCSS and its capacity to be leveraged as an end-run around democratic policy decisions.[262] In some of our consultations, MAP DWG heard of dissatisfaction with the CRCSS, viewing it as heavy-handed and overly concerned with University risk avoidance. Addressing the broad context of student union governance falls outside the terms of reference for MAP DWG. Nonetheless we recognize that the management of these relations can have serious implications for research, speech, and advocacy by and/or on Muslims, Arabs, and Palestinians.

MAP DWG raises concerns about potential bias exercised by the CRCSS chair when formulating the student review panel that would decide on the underlying complaint. According to the record of the case, the complainant issued an objection to the CRCSS chair about a proposed panelist's conflict of interest. The objection alleged that the proposed panelist—a graduate student at the University— engaged in social media activity related to the 2018 CUPE Local 3092 strike at York University that revealed a conflict of interest with respect to the issues at dispute. That strike was the longest at a post-secondary institution in Canada. As media reports explained, sessional lecturers demanded "equity provisions, prevention of further setbacks in their fellowship funding model, job security, and graduate assistant jobs as part of the new collective agreement."[263]

The UTGSU reproduced the social media activity at issue in its response to the CRCSS advisory decision to the Provost:

> Retweet #1: "I'm a @yorkuniversity community member & I don't feel safe as an undergrad. Knowing that @YorkUPresident & her admin are penalizing undergrad & grad students for peaceful resistance is scary, especially when it's based on Tweets.

The complainant claimed that the "peaceful resistance" was directly connected to the CUPE Local 3903 strike at York University. "This is problematic," explained the claimant, "because CUPE Local 3903's support for BDS was a live issue during the 2018 strike at York." This claim reduces a complex labour strike on issues of precarious employment and labour relations to a single, narrow issue. One can support a labour strike without supporting every stand that a particular union local chapter may take.

The claimant also provided a news article about a "sit in" at York University. Certain students at the sit-in displayed a Palestinian flag. The inference to be drawn from this was to associate the strike at York University in 2018 with Palestine and BDS. The record of that strike offers no empirical basis for this inference.

The third piece of evidence was a retweet by the removed panelist which said:

> York is now calling grad students at home to begin the process of punishing them under the student code of conduct for tweeting their feelings/responses to the Strike. This is very chilling to me as a mouthy grad student whose only protection is the union.

The claimant inferred that this tweet implied the proposed panelist

> does not believe that a university administration has the authority to discipline students, and students' "only protection is the union"…This is troubling since, if my appeal is accepted, the likely outcome will be the University of Toronto taking some sort of action against the UTGSU for continuing to fund BDS.[264]

Procedurally, we learned that the Chair of CRCSS never explained to the UTGSU why he found a conflict of interest and removed the proposed panelist. As the GSU explained

> The CRCSS Chair did not inform the UTGSU of the reason for the change. In particular the CRCSS Chair did not disclose that
>
> - On May 5, 2020, the complainants objected to the Removed Panelist sitting on the panel on grounds of bias. He provided two reasons in support of his objection [see above].
> - On May 8, 2020, the CRCSS Chair responded privately to the complainant affirming his objection and removing the Removed Panelist from the panel.
>
> At no time did the CRCSS disclose the objection to the UTGSU or give UTGSU the opportunity to make representations as to whether there was a reasonable apprehension of bias.

Notably, the University explains the CRCSS Procedures. Of particular interest to MAP DWG are rules 4 and 5:

> 4. The Chair shall inform the Student Society of the complaint and shall inform both the complainant and the Society against whom the complaint has been made ("the responding society") of the names of the CRCSS panel members chosen to review the complaint.
>
> 5. The complainant and the responding Society will have an opportunity to write to the Chair to raise an objection of conflict of interest or bias regarding the CRCSS members chosen to review the complaint. The Chair will rule upon the matter of any objection and may, based on the information provided by the Society, select an alternative student member at the Chair's discretion.

There is no procedural requirement that the Chair must engage all parties to address objections to panelists. Rather, the Chair is empowered to make decisions without having to consult all parties to the matter. MAP DWG is concerned that the lack of more robust procedures may allow for bias to enter the process, raising concerns (consistent across this report) of procedural unfairness. In the case of the CRCSS decision on the UTGSU's BDS caucus, this potential for bias is especially great precisely because the Chair of the CRCSS disclosed his personal opinion on BDS when communicating the decision of the CRCSS panel:

> It should be emphasized that this appeal is not the place for a debate on the broader morality or effectiveness of the BDS Movement. In order for this appeal to succeed, it is unnecessary for me to prove that the BDS Committee is ineffective or immoral—*though I indeed believe that is the case.*[265]

MAP DWG is reasonably concerned that the Chair of the CRCSS' biases about BDS may have informed his otherwise discretionary decision making under the CRCSS rules of procedure, against which there was no procedure to ensure accountability and transparency to uphold confidence in the dispute resolution process.

MAP DWG learned that ultimately the Provost decided to withhold a proportion of fees from the UTGSU because of its continued support of the BDS Caucus. "The amount to be withheld is limited to the portion of student fees that would have been allocated to the BDS caucus (equivalent to 0.86 per cent of the overall society fee, or $10,918" for the 2021-2022 academic year.[266] UTGSU explained to MAP DWG that their budget allocation to the BDS caucus is far less than this stipulated amount. This fiscal withholding is perceived as punitive, and based on a CRCSS decision that, based on the above, suffers from procedural errors, some of which stem from plausible bias about research, speech, or advocacy by or on Muslims, Arabs, and particularly Palestinians.

Recommendation 46

The Provost (or delegated offices) should:

A. Consult with student unions and organizations to assess their support for a review of the Governing Council *Policy on Open, Accessible, Democratic Autonomous Student Organizations*, which includes the CRCSS as a dispute resolution mechanism since the time of the Policy's adoption a decade ago.

B. Assess the withholding of fees from the UTGSU for its BDS Caucus at the end of UTGSU's fiscal year based on actual funds spent, in furtherance of UTGSU's autonomy and democratic operations.

C. Review, revise, and periodically update the CRCSS procedures in light of best practices on procedural fairness to all parties to a dispute.

D. Reassess UTGSU's compliance with relevant policies in light of its continued and renewed commitment to the BDS Caucus.

E. In coordination with SCSU, UTMSU, UTGSU, UTSU, APUS, and other student organization representatives and the University's Investment Committee, support capacity building within student societies to identify best practices for student organizations' that choose to pursue practices of corporate social responsibility and avoidance of social harm.

X. Divestment

Consultations with MAP DWG reflected a consistent call for the University to divest its investment portfolio from securities tied to corporations that contribute to the violation of human rights and international law, specifically in Palestine.

> *the university should be…[divesting from] the Israeli occupation, for both international investments and illegal settlements in the Palestinian territories* (MAP DWG Survey respondent).

> *We should be divesting, disclosing and cutting ties with the apartheid state of Israel as a first step. I'm not sure how this is considered a radical thought. And precisely because this is considered radical is why Muslim students are not as safe as other students* (MAP DWG Survey respondent).

> *I think the first place to start is admitting what Israel is and has become concerning the systemic oppression, daily violence, displacement, ethnic cleansing and genocide of the Palestinian people. From there, I would take steps to disclose your relationships, ties and support[,] and divest all funding from its war machine* (MAP DWG Survey respondent)

Those consulted also wanted a more open University dialogue on divestment:

> *invite a couple of representatives to discuss openly about divestment and sanctions* (MAP DWG Survey respondent)

At the same time, across consultations we found a profound distrust and dismissiveness of the University's *Policy on Social and Political Issues with Respect to University Divestment*, and thus an unwillingness to pursue the processes of divestment outlined therein.

X.1. Divestment and the University

MAP DWG appreciates that not all University members are interested in the issue of divestment. Many believe that the only criteria for University investments should be the maximization of returns, with the aim of securing their future pensions and maximizing resources of the University from its endowment.[267] Others see issue-based divestment as inapposite to the exercise of academic freedom and freedom of speech in a community as diverse as U of T's. This view underlies the University's *Policy on Social and Political Issues with Respect to University Divestment*. Others see divestment as central to ethical investing and accordingly do not wish to benefit from investments that contribute to gross human rights violations. For instance, on May 8, 2025, faculty members successfully moved and voted to require UTFA to instruct its representative to advise the University Pension Plan to divest from companies complicit in grave violations of international law, including but not limited to, Israel.[268]

Because economic divestment was repeatedly raised in consultations, MAP DWG sought to understand where the University is and is not invested, and why. Unfortunately, we were unable to secure the information we requested from the University of Toronto Asset Management Corporation, which is a separate corporation and did not respond to our consultation invitation. The Business Board of Governing Council responded to our queries by explaining that according to the *University Funds Investment Policy,* "[t]he President of the University or designate is responsible for…[w]ith the advice of the Investment Committee, approval of asset allocation for the University funds." MAP DWG asked the President and Investment Committee (a) where in the Muslim, Arab, and Palestinian worlds the University is invested; and (b) whether the International Court of Justice's decision on the illegality of any investments in Israel that contribute to its illegal occupation of the Occupied Palestinian Territories—although not directly applicable to the University—informed University investment principles.

The President did not address our specific questions. However, she outlined the policies that govern divestment, specifically, the University's *Policy on Social and Political Issues with Respect to University Divestment* (Divestment Policy). That policy opens by describing the University's general approach to calls for divestment in an environment of viewpoint diversity:

> As a general matter, the University does not take positions on social or political issues apart from those directly pertinent to higher education and academic research. Instead, its role is to provide a forum within which issues can be studied carefully and debated vigorously. Given these values, the University will not consider any proposals for restrictions on its investments that require the institution to take sides in matters that are properly the subject of ongoing academic inquiry and debate.

Nonetheless, the Policy provides a pathway University members can pursue. It requires proponents of divestment to submit a "convincing brief" endorsed by 300 members of the University, which will then be reviewed by an ad hoc committee. That committee will consider the brief pursuant to principles the University describes as follows:

> [F]irst and foremost, maximizing economic return consistent with the University's stated risk tolerance should be the criterion for purchase and sale of stock in all normal circumstances. In specific instances where the University's social responsibility as an investor is questioned, however, credible and effective procedures for responding should exist.
>
> Responses should be based on the following principles:
>
> (i) prudent investment. The University has a fiduciary duty to manage investments responsibly to maximize return on its investments within a policy risk tolerance as approved by Business Board from time to time.
>
> (ii) the Yale University concept of social injury:
>
> (a) Social injury is the injurious impact which the activities of a company are found to have on consumers, employees, or other persons, particularly including activities which violate, or frustrate the enforcement of, rules of domestic or international law intended to protect individuals against deprivation or health, safety, or basic freedoms; for purposes of this Policy, social injury shall not consist of doing business with other companies which are themselves engaged in socially injurious activities.
>
> (iii) actions taken by the Canadian government or other national or international bodies with regard to the particular issue of concern.
>
> Consideration of questions about social and political issues with respect to University investment must take into account applicable legislative requirements and government or University policy, as well as the legal standards applicable to prudent institutional investors.

In addition, it explains that upon receipt of a brief, an ad hoc committee will consider the following:

- the extent and significance of the University's investment in a particular entity. Determination of whether investments are considered significant will depend on the committee's judgment of the relative magnitude of the University's holdings both as a fraction of all University investments and in relation to the market capitalization of the entity under review.
- the degree to which the entity itself is involved in the undesirable activity. Normally, activity is considered significant if more than ten percent of the entity's revenues are derived from the undesirable activity.

The University's *Policy* on divestment anticipates a process driven by University members seeking divestment and to which the University will respond. In the past, the University has responded positively to requests to divest from South Africa (1988), tobacco (2007), and fossil fuels (2021). The decision to divest from South Africa was made possible by 1988 Ontario legislation (since repealed) that allowed pension fund managers to dispose of South African investments without liabilities for financial losses to the fund. At the time of writing, MAP DWG learned that the administration has received no briefs making the case for divestment from Israel.

MAP DWG learned from its consultations that there is little trust or good faith in the University to be consistent in its approach or standards, at least with respect to redressing the harms experienced by Muslims, Arabs, and Palestinians.

> *Anti-Arab discrimination, harassment, exclusion impacts us every day and the University says nothing* (MAP DWG survey respondent).
>
> *I do not trust the university to safeguard my well-being or those I know who are Palestinian and/or pro-Palestine* (MAP DWG survey respondent).
>
> *I fear speaking up the chain of leadership because they are all afraid to say anything* (MAP DWG survey respondent).

This general distrust of the institution has led many to consider the *Policy* on divestment as a make-work distraction. This general distrust is compounded by the University of Toronto Asset Management's approach to investment, namely serving as a manager of managers. "UTAM allocates the vast majority of its endowment funds to external investment managers… [who] invest clients' assets in a broad range of companies" through investments in pools of securities.[269] Some consider this model effectively to preclude the kind of review required for divestment. UTAM as a manager of managers, relies on external managers with investment pools they design of their own accord (and may not publicly disclose). This adds "layers of secrecy to UTAM's investments" because the external managers hold the specific corporate securities, and not UTAM itself.[270] Moreover, University spokespersons explain that "to comply with subscription agreements with external investment managers, [UTAM] is restricted from disclosing specific holdings and portfolio shares." Certainly, it may be feasible to identify certain companies to exclude from investment pools, as outlined in a May 2024 report ***Disclose and Divest***, and require UTAM to work with external investment managers to exclude them from *future* subscription agreements once existing agreements come to an end. Nonetheless, by virtue of UTAM's manager-of-managers approach to investment, many consultees believe that the *Policy* on divestment is little more than a make-work endeavour with little meaningful possibility for success. And finally, the University calls upon members to submit briefs that draw on the Yale University principle of social injury, as articulated by John G. Simon, Charles W. Powers, and Jon P. Gunnemann in

their 1972 book, *The Ethical Investor: Universities and Corporate Responsibility* (Yale University Press). They define social injury as:

> the injurious impact which the activities of a company are found to have on consumers, employees, or other persons, particularly including activities which violate, or frustrate the enforcement of rules of domestic or international law intended to protect individuals against deprivation of health, safety or basic freedoms; for purposes of these Guidelines, social injury shall not consist of doing business with other companies which are themselves engaged in socially injurious activities.[271]

The strategy they adopt centers on the University as a shareholder able to exercise the power of shareholder votes concerning corporate behavior. Importantly, they do not advocate for divestment as a strategy of combatting corporate social injuries. As they expressly state:

> [W]e have not proposed that divestment be employed as a first-line method for correcting corporate policies for we think it improbable that it can have that effect…And if divestment is not an effective technique, we see no other reason to recommend it…[I]nstitutional decontamination—the quest for a clean portfolio—is not a supportable or even feasible goal…."[272]

Indeed, one reviewer of *The Ethical Investor* explains that the authors of the Yale social injury concept generally rejected divestment as a corporate strategy:

> Divestment might be a logical course when a corporation is clearly flouting the law or some well-established social policy and the corporation fails to respond to letters and suggestions from its shareholders. The authors conclude that even in such an instance, divestment should not occur if it would cause economic harm to the university.[273]

MAP DWG appreciates that the University is entitled to stand by its policy. Nonetheless, we find ironic that the University's divestment policy requires a "convincing brief" for divestment based on a principle of social injury that, by its originators' very design, does not actually embrace divestment as an effective institutional strategy.

Other University constituents have pointed out that the authors of *The Ethical Investor* wrote their book prior to the adoption of the Rome Statute, to which Canada is a signatory. Accordingly, the examples cited in their book do not contemplate the duties of an ethical investor in the context of firms maintaining investments in a state committing the most grievous international crimes, such as genocide, ethnic cleansing, racial segregation and apartheid, and acquisition of territory by force. They referred us to the International Court of Justice's July 2024 advisory opinion on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem,* and the international law and norms that constituted the basis of that decision. These members of the University drew on international legal decisions to explain to us that because Israel's conduct amounts to violations of peremptory norms of international law, there are no reasonable grounds for denying "social injury" when it comes to investments in Israel, because there are no amount of profit can justify violations of these peremptory norms. For these reasons, this group of the university community argues that the ordinarily applicable requirement of a "convincing brief" should be dispensed with, since it only plays a role in cases where financial returns could potentially outweigh social harms arising from the investment.

Others explain to us that even if they were to submit what the *Policy* calls a "convincing brief", they are uncertain what the threshold for "convincing" entails. The fossil fuels brief, which is publicly available, was a book-length manuscript.

Preparing a "convincing brief" under the University's *Policy* on divestment falls outside the scope of MAP DWG's Terms of Reference. Nonetheless, during our consultations, we learned that some professors at the University are considering the preparation of a brief. We encourage those faculty or other units to prepare a brief under the *Policy* and secure the requisite 300 signatures. Whatever one may think about the *Policy* and its efficacy, it nonetheless exists and governs University action on this matter. For as long as University members do not utilize it, the University is entitled to invoke the *Policy* and its process as a reason to maintain the status quo.

X.2. UTAM's responsible investment commitments

MAP DWG also learned that UTAM embraces a series of principles by which it proactively engages in responsible investing. In its inaugural responsible investing report in 2016, UTAM explained that "material Environmental, Social, and Governance (ESG) factors should be considered as part of the investment decision-making process along with other material factors." It defines "social" factors as those that "relate to a company's practices that have a social impact on a community or society (e.g., working conditions including slavery and child labour, labour relations, health and safety, human rights, impact on indigenous communities." UTAM is also a signatory to the United Nations-supported Principles for Responsible Investment (PRI). The PRI 'glossary of terms' defines "human rights-related risks" as risks "associated with actual and potential negative impacts on people's rights, caused by or directly linked to the activities of investors and companies." UTAM's affirmative commitments

reflects John G. Simon et. al.'s proactive investment philosophy that the pursuit of maximum returns "can coexist with a deliberate and orderly consideration of the social effects of corporate or university economic activity."[274] Despite the limits of their social injury investment principle, Simon et al explain that there is little tension between the University's commitment to maximum returns on investment and a commitment to corporate social responsibility, at least with respect to going and future investment decisions.[275] At the same time, MAP DWG appreciates that legal and fiduciary duties of the University as corporation may limit the scope of moral considerations the Governing Council, President, and Investment Committee can take into account, in contrast to individual investors who are only responsible to themselves.

In its 2017 Responsible Investing report, UTAM explained that its commitment to "responsible investing is not a one-time declaration. It's the continuation of a journey—on a path defined by learning, adaptation, innovation and evolving best practices." The 2017 report was committed to addressing the "broader perspective" UTAM takes in its investment decision-making process. Included within this broader perspective is UTAM's embrace of the *Principles of Responsible Investing,* which it implements by (a) creating ESG-related risk considerations across all portfolios; (b) adopting a proxy voting policy that is EST-focused; and (c) requesting hired managers to consider ESG-related principles with respect to the companies in their portfolios. It also integrates global affairs considerations where relevant, including "responding to current controversies or breaches of the UN Global Compact on human rights, labour, environment protection, and anti-corruption."[276]

In its description of its Environmental, Social, and Governmental factors, UTAM consistently places human rights under the category of Social. Its 2018 responsible investment report, UTAM explains that social factors relate to

> business practices that have an impact on the rights, well-being and interests of people and communities. These include (but are not limited to) human rights; labour standards in the supply chain; child, slave and bonded labour, workplace health and safety, freedom of association and freedom of expression, human capital management and employee relations; diversity; relations with local communities (including indigenous communities); activities in conflict zones; health and access to medicine; consumer protection; and controversial weapons.[277]

A similar list-based definition is provided in the 2019,[278] 2020,[279] and 2021[280] reports.

MAP DWG believes that UTAM's responsible investment guidelines remain ambiguous about the import of social injury considerations, such as human rights. Across its available reports on responsible investing, UTAM does not expound on how human rights manifest in manager selection, manager advising, proxy voting, or corporate engagement. For instance, in its 2017 report, UTAM revealed that it engages 63 companies with respect to corporate governance and 21 concerning environmental standards. But it only engaged 3 companies on issues of human rights.

MAP DWG centers on the issue of human rights because some of our questions to UTAM, the President, and Business Board pertained to norms, rules, and decisions that international bodies had already taken with respect to the situation in Gaza specifically and the Occupied Palestinian Territories generally. For instance, UN General Assembly Resolution A/RES/ES-10/24 (18 September 2024) provides, among other things, that states should:

> Tak[e] steps to prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory, including with regard to the settlements and their associated regime. *UN General Assembly Resolution A/RES/ES-10-24.*

As another example, paragraph 278 of the International Court of Justice's *Advisory Opinion of* July 19, 2024, explained the international obligations of Member States of the United Nations:

> Taking note of the resolutions of the Security Council and General Assembly, the Court is of the view that Member States are under an obligation not to recognize any changes in the physical character or demographic composition, institutional structure or status of the territory occupied by Israel on 5 June 1967, including East Jerusalem, except as agreed by the parties through negotiations and to distinguish in their dealings with Israel between the territory of the State of Israel and the Palestinian territory occupied since 1967. The Court considers that the duty of distinguishing dealings with Israel between its own territory and the Occupied Palestinian Territory encompasses, inter alia, the obligation to abstain from treaty relations with Israel in all cases in which it purports to act on behalf of the Occupied Palestinian Territory or a part thereof on matters concerning the Occupied Palestinian Territory or a part of its territory; *to abstain from entering into economic or trade dealings with Israel concerning the Occupied Palestinian Territory or parts thereof which may entrench its unlawful presence in the territory***;** . . . *and to take steps to prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory* .[281]

The international crimes identified by the ICJ in its 2024 Advisory Opinion describe conduct which produces substantial social harms. Moreover, we note that the Canadian government, along with the governments of eleven other European states, including the United Kingdom, has recently announced sanctions on products of Israeli settlements in the Occupied Palestinian Territories.[282] Moreover, as MAP DWG was finalizing its report, we learned that a year after replacing Ireland as the approval centre of European Israel Bonds, Luxembourg's financial authorities decided it too would no longer support the sale of European

Israel Bonds within the EU, meaning that Israeli bonds would no longer be sold in the European market. Those bonds had raised more than $2.5 billion in 2024 and 2025.[283] We appreciate that the University is not a state, but its Policy on Divestment advises that when reviewing a brief for divestment, its ad hoc committee should consider "actions taken by the Canadian government or other national or international bodies with regard to the particular issue of concern." We expected to find similar guidance to UTAM. But upon our review of its responsible investing reports, we did not find any meaningful guidance on how UTAM implements human rights considerations in its ESG-informed management practices.

MAP DWG learned that other public investment funds adopt a more affirmative stance on human rights as part of their responsible investing commitments. For instance, the Norwegian Sovereign Wealth fund investment guidelines provide expressly for investment exclusion in cases of observed human rights violations. It states:

§4 Criteria for conduct-based observation and exclusion of companies

Companies may be excluded or placed under observation if there is an unacceptable risk that the company contributes to or is responsible for:

A. serious or systematic human rights violations

B. serious violations of the rights of individuals in situations of war or conflict

C. the sale of weapons to states engaged in armed conflict that use the weapons in ways that constitute serious and systematic violations of the international rules on the conduct of hostilities….

In 2025, Norway's independent ethics council that applies the above Guideline, recommended the exclusion of Caterpillar Inc. from the fund "due to an unacceptable risk that the company contributes to serious violations of individuals' rights in situations of war or conflict." At the end of 2024, the Norwegian fund held shares in the company corresponding to an ownership stake of 1.3%. As the committee explained, the basis for the decision "is that bulldozers manufactured by Caterpillar are being used by Israeli authorities in the widespread unlawful destruction of Palestinian property."[284]

In Canada, the Canadian Council for Refugees Endowment Fund publishes an investment policy with the following human rights-specific ethical investment guidelines:

The CCR seeks to avoid investments which are inconsistent with the mission of the organization, because they contribute to the forced displacement of people or to the mistreatment of migrants. In particular, the funds will not be invested in bodies whose activities include:

1. the manufacture, sale, importation or distribution of military hardware
2. association, openly or tacitly, with governments involved in massive human rights abuses
3. detention or deportation operations
4. failure to observe the human rights of all persons
5. operations that lead to the forced displacement of populations
6. environmental degradation, including where it leads to forced displacement.

MAP DWG learned that the University of British Columbia and the University of British Columbia Investment Management Company (UBCIM) commissioned third-party Share (a Canadian responsible investment organization) to produce a primer guiding Canadian universities on investment management in light of social risks, including human rights violations. The report outlines three forms of social-factor investment risks that university investment managers should consider: financial materiality, impact materiality, and systemic materiality. Financial materiality concerns "whether a social factor could have a financial impact on an investment portfolio," examples of which include supply chain disruptions, consumer boycotts, and so on. The second consideration is how "investments impact people and the environment," or in other words impact materiality. The primer explains that, according to the United Nations Guiding Principles on Business and Human Rights, "companies should avoid infringing on the human rights of others and address adverse human rights impacts with which they are involved." The primer further explains that investor groups such as PRI (to which UTAM is a signatory as of 2016), have developed guidelines to assist institutional investors to develop "enhanced due diligence for those sectors, geographies and assets that may face heightened risk of impacting labour or human rights, including investments that may be exposed to conflict."[285] The third and final consideration is systemic materiality, or when social factors contribute to systemic risk that affect markets and economies. The primer recognizes that systemic considerations such as inequality and conflict are influenced by a range of factors that lie beyond the control of institutional investors. But corporate practices that suppress wages, target labour protections, or exploit weak governance can contribute to these systemic risks. The primer goes further to remind institutional investors that "more than 75% of long-term portfolio returns come from overall market exposure…not individual asset selection…As such, systemic risks—though diffuse—can have a meaningful cumulative effect on portfolio returns over time."[286] The primer considers a series of social risk factors (labour and human capital management; human rights; indigenous rights; and racial equity) and explains the financial, impact, and systemic materiality these factors may pose to institutional investors.

MAP DWG appreciates that the University and UTAM believe that they are not bound by international instruments on human rights, although this is a rapidly evolving area of Canadian law as illustrated in a recent decision of the Supreme Court of Canada holding that Canadian corporations are potentially liable for aiding and abetting violations of peremptory norms of international law.[287] Nonetheless, we appreciate the Primer's guidance on best practices for institutional investors, including for instance, respecting human rights by reference to the following multilateral guidance resources:

- the United Nations *Guiding Principles on Business and Human Rights*
- the Organization for Economic Co-Operation and Development (OECD)'s, *Responsible Business Conduct for Institutional Investors*; and
- the Principles for Responsible Investment, *Why and How Investors Should Act on Human Rights.*

X.3. From Divestment to Investment

As much as we heard from University members about divestment, MAP DWG takes this space to reflect proactively on the possibilities of investment. Hearing Palestine's faculty subcommittee explained to us the work they are doing to support archival preservation in Palestinian universities, despite administrative obstructions that make the work of preservation difficult. Members of the University responded to our survey with various ideas on a going-forward basis, some of which included creating a more collaborative institutional relationship with institutions in Palestine:

> *Funding to rebuild [G]aza universities* (MAP DWG survey response).

Faculty members introduced MAP DWG's chair to their volunteer work with Palestinian Students and Scholars at Risk (PSSAR), a volunteer initiative in Canada that matches displaced Palestinian students, particularly from Gaza, with funded programs at Canadian universities. The University of Toronto Faculty Association not only raises awareness of PSSAR but also advocates that the University administration should

1. establish a scholarship to support Palestinian students similar to the $1 million in matching funds the University provided to support Ukrainian students through the Scholars at Risk Program;
2. set tuition and ancillary fees for PSSAR-supported students to domestic rates; and
3. expedite the admissions process.

MAP DWG appreciates that many members of the University are calling for divestment. We have outlined both the challenges and opportunities. Because the University is entitled to stand behind its divestment policy, we urge members of the University to avail themselves of the *Policy* on divestment and coordinate efforts to develop a convincing brief and collect the requisite signatures. At the same time, we recognize that there are good reasons for the President and Investment Committee to dispense with the brief requirement given what appear to be limited ESG factors at UTAM that acknowledge the import of international peremptory norms and human rights, in contrast to other examples coming out of Europe and more locally here in Canada at the University of British Columbia. And finally, MAP DWG considers the above efforts by fellow members worth considering in terms of future investment, student enrollment, and institutional partnerships.

Recommendation 47

The President and the Investment Committee, should

A. Work with UTAM officials to develop and periodically publish in its Responsible Investing reporting robust descriptions of social risk factors, especially human rights, under its ESG-informed approach—including but not limited to applicable standards, conventions, treaties, guidelines, and legal decisions by multilateral and international bodies—and include regular reporting on its social risk due diligence with investment managers, especially with respect to human rights risk.

B. Consider an absolute prohibition on investments that aid and/or abet violations of peremptory norms of international law.

C. Provide administrative guidance on what constitutes "a convincing brief" under the existing *Policy on Social and Political Issues with Respect to University Divestment*.

Recommendation 48

The Provost (and delegated offices), should

A. In consideration of the "Open Letter by Gaza Academics and University Administrators to the World," incorporate within current strategic planning initiatives considerations of ways that U of T can contribute to the rebuilding of Gaza's educational institutions, including support for libraries, research institutes, cultural institutions, and other such organizations in Palestine.

B. Establish an annual program to host and fully fund Palestinian post-doctoral fellows and/or senior scholars at the University to pursue research and academic exchange, with priority given to Palestinian students at-risk from the Middle East and North African region.

C. Recruit and fully fund Palestinian undergraduate students-at-risk – with preference given to applicants from Gaza, West Bank, Lebanon, Jordan, Syria, Egypt, and Palestinian citizens of Israel.

D. In coordination with Government Relations Office, advocate with Immigration, Refugees, and Citizenship Canada to expedite visas for existing and future students coming to the University as a student at risk.

E. Expand on the University's partnerships with universities in Palestine, with preference given to universities in Gaza, to foster academic collaboration, promote cross-cultural understanding, and enhance educational opportunities in the region.

F. Develop and/or expand upon international strategic plans to connect and collaborate with research universities in Arabic-speaking and/or Muslim majority states.

XI. Resources for Muslim, Arab, and Palestinian Inclusion at the University of Toronto

Among MAP DWG's mandates was to "[d]evelop a tri-campus inventory of existing resources, initiatives, units/departments, and projects that address systemic and individual forms of anti-Muslim, anti-Palestinian, and anti-Arab discrimination." To undertake this review, we asked consultees a standard question:

> What resources/programs/initiatives/centers/units/offices/projects at the University of Toronto support Muslim, Arab, and Palestinian inclusion at the University across all aspects of university life? Which address systemic and individual forms of anti-Muslim, anti-Arab, and/or anti-Palestinian discrimination that occur in any aspect of University life? Which ones are important to further bolster, support, and enhance? What is missing?

Few were able to list specific resources they found helpful or useful. Most referenced were University resources for mental health support, including personnel with cultural competencies on Muslim, Arab, and Palestinian lived experiences. Some departments stood out for their contributions to the study of Islam, Muslims, Arabs, and Palestinians, such as the Department of Near and Middle Eastern Civilizations (NMC), the Department for the Study of Religion (DSR), the Department of Anthropology, Historical and Cultural Studies (UTSC), Historical Studies (UTM), the Centre for South Asian Critical Humanities (UTM), and the Institute of Islamic Studies (IIS). Beyond these specialized units, faculty members scattered across different departments offer courses that address anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment.

We also learned from our consultations that some academic units that we reasonably expected to have some course offerings related to Muslim, Arab, and/or Palestinian life, history, culture and discrimination did not have a sustained curricular commitment. There is no shortage of ways that Muslim, Arab, and Palestinian life, history, and culture (including histories of Orientalism and discrimination) intersect with fields as diverse as medieval studies, French studies, and increasingly Canadian studies given the scholarship on Muslims and Arabs in Canada. MAP DWG recognizes that some disciplines — and the various departments and divisions they are housed within — have evolved to construe their subject matter narrowly, which results in the exclusion of Muslim, Arab, and Palestinian history, life, and culture from their respective curricula or academic priorities. On the one hand, we appreciate that curricular development and academic priorities are a matter of collegial governance within the relevant unit. On the other hand, we are concerned that the exclusion of Muslims, Arabs, and Palestinians from certain curricula may also be due to the condition of incurious ignorance that we have addressed throughout this report. We appreciate that faculty members in those disciplines will need to remedy this exclusion through curricular, innovation, and academic priority setting. We take this opportunity, in the spirit of collegial governance, to remind academic leaders across various units at the University that lack of curricular recognition and/or inclusion, let alone academic prioritization, can perpetuate an environment conducive to anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment. MAP DWG provides a series of recommendations to redress the status quo in Section II.

XI.1. Advancement and Academic Prioritization

Academic research and development often depend on financial resources. While the University is home to some of the most dynamic scholars in their respective fields, a lack of resources can preclude them from meaningful research collaborations that could be transformative. In the wake of the IHRP scandal at the Jackman Faculty of Law,[288] the University reviewed the nexus between fundraising and academic planning to make sure that the latter drives the former, and not the other way around. One result was the revised 2021 *Provostial Guidelines on Donations*, paragraph 3 of which makes clear: "The University only solicits and accepts gifts for academic priorities that are approved by the Provost at the recommendation of Principals and Deans, in accordance with established procedures for academic planning and academic initiatives."

MAP DWG had hoped to meet with leaders in the Division of University Advancement (DUA), but they declined to meet with us, instead providing written responses to our preliminary questions. DUA explained that:

> Each division develops a broad approach to consultation and input on academic planning and academic funding priority-setting, which may include a variety of stakeholders and their respective governance bodies that are unique or relevant to their division, under the guidance and support of the Provost's office. Consultations typically include department or unit chairs, advisory committees, dean's leadership teams, individual faculty members, etc. While advancement leads may be members of their division's leadership team, advancement leads do not play a role in determining academic plans.

The principal lead on academic planning within a division is the Dean of the respective Faculty.[289] As long as philanthropy and/or external funding are important for facilitating innovative research

collaborations, new faculty lines, or new academic institutes and centres, MAP DWG believes that there is an implicit, if not explicit, nexus between collegial governance on academic priority setting and advancement's mandate for resource development to support academic priorities under paragraph 3 of the Provostial Guidelines on Donations, thus linking academic collegial governance with financial considerations of resource development. While the *Provostial Guidelines on Donations* aim to ensure that collegial governance drives advancement, and not the other way around, MAP DWG is not so naïve to think that the academic and the financial are so insulated from one another in the day-to-day operations of the University. We appreciate that setting academic priorities for fundraising purposes can be a political issue within departments, pitting members of a department or division against one another as they vie for a chair's or dean's commitment. We also, however, heard from academic leaders of the Hearing Palestine Initiative about their repeated efforts to secure academic priority from FAS, only to fail year after year in a process they described as procedurally opaque at best. MAP DWG believes that the nexus of collegial governance on academic planning and the inevitable need for fundraising through advancement should be managed carefully, using the principles the University articulates in its *Statement on Equity, Diversity and Excellence*:

> The creation of an equitable community, one that is diverse as well as inclusive and that is respectful and protects the human rights of its members, requires the work of every member of the community, across all of our sites and campuses, including students, teaching staff, administrative staff, visitors, alumni and guests.
>
> For its part, the University will strive to make considerations of equity a part of the processes of setting policies, developing procedures, and making decisions at all levels of the institution. While for governance purposes, responsibility for the Statement resides with the Vice-President of Human Resources and Equity, daily responsibility for ensuring that the values expressed in this Statement live and breathe throughout the University will also rest with the President, the Vice-President and Provost, the Vice-Presidents and Vice- Provosts, and each Principal, Dean, Chair and Manager, within the scope of each person's role in the University.

We appreciate that this Statement is premised on a human rights framework related to anti-discrimination. But as it also makes plain, it applies the inclusiveness of that non-discrimination framework to proactive decision making "at all levels of the institution", including those levels that decide on academic priorities for fundraising purposes. Consequently, MAP DWG believes the Provost should play a larger role in ensuring campuses, divisions, and departments develop and employ fair, transparent, and accountable collegial governance procedures to approve academic priorities for fundraising purposes, including measures that support inclusion of subject matter related to equity-seeking groups, including Muslim, Arab, and Palestinian life, history, and culture, consistent with the underlying principles of the *Statement on Equity, Diversity, and Excellence*.

When we met with Deans and Principals of the University, we asked them about approved academic priorities under paragraph 3 of the *Provostial Guideline on Donations* that pertain to Muslim, Arab, and Palestinian life and history. Except for the Faculty of Arts & Science, we learned that UTM and UTSC do not have such priorities, despite what they admit is a sizable Muslim, Arab, and Palestinian student demographic on the University's three campuses. The Principal and Dean of UTSC explained that academic priorities for fundraising purposes are the result of a consultative process with Chairs and alumni relations, and that there are currently no academic priorities at UTSC related to Muslim, Arab, or Palestinian life, history, culture, or communities. Likewise, UTM has no academic priorities for fundraising purposes that centre the histories and lived experiences of Muslims, Arabs, or Palestinians. The failure of both of UTSC and UTM to have any academic priorities under paragraph 3 of the *Provostial Guidelines on Donations* relevant to Muslim, Arab, or Palestinian life, history, culture, or communities is particularly disappointing given the large numbers of Muslim, Arab and Palestinian students at these two campuses who may consider such priorities with interest, as has been the case with the academic priorities approved by the Dean of the Faculty of Arts & Science. FAS provided the following list of approved academic priorities for fundraising purposes relevant to the study of Muslims, Arabs, and Palestinians in that division:

- Department of Near and Middle Eastern Civilizations (NMC)
    - Endowed chair in Palestinian literature and culture.
- Institute of Islamic Studies (IIS)
    - Muslims in Canada Archives
    - Muslims in Canada Data Initiative
    - Anti-Islamophobia Research lab (aka Structural Islamophobia Research Lab)
    - Islamic Art Hub (aka Islamic Art and Material Cultures Collaborative)

While we appreciate the sustained support for these initiatives, as noted earlier, the Faculty of Arts & Science has declined repeated requests to designate Hearing Palestine an academic priority for advancement purposes. Moreover, any fundraising to support Hearing Palestine must be run indirectly through the IIS Director's fund, as opposed to a specific Hearing Palestine donation portal. We learned in consultations that Hearing Palestine's international advisory board has identified potential donors to the project who are willing to donate once the University recognizes it or any Palestine Studies initiative at the University as an academic priority under paragraph 3 of the *Provostial Guidelines on Donations*.

We were surprised that, despite the demographics of the University and the locations of its various campuses, academic units had not done more to foster academic priorities that would also engage the neighboring communities from which the University draws its students. MAP DWG cannot bypass the collegial governing process with respect to a unit or division's academic priorities for fundraising purposes. However, we remain concerned—given our observation of the diversity of the campus community and of a pervasive incurious ignorance—that there is too little effort made in identifying potential areas of curricular and academic research interests related to Islam, Muslims, Arabs, and Palestinians, which could benefit from fundraising consistent with the University's *Statement of Equity, Diversity and Excellence*.

Recommendation 49

The Division of University Advancement – in cooperation with the Vice-Provost, Students, divisional Deans, and the resources provided in Recommendations 3 and 7, as appropriate—should

A. Build partnerships with the Muslim, Arab, and Palestinian student organizations across the University to develop a list of Muslim, Arab, and Palestinian alumni who are willing to engage with current students for mentorship and other opportunities, and who may wish to provide resources to support Muslim, Arab, and Palestinian life on campus.

B. Create an internally searchable database for all academic fundraising priorities across all three campuses of the University for transparency when it comes to the scope of inclusion and equality in fundraising planning; and

C. For each campus, provide an assessment, in coordination with relevant Principals, Deans, and Chairs, about the resourcing of academic initiatives that centre Muslim, Islamic, Arab, and Palestinian lives, histories, cultures, and archives. Such an assessment could involve identifying peer institutions and benchmarks, consulting external reviewers, and comparing with other areas of study and disciplines.

XI.2. Academic Programs and Initiatives

The St. George Campus

Emmanuel College is the Faculty of Divinity of Victoria University, an independent institution that is federated with University of Toronto for certain academic activities. Emmanuel is a confessional academic division that is part of the Toronto School of Theology and offers a program in pastoral care that integrates Muslim chaplaincy with its existing Christian chaplaincy programming. It was envisioned and inaugurated by the late Principal Mark Toulouse, who actively reached out across the Muslim community in the GTA and across faculty at the University to create a certification program designed to support pastoral care from an Islamic perspective. His efforts led to full-time faculty appointments at Victoria University, a steady stream of student enrollment to Emmanuel, and the development of a prayer space, ablution facilities, and shared office space for the Muslim Chaplaincy of Toronto, a not-for-profit organization that supports various campuses in the GTA, including the University of Toronto. Graduate degrees at Emmanuel are awarded conjointly by Emmanuel College and the University of Toronto and administered by the Toronto School of Theology. In other words, despite being independent institutions, they coordinate and cooperate on academic matters in the ordinary course of business. MAP DWG was disappointed to learn that there is little interaction between Emmanuel College and the other academic departments at the University that feature courses on Islam and Muslims, leading to siloed programming with limited collaboration or leveraging of resources. We appreciate that, legally speaking, these are separate institutions. Moreover, individual faculty members can choose to foster whatever relationships at the University they wish (or not).

Nonetheless, MAP DWG was surprised to see so little cooperation or interaction between these two independent *and* federated bodies. As such, we believe that the leaders of both could do more to facilitate coordination and cooperation among their respective units in fields relevant to the study of Muslims, Arabs, and Palestinians, and that doing so would both be consistent with the legal framework of federation, and leverage existing resources to support more robust pedagogy, research, and innovation to the benefit of both institutional partners.

The Multifaith Centre at U of T is an important space of programming and space allocation. The Director of the Multifaith Centre maintains close relationships with all religiously-identified student groups, fosters relationships with volunteer chaplains across multiple faiths, and provides event space that Muslim students have reserved for prayer space.

The Faculty of Arts & Science is another institutional site for programming on Islam, Muslims, Arabs, and Palestinians. Given that it is home to departments such as Near and Middle Eastern Civilizations and the Department for the Study of Religion, its contribution to the study of Muslims, Arabs, and Palestinians is operationalized through departmental curriculum planning. As noted above, the Institute of Islamic Studies (IIS) is home to distinct academic priorities under paragraph 3 of the *Provostial Guidelines on Donations*. To ensure an effective inventory of University resources, we provide greater detail of each here:

The Muslims in Canada Data Initiative (MICDI). An approved academic priority, this is a multi-year data-survey project. Funded through both the operational budget and fundraising

(approx. $320,000), the project will publish its major findings in Fall 2026, the raw data of which will be preserved for future researchers on Borealis, the University's data repository.

The Structural Islamophobia Research Lab (SIRL). An approved academic priority, the Lab hosts post-doctoral fellows examining varied issues on Islamophobia. At the time of writing, research was underway on Islamophobia and Ontario's Child Welfare regime, Islamophobia and Canada's immigration regime, and research into the medieval European canon of Islamophobia. In the future, this lab may transform into a transatlantic study of the evolving nature of Islamic studies in a climate of Islamophobia.

Islamic Art and Material Culture Collaborative. An approved academic priority, this project is founded on an MOU between the IIS, the Royal Ontario Museum, and the Aga Khan Museum. Managed by two University faculty members and representatives from the museums, the project has offered workshops on Islamic art, supports the Canada Post Eid Stamp series, and has placed students in internships in the two museums.

The Muslims in Canada Archives (MiCA). An academic priority and the IIS's marquee project, MiCA is an archive of Muslim contributions to Canadian heritage. While not specifically designed to combat Islamophobia, MiCA is an institution designed to challenge dominant narratives of Canadian studies that have long situated the figure of the Muslim as foreign. It began with a $200,000 SSHRC partnership development grant that seeded the project, with an environmental scan of Canada's memory institutions and an initial archivist to begin preliminary acquisitions. Federal Budget 2022 allocated $4,000,000 to endow MiCA in perpetuity at the University. Income from the endowment investment funds up to two full-time archivists. In addition, Inspirit Foundation has provided grant support for outreach, communications, and curatorial programming. MiCA enables archival students to explore every dimension of the archival process (e.g., site visits, acquisition, arrangement and description, and digitization). It fills a curricular gap in community archiving in most archival programs across the country and expands the University's reach into the city through cooperative relationships with local school boards (e.g., TDSB, YRDSB).

MAP DWG learned from the IIS submission that MiCA hopes to expand operations to other provinces but will require further archival staff support, specifically a digital archivist. As its collection has grown, it will also require storage support.

As noted above, an important initiative at the IIS is the **Hearing Palestine Initiative**, which FAS refused to approve as an academic priority for fundraising purposes. MAP DWG considers Hearing Palestine an important project at the University that should be part of any inventory of resources on Muslims, Arabs, and Palestinians. Inaugurated in 2020 and administratively housed at the IIS, Hearing Palestine is governed by a steering committee of faculty members and has an international advisory board supporting its growth. Hearing Palestine has its own website and governance to ensure, consistent with best practices to combat anti-Palestinian discrimination and bias, Palestine and/or Palestinians are not collapsed or erased into a different category. The Faculty of Arts & Science provided a one-time-only allocation for a Hearing Palestine post-doctoral fellow.

Recommendation 50

The Provost or designated offices, should

A. In close cooperation with the Director of the Institute of Islamic Studies—and in consultation with the Chief Librarian, DUA leadership, and the Deans of the Faculty of Arts & Science, the Faculty of Information, and OISE, and the resources provided in Recommendations 3 and 7—

   1. Develop a strategic plan for the growth of the Muslims in Canada Archives (MiCA), including but not limited to increased space allocation for stewardship of archival content at UTL facilities; resource support for processing and digitization of MiCA's collections and backlog; staffing support for digital archiving and national expansion of acquisitions; communications support to promote more robust storytelling; and diversifying its financial support for future growth.

   2. Develop a strategic plan for collaborative engagement with MiCA for academic planning, curriculum development, research and development, archival training and development in order to enhance MiCA's integration within the University and its reach beyond the University.

B. In consultation with the Toronto School of Theology (TST), consider more coordination between the various programs under the TST and relevant University divisions and units (e.g. Departments of Anthropology, History, Near and Middle East Civilization, and Religion; Multifaith Centre; Centre for South Asian Critical Humanities) working on issues of Islam in order to support more collaborative and less siloed programming on Muslims, Arabs, and Palestinians.

C. In coordination with UTM, UTSC and University Divisions, create a $1,000,000 start-up fund to support the development of academic priorities for fundraising purposes at the University that further knowledge creation on Muslim, Arab, and Palestinian life, history, and culture that centres the lived experiences and archives of those groups.

D. In coordination with the relevant divisions and departments —expand the University's offerings in languages of the Muslim and Arab world (e.g., Arabic, Urdu, Farsi) given the size and national (and international) status of the University. Funding for formal language instruction should continue to be predictable and stable.

Recommendation 51

The Dean of the Faculty of Arts & Science, in coordination with the Division of University Advancement and the Director of the Institute of Islamic Studies, should develop a strategic plan to expand the Institute of Islamic Studies' capacity to support research and programming, especially on anti-Muslim, anti-Arab, and anti-Palestinian discrimination and bias.

The Mississauga Campus

The University of Toronto Mississauga's Historical Studies and its Centre for South Asian Critical Humanities have featured considerable programming and research at the intersection of Islam, Muslims, India, Hindutva, and anti-Muslim discrimination and harassment, including curriculum offerings. For instance, when India revoked Article 370 granting autonomy to Jammu and Kashmir in 2019, faculty members from the Centre and across the campus galvanized to address the Islamophobic implications of that action on discourse on Kashmir around the world, including in Toronto. In consultations, we learned that the Centre and its faculty receive considerable hate mail any time it addresses the Islamophobic dynamics of Hindutva. Staff members at UTM shared with us the development of a Muslim staff affinity group to support them in their work life at the University. The Muslim Students Association meets regularly with University administrators to support the needs of Muslim students on campus. However, faculty members, staff, and students at UTM indicated that they were unaware of any academic priorities under paragraph 3 of the *Provostial Guidelines on Donation* at UTM addressing Muslim, Arab, or Palestinian life, history, or culture. As noted above, UTM confirmed this absence in its written response to our questions.

The Scarborough Campus

The University of Toronto Scarborough's Historical and Cultural Studies department is an important resource on Islam, Muslims, the Arab world, and Palestine. Moreover, our consultations with UTSC revealed that it is preparing a proposal to approve the creation of a Centre for Palestine Studies as an EDU:C. The proposal is multidivisional, which would mean the proposed Centre would have a tri-campus mandate and be funded through various divisions across the campus. MAP DWG has already addressed the creation of such a centre elsewhere in this report (see Section III). However, we remain concerned that, despite its geographic location and student demographics, UTSC currently has no academic priorities for fundraising purposes that relate to Muslims, Arabs, or Palestinians. MAP DWG appreciates that curricular developments and academic priority planning must be done pursuant to norms of collegial governance. At the same time, we are concerned that the prevailing norms of collegial governance, from unit to unit, are not immune to the incurious ignorance we have described throughout this report. Our recommendation below is therefore offered in the spirit of collegial guidance and with an abundance of caution against the operation of an incurious ignorance of the lived experiences, histories, and cultures of Muslims, Arabs, and Palestinians.

Recommendation 52

The Principal and Dean of UTM should, in coordination with the Centre for South Asian Critical Humanities, develop a strategic plan to expand its capacities to foster critical research at the intersection of Hindutva, Islamophobia, and Hinduphobia.

XI.3. The University of Toronto Libraries

Another significant resource is the University of Toronto Libraries. Faculty at the University who research in relevant areas herald its collection as exceptional. UTL offers various library guides (LibGuides) to its collection on Islamic, Arab, and Middle Eastern collections:

Islamic Studies
https://guides.library.utoronto.ca/Islamic

Muslim mental health & Islamic psychotherapy
https://guides.library.utoronto.ca/muslim_mental_health

Islamic Image Collections
https://guides.library.utoronto.ca/c.php?g=250820&p=1680102

Islamic Art and Architecture
https://guides.library.utoronto.ca/islamic-aa

UTL's liaison librarian for Middle Eastern Studies develops, with input from stakeholders, relevant research guides on subject areas and academic courses. Non-course related research guides are reviewed by UTL's LibGuides Editorial Group to avoid duplication with other, existing content. As MAP DWG was preparing this report, UTL noted that it is still developing a LibGuide on UTL's collection on Palestine. MAP DWG learned, however, that there is only one collections development librarian who has oversight on Islam and the Middle East, requiring suitable capacities in multiple languages, religious traditions, and geographic regions. We are concerned that UTL has not allocated sufficient staffing to support collections development in a manner that will also support the recommendations offered herein.

Recommendation 53

The Chief Librarian (or designated offices) should

A. Expedite the preparation of LibGuides on Palestine Studies, including its Palestine collections.

B. In coordination with directors of the Institute of Islamic Studies and the proposed Centre for Palestine Studies, develop curatorial exhibits and special digital exhibits that highlight Muslim, Arab, and Palestinian history, collections, resources, research, and contributions to Canadian heritage.

C. Propose annually until approved for funding a librarian position for an Islamic Studies librarian to support current collections development, curation, and capacity across all three campuses.

XI.4. Staff Resources

MAP DWG was privileged to meet with numerous non-academic staff members, unionized and otherwise. They met with us in person at special staff consultations or virtually in small groups organized by MAP DWG's members. Their concerns about the freedom of speech, workplace harassment, and staffing opportunities beyond the EDI context informed many of the recommendations we offer herein (see Sections III, IV, and V). In discussions with staff and administrators, MAP DWG was made aware that staff members at the University are subject to employment law requirements subject to arbitral decisions, many of which can have adverse implications for their enjoyment of, for instance, their freedom of speech relative to the purport of their employment service for the University (see below). Though administrators repeatedly reminded us that non-academic staff members do not enjoy academic freedom, MAP DWG was impressed by how consistently across consultations Muslim, Arab, and Palestinian non-academic staff members stated that they enjoy working at the University precisely because of its institutional commitments to academic freedom, in contrast to most other industries in which they could work. Across offices as varied as facilities and residence halls to student services to financial officers and human resource divisions, we found Muslim, Arab, and Palestinian staff members embrace the spirit of the University's *Statement of Institutional Purpose*. Most came to our consultations, however, deeply pained that the local reception of the violence in Gaza illustrated more instances of breach of that *Statement* in their day-to-day operational work than compliance. MAP DWG is especially alarmed that despite their observations and concerns, Muslim, Arab, and Palestinian staff members generally do not file complaints using available complaints mechanisms, either out of fear of reprisals or simply a belief that the institution persists in an incurious ignorance about their lived experience or perspectives.

MAP DWG thanks union representatives for their consultations. During our consultations, union executives echoed what we learned from staff members. They shared how they have attempted to signal their support of Muslim, Arab, and Palestinian staff, but also how they faced some resistance in this regard from the University itself. For instance, one Union executive member shared that their Union executives approved institutional statements in October 2023 in which the organization condemned the killing of innocent people, called for an immediate ceasefire, an immediate end to the blockade of Gaza, the restoration of aid to Gaza, and a return of hostages. The Union also issued statements in support of the student-led People's Circle for Palestine. Moreover, though staff do not enjoy academic freedom rights, the Union representative explained how the Union executive published statements calling for greater academic freedom to discuss and research topics related to Palestine, or in other words, took aim at what it viewed as the Palestine exception to freedom of speech and academic freedom.

The Union executive shared with MAP DWG that while the University did not respond at first, University administrators later complained to them and the other Union executives about their statements. One Union executive shared their perspective on what transpired in these encounters, namely threats to terminate employees who serve as Union executives, harsh admonishments against Union executives for issuing statements on Palestine and their support for the People's Circle for Palestine. The same Union executive shared that the admonishing administrators later backed away from any threats of termination, and the relationship with the administrators in question has been cordial ever since. MAP DWG also appreciated the detailed analysis union executives shared with MAP DWG about the limits on staff freedom of speech. As executives explained, arbitral cases in labour and employment law have given "strength to an employer's right to discipline an employee who says something or writes something outside of work that has nothing to do about work, if the employer can show what was said or written had a detrimental effect on their business."

In consultations with staff across the campuses—especially Muslim, Arab, and Palestinian staff—it was clear that many feel unable to bring their whole selves to campus. They are afraid of speaking, sharing news about their lives and families, or exercising their freedom of speech on social media. For instance, staff members shared reflections and anecdotes that cut across the intersectional mandate of MAP DWG:

> *I have a [staff] friend who was told by a senior person of the leadership team, that anyone who wears the kaffiyeh is a terrorist* (MAP DWG survey respondent).

I felt that the [department] did not allow anyone to be themselves and I had to refrain from wearing anything that would showcase my religion (MAP DWG survey respondent).

Everyone is always scared to speak for supporting Palestinians for [fear of] repercussions or losing employment (MAP DWG survey respondent).

We learned that affinity groups have provided a space for staff to find others at the University who share their values and experiences. Connections and Conversations is an affinity group for racialized staff. It works with the University to foster "learning, working, and living environments that are racially equitable, diverse and inclusive." MAP DWG was invited to share its mandate at a luncheon with the UTSC branch of Connections and Conversations and was impressed with the level of engagement, enthusiasm, professionalism, and sophistication they brought to our discussion.

MAP DWG appreciates that the University's Muslim, Arab, and Palestinian staff members intersect with various racial, national, and religious characteristics. Many identify, for instance, as Asian, African, and/or Black. For example, Toronto is home to a significant Somali Muslim Canadian population, and we are grateful to staff, students, faculty members, and librarians from that intersectional demographic for advising us against too narrow or exclusive a construction of the categories "Muslim", "Arab", and "Palestinian" given the complex diversity in Toronto. We also extend our gratitude to the University of Toronto's Anti-Black Racism Task Force and Anti-Asian Racism Working Group, whose final reports and recommendations were instructive for us.

Drawing on consultations and survey responses, as well as prior equity reports already submitted to the University, we offer the following recommendations in support of Muslim, Arab, and Palestinian non-academic staff at the University:

Recommendation 54

The Vice-President, People, Finance, and Digital Services should

A. Establish a more regular and more frequent schedule to communicate and/or advertise information about how to file complaints or seek redress for anti-Muslim, anti-Arab, or anti-Palestinian discrimination or harassment experiences, with measures redressing protection from reprisals.

    1. Emails should be sent annually with easily accessible information for all staff members.

B. Establish tracking and documentation of anti-Muslim, anti-Arab, and anti-Palestinian discrimination/harassment complaints, and ensure consistent tracking practices across the complex network of human resource departments across the University.

    1. For transparency purposes, annually report on trends.

C. Consistent with the purport of Staff Recommendation 4 of the Report of the University of Toronto Anti-Black Racism Task Force, take concrete steps to address the limited Muslim, Arab, and Palestinian membership in senior leadership positions.

D. Encourage the creation of Muslim, Arab, and Palestinian staff affinity groups on all three campuses.

E. Create specialized onboarding materials for staff identifying as Muslim, Arab, and/or Palestinian to ensure that they are aware of affinity groups, opt-in staff email lists, learning opportunities, and other programming across the University that may be of interest to them.

F. Leverage existing programs and talent pools to identify suitable Muslim, Arab, and Palestinian staff for special project/secondment/promotional opportunities across the University (not only related to EDI issues, but all operational areas).

XI.5. Students

Across this report, student consultations revealed numerous areas of concern. Some relate to campus safety and risk assessment (see, Section III). Others concern classroom pedagogy and event planning review processes (see, Sections V and VI). Thanks to the consultations with student societies and student organizations, we make several recommendations related to space allocation and the University-student society relationship of autonomy (see, Section IX). Because student life and experience punctuate so many aspects of the University and its operations, it would have been artificial for MAP DWG to sequester student-oriented recommendations in just one part of the report. Students and their experiences animate every part of this report.

At the same time, as discussed above with respect to staff, we were pleased to review prior equity reports at the University, since many Muslim, Arab, and Palestinian students racially identify, intersectionally, as Asian, African, and/or Black.

Student members of MAP DWG, in discussions with focus groups they facilitated, raised concerns about access to student awards and eligibility criteria; support for more culturally specific mental health professionals; and increased capacity across divisions to appreciate the life experiences of Muslim, Arab, and Palestinian students who make the University their academic home for a period of years. Muslim law students complained about mandatory courses on equity and inclusion that not only excluded the lived experiences of Muslims, Arabs, and Palestinians, but in fact perpetuated Islamophobic tropes.[290] Students in survey responses shared ongoing concerns that the University's resources on accommodating Muslim religious requirements are either not substantial enough, sufficiently disseminated, or integrated at the local levels of divisions and departments that affect students most. MAP DWG appreciates that central administrative offices produce such resources and make them available to University units. Despite such resources being made available, it would seem that at the departmental and/or divisional level, students still face challenges securing religious accommodations during their academic study.

Consistent with our consultations and the prior taskforce and working group, MAP DWG offers recommendations to support, encourage, and value Muslim, Arab, and Palestinian students across every stage as they progress through their academic program, from admission to graduation and beyond.

Recommendation 55

The Provost (or designated offices) should

A. Outreach:

1. Develop and/or expand on a Muslim, Arab and Palestinian recruitment strategy for Canada at the undergraduate and graduate levels—separate and distinct from what is already underway as part of the University's international strategy—and ensure ongoing funding for this domestic strategic outreach.
2. Create permanent, dedicated institutional funds to support access programs for Muslim, Arab, and Palestinian students, especially new Canadians, and first- and second-generation Canadians. Such funds may be matched by an external partner.

B. Admissions

1. In cooperation with DUA and relevant bodies, provide transparency and accessibility to existing University-held and/or -administered student awards by publicly listing all awards offered by the University with relevant eligibility criteria for students.
2. Create a central fund for

    A. Entry scholarships for Muslim, Arab, and Palestinian students, especially new Canadians and first- and second-generation Canadians; and

    B. Scholarships and awards at different stages of a student's program
    Such funds may be matched by an external partner.

C. Operational Inclusion

1. Coordinate with each division to develop new student orientation opportunities to learn about anti-Muslim, anti-Arab, and anti-Palestinian bias and prejudice, and create welcome opportunities (whether centralized or divisional) for Muslim, Arab, and Palestinian students.
2. Coordinate with each division and program to review materials, including third-party course content, that convey messaging to students to ensure they do not exclude the Muslim, Arab, or Palestinian experience, and do not perpetuate anti-Muslim, anti-Arab, or anti-Palestinian biases, prejudices or stereotypes.

D. Work with and support University and divisional health and wellness offices to hire and/or curate lists of mental health service providers who are culturally attuned and trauma-informed practitioners with a proven capacity to recognize and support the intersectional identities of Muslims, Arabs, and Palestinians, and implement health and wellness supports without the threat of erasure or denial of that intersectional complexity.

E. Support the Dean of SGS in efforts to strengthen mechanisms around conflict resolution between graduate students and faculty members, particularly with regard to the targeting of PhD students.

F. In coordination with the resources outlined in Recommendation 3, divisional equity offices, and other relevant offices, disseminate widely the Institutional Equity Office's resources outlining standard accommodations for Muslim students, including dietary needs, prayer customs, and religious holidays, and providing educational background to faculty members and staff on religious holidays and requirements (e.g., Ramadan) and their potential implications for student life and wellbeing. Include in these existing resources guidance on best practices for religious accommodation.

Recommendation 56

The Dean of OISE should periodically—and in coordination with the Institute of Islamic Studies, any future Centre for Palestine Studies, and the resources provided in Recommendation 3—sponsor and host workshops and/or conferences examining and redressing anti-Muslim, anti-Arab, and anti-Palestinian discrimination and bias in primary and secondary curriculum and teaching, with the target audience being both registered students and current teachers seeking in-service training.

The final recommendation pertains to the University's communications and measures it can take to recognize more of its Muslim, Arab, and Palestinian members, as well as anticipate harm they may suffer because of poor communications planning:

Recommendation 57

U of T Communications as well as campus and divisional communications offices should do more to increase the representation of Muslims, Arabs, and Palestinians at the University, more proactively monitor the doxing of University members in order to refer members for safety supports, and create more communication strategies and guides for University officials and members to redress online doxing, hate, and trolling of University members consistent with recommendations outlined in Section III.

Appendix A: MAP DWG Terms of Reference

Review University policies, services, and practices and provide recommendations to advance inclusion and belonging for Muslim, Arab, and Palestinian community members;

Consult with University of Toronto students, staff, faculty members, and librarians about their experiences of anti-Muslim, anti-Palestinian, and anti-Arab discrimination and harassment at the University and gather recommendations on how to advance inclusion and belonging for Muslim, Palestinian, and Arab community members;

Identify and review the University's existing practices, processes, and policies to address anti-Muslim, anti-Palestinian, and anti-Arab discrimination and ii) advance inclusion and belonging for Muslim, Palestinian, and Arab community members;

Review previous equity reports from the University of Toronto and comparable institutions regarding faith and anti-racism inclusive practices to identify other ideas for enhancing inclusion for Muslim, Palestinian, and Arab community members;

Recommend and contribute to an institutional strategy and actionable steps to help the University achieve a more respectful, equitable, and inclusive community; and to help combat Islamophobia, anti-Palestinian, and anti-Arab discrimination at the University; and

Develop a tri-campus inventory of existing resources, initiatives, units/departments, and projects that address systemic and individual forms of anti-Muslim, anti-Palestinian, and anti-Arab discrimination.

Appendix B: List of MAP DWG Consultations

List of MAP DWG Consultations in Chronological Order

No	Name of group/individual	Date/time
1	University of Toronto Students' Union (UTSU)	March 10, 2025
2	Scarborough Campus Students' Union (SCSU)	March 11, 2025
3	MSA Mississauga Campus	March 18, 2025
4	MSA St. George Campus	March 18, 2025
5	University of Toronto Graduate Students' Union (UTGSU)	March 26, 2025
6	President Meric Gertler	April 2, 2025
7	Faculty consultation	April 2, 2025
8	Faculty consultation	April 2, 2025
9	University of Toronto Mississauga Students' Union (UTMSU)	April 3, 2025
10	Faculty consultation	April 4, 2025
11	Faculty consultation	April 8, 2025
12	Central and Campus-Specific EDI-Leads	April 16, 2025
13	Faculty consultation	April 22, 2025
14	Faculty consultation	April 22, 2025
15	Graduate student consultation	April 28, 2025
16	Faculty consultation	April 28, 2025
17	Hearing Palestine consultation	April 30, 2025
18	MSA, UTSC	May 6, 2025
19	Staff consultations with Connections and Conversations – St. George	May 20, 2025
20	Staff consultation with Connections and Conversations – Scarborough	May 21, 2025
21	Jewish Faculty Network – U of T Chapter	May 21, 2025
22	Staff consultation with Connections and Conversations – Mississauga	May 26, 2025
23	OISE consultation	May 28, 2025
24	Coalition4Justice in Palestine (UTM) consultation	May 28, 2025
25	Staff consultation	June 9, 2025
26	Faculty consultation	June 16, 2025
27	Workplace Investigations Office consultation	June 18, 2025
28	Tkaronto Students in Solidarity with Palestine consultation	June 23, 2025
29	Faculty consultation	June 24, 2025
20	Staff consultation	June 26, 2025
31	Temerty Faculty of Medicine – Office of Inclusion and Diversity	June 27, 2025
32	Faculty consultation	Sept 3, 2025
33	Temerty Faculty of Medicine: learner facing offices	Sept 4, 2025
34	Faculty consultation	Sept 5, 2025
35	Muslim Chaplaincy of Toronto	Sept 8, 2025
36	Faculty consultation	Sept 9, 2025
37	Temerty Faculty of Medicine, Deans Office	Sept 10, 2025

No	Name of group/individual	Date/time
38	Staff consultation	Sept 15, 2025
39	Faculty consultation	Sept 16, 2025
40	UTSC Faculty for Palestine	Sept 18, 2025
41	Faculty of Social Work, Dean's Office	Sept 19, 2025
42	Open student consultation for St. George Campus	Sept 22, 2025
43	Staff consultation	Sept 24, 2025
44	Staff consultation	Sept 25, 2025
45	Open student consultation for UTM Campus	Sept 25, 2025
46	Open student consultation for UTSC Campus	Sept 26, 2025
47	EDI staff consultation	Sept 26, 2025
48	Open student consultation – tri-campus	Sept 29, 2025
49	Open professional faculty students consultation	Oct 3, 2025
50	Faculty consultation	Oct 6, 2025
51	Open faculty and librarian consultation for St. George campus	Oct 6, 2025
52	UTSC Vice-Dean, Faculty Affairs, Equity & Success	Oct 8, 2025
53	Open faculty and librarian consultation for UTM	Oct 9, 2025
54	Open faculty and librarian consultation for UTSC	Oct 10, 2025
55	MSA St. George focus group	Oct 10, 2025
56	UTFA Executive members	Oct 14, 2025
57	Open faculty and librarian consultation for tri-campus tenured stream, pre-tenure and tenured faculty members	Oct 16, 2025
58	Open faculty and librarian consultation for tri-campus teaching stream (continuing status and pre-continuing status) and clinical faculty members	Oct 17, 2025
59	Open faculty and librarian consultation for tri-campus sessional lecturers, post-doctoral fellows, adjunct, contractually limited term appointments, visiting, or other faculty members,	Oct 21, 2025
60	Munk School of Global Affairs students	Oct 21, 2025
61	Student consultation	Oct 21, 2025
62	Open librarian consultation – tri-campus	Oct 22, 2025
63	Union leadership consultation	Oct 22, 2025
64	Open staff consultation for St. George campus	Oct 27, 2025
65	Dalla Lana School of Public Health consultation for students	Oct 27, 2025
66	Dalla Lana School of Public Health consultations for staff	Oct 27, 2025
67	Dalla Lana School of Public Health consultations for faculty members	Oct 27, 2025
68	UTM Student Union	Oct 28, 2025
69	Open staff consultation for UTM	Oct 29, 2025
70	Factor-Inwentash Faculty of Social Work consultation – students	Oct 29, 2025
71	Factor-Inwentash Faculty of Social Work consultation – staff and faculty members	Oct 29, 2025
72	Open staff consultation for UTSC	Oct 30, 2025
73	Office of the Ombudsperson	Oct 31, 2025
74	Graduate student consultation – Faculty of Information	Nov 4, 2025
75	Open staff consultation – tri-campus	Nov 5, 2025
76	Graduate student consultation	Nov 10, 2025
77	Faculty consultation	Nov 11, 2025

No	Name of group/individual	Date/time
78	UTSC Principal's Office and administration	Nov 25, 2025
79	Multi-Faith Centre	Nov 26, 2025
80	Rotman School of Management – Dean and members of administrative Team	Nov 28, 2025
81	Dalla Lana School of Public Health – Dean and members of administrative team	Dec 4, 2025
82	Graduate student consultation	Dec 5, 2025
83	UTSC Director, Community & Learning Partnerships and Access Pathways	Dec 8, 2025
84	President Melanie Woodin and Provost Trevor Young	Jan 19, 2026
85	Faculty of Arts & Science–Dean and members of administrative team	Jan 30, 2026

Administrative Units that only shared a written response with MAP DWG

- Division of Vice-President, Research and Innovation (Director, Research Security)
- U of T Libraries
- Division of University Advancement
- Office of Safety & High Risk
- Campus Safety, St. George
- Jackman Faculty of Law

Administrative Units that declined or did not respond to invitations

- UTAM
- Business Board
- Operations & Real Estate Partnershisp – Vice-President
- University of Toronto Mississauga Principal's and Dean's Offices

Appendix C: The MAP DWG Survey Findings and Instrument

Introduction

This report details the findings of a University-wide survey that the Muslim, Arab, and Palestinian Discrimination Working Group (MAP DWG) conducted to complement its larger data collection efforts. The survey was designed to gauge the experiences and perceptions of University members with respect to anti-Muslim, anti-Arab, and anti-Palestinian discrimination, harassment, and bias. This survey represented an important opportunity for students, staff, faculty members, and librarians who were unable to participate in consultations or open sessions to provide input to the working group. In total, we received 525 survey responses, which came from Muslim-, Arab-, and Palestinian-identified individuals (56%) and non-MAP identified individuals on campus (44%). Non-MAP respondents included witnesses to anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment; those mistakenly targeted for being Muslim, Arab, and/or Palestinian; and others perceived as expressing solidarity with Muslims, Arabs, and Palestinians, whether through scholarship or advocacy. In a few, limited cases, we received responses from those who denounced the mandate of MAP DWG entirely, which we found instructive, nonetheless.

The first section of this report covers the methods employed by the survey team. We then describe the demographic composition of the sample of 525 respondents who completed the survey and finally share the main findings from the survey.

As a summary, the survey responses document:

- Widespread experiences of discrimination, expressed through respondents' encounters with harmful anti-Muslim, anti-Arab, and anti-Palestinian stereotypes, including an alleged propensity towards violence or terrorism, misogyny, and antisemitism.
- A palpable fear of educational and professional penalties or reprisals for speech or advocacy by or on Muslims, Arabs, and especially Palestinians.
- Frustration with informal and formal complaints processes as unduly adversarial, and lacking sufficient checks for procedural fairness, causing reluctance among many respondents to report incidents of discrimination.
- An abiding perception that the University prioritizes some harms over others, with anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment not being taken seriously.
- Muslim respondents complained of the difficulty securing accommodations for religious practices and observances.
- Respondents complained of double standards in how policies on civility, professionalism, and workplace safety were applied, and reported instances where such policies were perceived to over-police and under-protect speech and/or advocacy by or on Muslims, Arabs, and especially Palestinians.

In the final section of the findings, we summarize respondents' recommendations for measures the University can take to foster Muslim, Arab, and Palestinian inclusion at the University, which we have taken into account in making our own recommendations as a Working Group.

While accurately reflecting what we learned was critical, our mandate was not to investigate or adjudicate individual cases. Investigation and adjudication are undeniably important, and in some cases may have already happened. That said, many of our recommendations specifically address concerns about the perceived inadequacy and bias of existing processes.

Survey Methodology

MAP DWG developed the survey instrument in collaboration with members of the Institutional Equity Office at the University of Toronto. Our questionnaire comprised nine closed-ended demographic questions, followed by three open-ended questions for each of the three minority groups of interest. For Muslims, Arabs, and Palestinians, these questions: a) asked whether the respondent or someone they know experienced discrimination or harassment at the University in relation to that identity; b) if they did, asked whether the respondent or someone they know attempted to access supports or seek redress from the university and what their experience was in this regard; and c) asked the respondent to identify any recommendations they had to foster inclusion of the minority group at the University. Importantly, the survey included an assurance that the survey team would not be able to link responses to individuals unless individuals opted to submit supplementary evidence by email. In all cases, data were treated confidentially.

We fielded the survey online using Microsoft Forms and allowed any member of the University who signed in using a valid UTORid to complete the questionnaire. The University's internal communications team widely disseminated the link to the survey, which was available for completion from late April to mid-November 2025. Data collection was briefly interrupted twice due to technical problems between September 22 and September 23, and again between October 24 and October 27, 2025.

Once the survey closed, the MAP DWG survey team transferred the data to the qualitative data analysis software MAXQDA. The survey team then drafted a codebook consisting of labels for each of the themes we anticipated finding in the data, plus a description of when to apply that code to the responses received. The codebook was built using inductive (based on a review of a subset of the survey responses) and deductive (based on a review of several peer universities' MAP reports and the MAP DWG consultation notes) methods. Each survey team member coded between 150-200 cases using the codebook as a guide. During the analysis phase, text segments were called up for each code and examined for consistencies and variations.

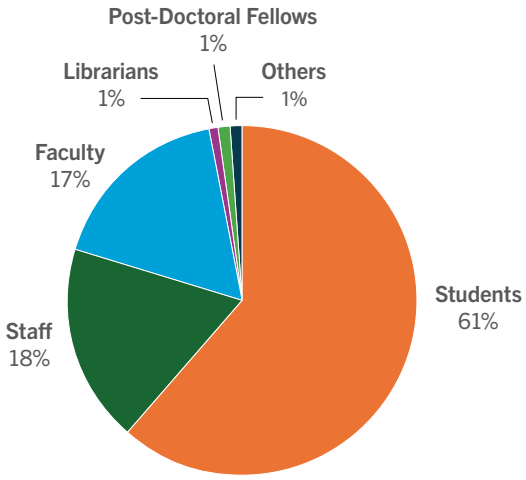
Because the University lacks an exhaustive list of the population of interest (all University of Toronto students, staff, faculty members, and librarians), the responses submitted by the non-probability sample of 525 respondents cannot be considered statistically representative of the University community. Instead, we consider the data gathered to represent the experiences and perceptions of those who had the motivation and time to complete the questionnaire.

Sample Characteristics

The MAP DWG survey was completed by 525 respondents. The following section outlines the demographic characteristics of the sample. All percentages reported are valid percentages (they exclude missing responses).

Students formed the majority of the sample, comprising 61% (see Figure 1). This was followed by staff at 18%, faculty members at 17%, and librarians, postdoctoral fellows, and others, all at 1% each.

Figure 1. Composition of the survey sample by university status



Among **students**, the vast majority (86%) were domestic students, while 14% were international (see Figure 2). Undergraduates formed the majority of students at 65%, while graduate students accounted for 34% (see Figure 3). A very small proportion of students selected "Other" (1%).

Figure 2. Composition of the student sample by domestic or international status

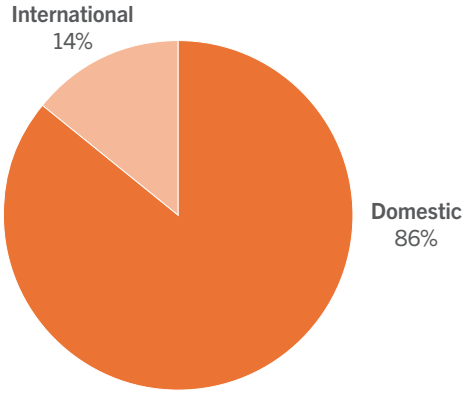
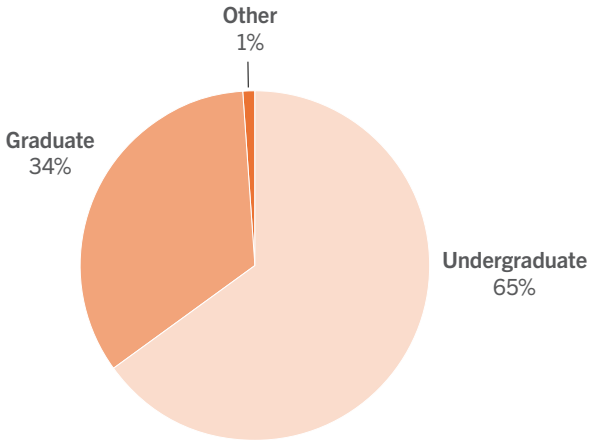
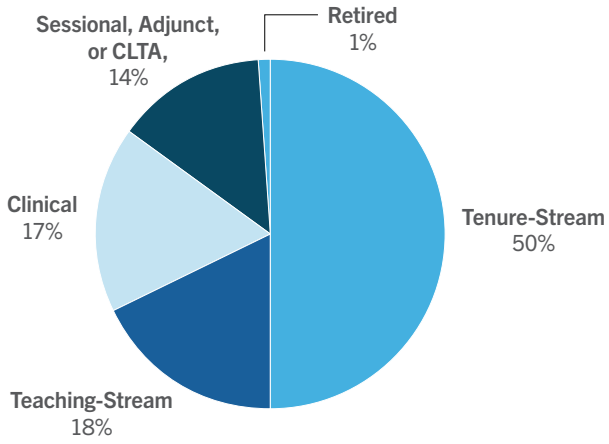


Figure 3. Composition of the student sample by undergraduate or graduate study



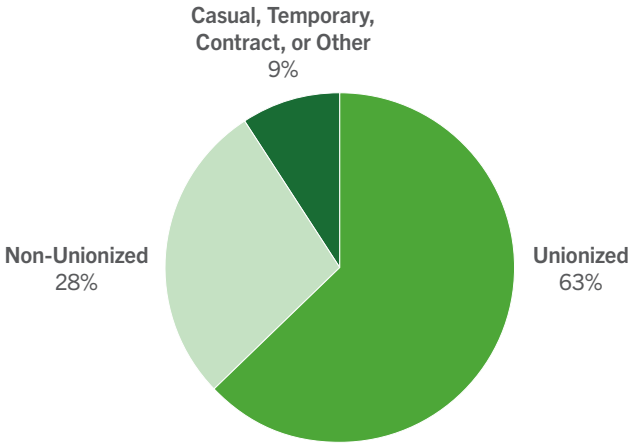
Among respondents who identified as **faculty members**, 50% were tenure-stream (44% were tenured and 5% were pre-tenure), 18% were teaching-stream (11% were continuing status and 7% were pre-continuing status), 17% were clinical faculty, and 14% were sessional, adjunct, or contractually limited term appointment (see Figure 4). The smallest group was retired faculty (1%).

Figure 4. Composition of the faculty sample by status



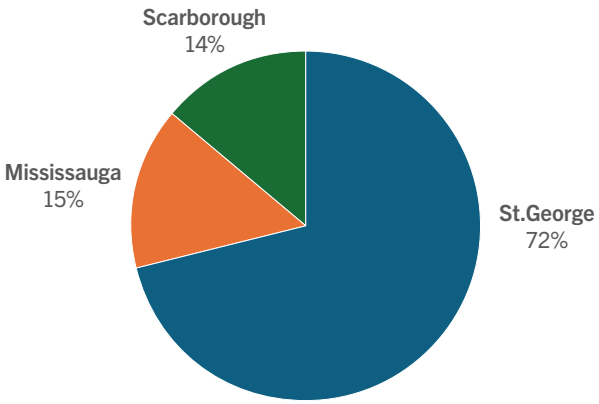
Among **staff**, the majority were unionized at 63% (see Figure 5). Non-unionized staff accounted for 28% of staff, while casual, temporary, contract, or other staff made up a smaller share at 9%.

Figure 5. Composition of the staff sample by unionization status



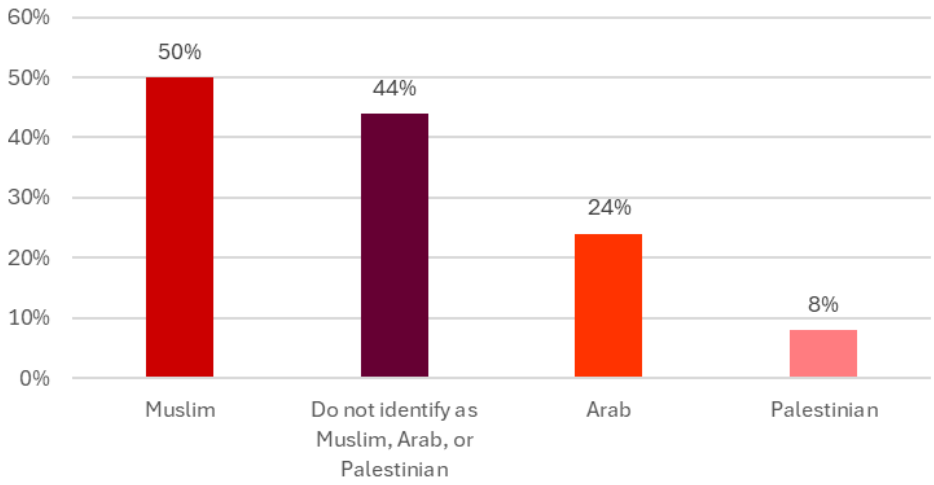
Respondents were also asked to indicate their primary **campus affiliation**. The majority identified University of Toronto St. George as their primary campus at 72%, with the remainder split almost evenly between the University of Toronto Mississauga (15%), and the University of Toronto Scarborough (14%) (see Figure 6).

Figure 6. Composition of the survey sample by campus affiliation



Finally, survey respondents were asked to indicate **whether they identify as Muslim, Arab, or Palestinian**, with the option to select one, two, or all three. A separate option was provided for those who do not identify with any of these categories. Our results show that the single largest group, comprising 50%, was Muslims (see Figure 7). This was followed by those who did not identify as Muslim, Arab, or Palestinian (44%), Arabs (24%), and Palestinians (8%) (these percentages sum to more than 100% because some respondents selected combinations of the identities Muslim, Arab, and Palestinian). We note that although anti-Palestinian discrimination affects Palestinians *and* those acting in solidarity with them, we did not include a question that enabled allies to self-identify, given our terms of reference.

Figure 7. Composition of the survey sample by religious, ethnic, or national identification



What We Heard

An Atmosphere of Mistrust at Worst, Cautious Optimism at Best

A significant challenge that faced MAP DWG was that many members of the University community felt mistrust towards us and our mandate because as a Provostial working group, we report to the University of Toronto leadership. This concern was expressed in some responses to our survey. For instance, one staff member characterized our work as merely "*performative*"; one student described it as so much virtue signaling on the part of a university eager to demonstrate its commitment to equity, diversity, and inclusion (EDI), stating: "*It is a shame that you are sending this survey out while still having ties with Israeli universities… What a hypocritical thing to do.*" Others remarked that MAP DWG distracted from institutional violations of the University's stated values and principles, and felt like a smoke screen, designed to obscure and mislead. For example, a Muslim-identifying staff member shared their opinion that:

> *Most of these investigations and working groups are fake and there to provide cover for the misconduct of discrimination … [The fact that they] can selectively present findings that minimize, redirect and muddy the waters is not indicative of a serious effort at consultation and resolution … This approach by the University is manipulative and cynical.*

One Muslim-identified faculty member explained that the survey was in fact an attempt to sweep "*yet another crisis under the carpet.*" Another student resentfully accused MAP DWG of the violence against Palestinians

> *You helped kill Palestinians. By paying tuition, I also helped kill them. No surveys can revive the children bombed to pieces with University money.*

We appreciate that comments such as this—which were not uncommon in survey responses—were not so much alleging facts against MAP DWG but rather reflecting a deeply felt frustration. While some respondents praised MAP DWG's efforts and expressed cautious optimism, others completed the anonymous survey despite their skepticism or outright objection to MAP DWG's mandate. Moreover, though MAP DWG provided an option to respondents to submit supporting material upon completing the survey, many declined to do so. Because they would have sent the material via email, they would forgo the confidentiality afforded by the anonymous survey. Despite our assurances that all information would be treated confidentially, several respondents stated that they would not submit evidence out of fear of retaliation from those who hold positions of power within the University.

From these responses, MAP DWG inferred that for as long as the University seeks to maintain a global presence on the world stage of higher education, what happens elsewhere in the world can and does have profound implications for what takes shape in our hallways, classrooms, and office spaces. Moreover, how the University manages these global issues, or is perceived to manage them, informs not only Muslim, Arab, and Palestinian considerations of belonging and inclusion, but more saliently, their trust in the institution's competency and capacity to acknowledge the lived experiences of their diverse communities.

Responses affirmed the existence of anti-Muslim, anti-Arab, and anti-Palestinian stereotypes and bigotry

Several respondents questioned why Muslims, Arabs, and Palestinians deserve attention and resources from the University. One Muslim-identified student took issue with the survey as a "*provocation*" that gave the impression that the University stands with "*one side*". Some respondents questioned why Jewish University members in particular were not receiving similar treatment, even though the University's antisemitism working group published its final report in 2021. These and other respondents posited that there is antisemitism on campus, but curiously offered no acknowledgement of anti-Muslim, anti-Arab, or anti-Palestinian discrimination or harassment, as if it did not exist or did not warrant University consideration. Instead of viewing both types of discrimination and harassment as serious concerns deserving of urgent institutional intervention, these respondents seemed to consider the issue of discrimination a zero-sum game, prioritizing one over the other, thereby revealing how some members of the University render invisible anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment. Other than the Jewish community on campus, no other equity seeking group was identified as requiring priority or preference over our terms of reference focused on Muslim, Arab, and Palestinian belonging and inclusion. This survey data helped inform our appreciation that global affairs abroad informed how members of the University approached MAP DWG's mandate and their assessment of the campus environment.

MAP DWG found instructive some responses in which University members expressly aired their negative views of Muslims, Arabs, and Palestinians, which happened to be consistent with longstanding biases, prejudices, and bigotries about Muslims (see, Section II). For instance, one student claimed in the survey that:

> *Islam … often takes on extremist, supremacist, and fundamentalist forms, with a track record of persecuting minorities … Christians, Jews, and other minorities face widespread persecution by Muslims globally.*

This remark echoes a longstanding, largely Euro-centric stereotype and prejudice about Muslims and Islam, which largely trades on claims of intolerance without appreciating the history of the stereotypes, biases, or prejudices that inform such claims.[291]

Another student respondent alleged that she was sexually harassed by Arab and Muslim men as an adolescent, implying that the men's ethnicity and religion motivated their actions:

> *I was regularly approached by Arab and Muslim men when I was a teenager. They would make sexual comments towards me. When I told them my age, they would ignore it and keep on pressuring me.*

The trope of the Arab and Muslim man as dangerous is discussed at length in the academic literature addressing Islamophobia and anti-Arab discrimination. As former University faculty member Sherene Razack explains, the trope carries with it the political implication that Muslim (and Arab) women need to be saved, presumably by a White Euro-American savior.[292]

One respondent rejected the very idea that Palestinians exist as a people, and that to suggest otherwise is antisemitic:

> *There is no such thing as a "palestinian", the entire free palestine movement is a vile anti-Semitic and terrorist movement, stop enabling terrorism."*

One Muslim staff member shared an encounter with similar speech:

> *Hearing a professor on the Business Affairs board say that there is no such thing as a Palestinian and then seeing NO ONE except a student speak up against it is disgusting.*

Some respondents characterized speech on Palestine as inherently threatening and requiring institutional redress. Criticizing the University's perceived practice of "*dismissing hate that Palestine supporters preach*", one student respondent said

> *Palestine-supporters openly say violent and negative things about people of the Jewish faith and face no repercussions*.

These survey responses provided MAP DWG direct evidence of the depth of the challenges Muslims, Arabs, and Palestinians face on campus. Survey respondents showcase how the stereotypes, biases, and tactics of erasure outlined in Section 2 can find expression on campus, including in questioning the *raison d'être* of MAP DWG and its survey.

Respondents' experience of anti-Muslim, anti-Arab, and anti-Palestinian prejudice and bias

Survey responses document the stereotypes and prejudice that Muslims, Arabs, and Palestinians at the University have encountered, illustrating the personal repercussions of the harmful biases expressed in the previous section.

Some respondents shared experiences of Othering, and being rendered simultaneously hyper-visible and invisible in distorting ways. Long associated with the experiences of people of color and immigrants in Canada, they reported being asked where they are from or being praised for their language skills. One Muslim-Arab faculty member felt tokenized when a dean incorrectly assumed that they specialized in the study of Islam simply because of their name. A Muslim student who wears a hijab was confused for another hijabi student by a professor who said that they "*look the same*". Other members of the University community described interactions where they suspected they were being treated unfavourably due to their Muslim, Arab, or Palestinian identity, but could not be sure.

In contrast to these expressions of subtle biases, other respondents described incidents of more overt comments about Muslims, Arabs, and Palestinians in disturbing interactions with members of the University. These interactions painted Muslims, Arabs, and Palestinians as conforming to three stereotypes: terrorists, misogynists, and antisemites.

On Muslims, Arab, and Palestinians as "terrorists" and violent

The most pervasive examples from survey responses involved Muslims, Arabs, and Palestinians being associated with terrorism or violence, whether in casual comments, off-colour jokes, or outright slurs in University settings. One Muslim-Arab medical learner shared what they witnessed in a medical training session:

> *A staff physician physically rotated a newborn away from a visibly hijabi trainee, stating that "careful she may throw rockets at us" The trainee wore standard surgical PPE and a tucked scarf. This occurred in front of learners and nurses. No one intervened in the moment.*

A Muslim-Arab-Palestinian student shared their experience during a congregational prayer on campus "when several people yelled at us calling us terrorists." A Muslim staff member conveyed an incident when a senior faculty member described a speaker to another faculty member "'as a terrorist looking guy'!" In this context, the staff member explained that by this comment the faculty member meant that the speaker was dark and had a beard (indicative of the speaker's Muslim faith). No one redressed the comment. A Muslim-Arab student, expressing frustration at the prevalence of stereotype about violence and terrorism, explained that

> *If you are angry as a Muslim, you are automatically perceived as aggressive even when anger is legitimate and is expressed in appropriate and respectful ways.*

Members of the University who identify as Palestinian or who consider themselves advocates for Palestine described being associated with terrorism and violence. They complained that too often solidarity with Palestine and Palestinians is construed narrowly as support for Hamas, which Canada deems a terrorist entity. One Muslim-Arab student who participated in peaceful

protests advocating for Palestinian freedom on campus recalled agitators accusingly calling out "*Hamas!*" as they watched or passed by the protests. Obviously associating Palestinians and their allies with Hamas reduces a complex and diverse people to one political group that is widely vilified in the Canadian context.

This prejudicial association is so strident, it seems, that some Muslims, Arabs, Palestinians and others felt that denouncing Hamas is a prerequisite for being heard, for participating in campus life, or for having their lived experiences acknowledged. One Muslim-Arab-Palestinian faculty member explained as follows:

> *When people do find out my identity, I am expected to denounce Hamas and declare Israel's right to exist, or risk exclusion. I have never witnessed a Jewish student or faculty needing to denounce Israel's occupation and genocide and declare the right for Palestine to exist in order to be respected and offered a seat at the table.*

Expressions of this harmful Muslim, Arab, and Palestinian stereotype occurred in student-facing contexts. Several student respondents identified undergraduate courses, wellness sessions, and other contexts on campus in which Islam, Muslims, Arabs, and/or Palestinians were associated with violence or terrorism. One Muslim-Arab graduate student shared: "a member of my cohort 'jokingly' asked if I was planning a terrorist attack - this happened during a wellness session." In another example, a Muslim-Arab faculty member described chatting with a colleague:

> *When she found out that I study the Middle East, this European-Canadian instructor told me that … she shows her students [in a large intro course for my discipline] that current "politically correct" narratives about there being no link between Islam and political violence are false. I was horrified that our intro students, many of whom are Muslim, were being exposed to this bigotry.*

MAP DWG also learned of cases of mistaken anti-Muslim discrimination and bigotry. For instance, one student explained how they were affected by the stereotypes that label Muslims and Arabs as terrorists and violent:

> *I have been called a terrorist – a label I got used to growing up as a Sikh boy, but infuriating nonetheless.*

In another instance, a non-Muslim racialized faculty member faced aggressive questioning about their religious affiliation, followed by remarks that portrayed Muslims and Islam as external threats against which Canadians must guard themselves:

> *A senior tenured professor repeatedly ask [sic] me in social situations if I am Muslim and then tell [sic] me that sharia law is a real threat to Canada … Then, once they realize I'm not, that professor starts this low-key hate mongering and insinuates a diabolical scheme to replace Canadian law with sharia law.*

On Muslims, Arabs, and Palestinians as misogynists

Second, other respondents' experiences attested to the fact that Muslims, Arabs, and/or Palestinians are prejudicially and stereotypically associated with the patriarchal oppression of women. A Muslim student who wears hijab described remarks at a conference directed at her attire:

> *[I was] approached by a man questioning "Why do you let a man make you wear that?", in reference to my hijab. I am level-headed enough to deal with these sorts of situations myself but I understand it may be overwhelming for other students.*

A male Muslim-Arab-Palestinian student described being approached by a classmate who accusingly asked, "*Don't you guys not allow women to go to school?*" Similarly, an international student who identifies as Muslim-Arab wrote:

> *As a woman, I was often met with comments about how happy I must be to have the freedoms this country offered – remarks usually made without understanding the realities of my life at home or in this country. I was gently questioned about my supposed oppression – while I stood in front of them, expressive, loud, and confident… These comments felt deeply alienating, and insulting to myself and my community.*

A Muslim-Arab-Palestinian faculty member provided their testimony about a painful domestic homicide of a colleague, which was attributed to the victim's partner on account of their Muslim faith:

> *When [female U of T faculty member] was brutally murdered by her husband …, my colleagues and I were shaken and traumatised, and deeply saddened for our lost colleague … and her family. While mourning and processing the trauma… a Jewish faculty member who I work with closely confronted me and blamed Islam for the murder because her husband was Muslim. I confronted her as a Muslim, explaining how wrong and hurtful her accusations were. She would not concede or apologise, but rather dug in deeper that it was his Muslim Identity that was to blame for his heinous actions.*

Again, the classroom emerged as a space not immune from stereotypes of Muslim or Arab misogyny. One Muslim-Arab staff member described a hypothetical case study presented in a course they attended that portrayed:

> *…a Muslim woman from Syria who's seeking medical assistance because her husband is abusive, she came to Canada and could not find one thing to eat here, had kids with diseases and was not a good mother to them, was poorly educated – what and how would you deal with this …[?] This is perpetuating Islamophobic stereotypes and compounding multiple issues that could exist in all types of families into one person.*

On Muslims, Arabs, and Palestinians as antisemitic

A third stereotype that circulates on campus and beyond is that Muslims, Arabs, and Palestinians are inherently antisemitic. The testimonies of dozens of survey respondents attest to the many ways in which Muslims, Arabs, and Palestinians and their allies are assumed to be antisemitic, in large part (but not exclusively) because of their research, advocacy, and/or speech about Palestine. For example, one student who does not identify as Muslim, Arab, or Palestinian shared

> *I delivered a presentation at a graduate student event with the approval of graduate student association leaders on the genocide occurring in Palestine and ways in which department members could support students, their families and Palestinians trapped in Gaza – mainly amplifying requests of Palestinian rights advocacy groups run by students. I [was] publicly condemned for the presentation by a faculty member indicating that I had not presented all the facts of the "conflict" (i.e., presented some justification for Israeli genocide against Palestinians) and other faculty members alluded to my being religiously insensitive/ antisemitic.*

An Arab staff member shared their experience of biased, non-content neutral, discretionary decision making in event planning:

> *In three of the four faculties I have worked in, I have been told by either my department chair or dean, to not allow speakers or events that support the pro-Palestinian/Arab cause . . .While they did not use the words Palestinian or Arab, I was told that these events/speakers were anti-Semitic. When I researched these speakers, I learned that they were not in fact anti-Semitic – nor were the groups of students that wanted to bring in the speaker – but instead supported the Palestinian cause.*

A Muslim-identified faculty member shared with MAP DWG an experience of watching colleagues debate a divestment motion at UTFA:

> *At the recent pension vote [by faculty and librarian members of UTFA] to divest from companies that enable genocide, some professors said divestment was proof of systemic racism against Jewish people. So, any anti-war desires were equated with antisemitism, and to prove we weren't racist, we were asked to reject divestment and directly/indirectly support genocide.*

One Muslim-Arab faculty member described instances where anti-Muslim, Arab, and Palestinian biases and prejudices were wielded by students and directed at them as an instructor:

> *I have been accused of anti-Semitism by some students in my. . . class arising out of cases taught, assigned readings or comments made in class on the history of the. . . profession which I don't believe a reasonable person could have interpreted as anti-Semitic but for a stereotyped view of me as anti-Semitic because of my racial and religious background. Students also sought to excuse themselves from an in-class, on-call exercise based on the claim that my public anti-Zionism (even though not expressed in my teaching) prevented them from participating in class to the best of their abilities.*

Harms and Material Consequences of Anti-Muslim, Arab, and Palestinian Prejudice

The circulation of the stereotypes described above creates an unwelcoming climate that has very real consequences for Muslims, Arabs, and Palestinians and others at the University. The more egregious testimonies we heard from University members, whether identified as Muslim, Arab, Palestinian or other, related to speech and or advocacy with respect to Palestine. This should not be surprising given the time during which the survey was administered. As explained in Section I, University members reflected on the campus environment as they also consumed real-time reporting on violence and allegations of genocide in Gaza. This reality is captured in our methodology, by which MAP DWG insists that whatever happens globally has an impact on our local campus communities. MAP DWG is especially concerned that numerous incidents recounted in survey responses, if filed as formal complaints, may have led to formal investigations involving concerns of discrimination under Ontario law and regulations, and to which the University is subject.

One of the less obvious outcomes of the atmosphere of bias and prejudice against Muslims, Arabs, and Palestinians is the self-help strategy Muslims, Arabs, and Palestinians use of withdrawal from and avoidance of the campus entirely (see also, Section III). For instance, in the example above about a hijab-wearing medical school trainee who was singled out by a staff physician in front of others, the medical learner who witnessed and described this incident reported that the trainee later cried in the call room and skipped the next teaching session, as opposed to recognizing what happened as a redressable wrong against her. Other student respondents mentioned preferring online instruction or skipping graduation ceremonies, suggesting that distance from the institution came as a relief and an escape from experiences of discrimination and harassment. MAP DWG is concerned about this practice of detaching oneself from the University, whether through withdrawal or avoidance. Such detachment is problematic for numerous reasons. For the students, it means they limit their access to supports and opportunities and can socially isolate them from their fellow students, faculty members, and departments. For the University, such practices of detachment are indicative of a culture of distrust in the institution's capacity to acknowledge their vantage point let alone redress the harm experienced, and runs contrary to the University's principle of excellence through diversity as articulated in its *Statement on Equity, Diversity and Excellence*.

Some members of the University reported being socially ostracized because of their identity. For instance, Muslim-Arab

medical learner working in a University-affiliated hospital described how staff and physicians, in the ordinary course of business, would avoid eye-contact and refuse basic greetings in a professional setting. One Muslim-Arab staff member who wears a headscarf stated that "*[i]n any group setting, the seat next to me is the last one that anyone sits in.*" Other visibly Muslim survey respondents reported that others avoided eye contact with them or crossed the street to walk on the opposite sidewalk to avoid them.

Even more serious than social exclusion is a fear of the loss of opportunities that can result from one's identity or perceived speech and/or advocacy for Palestine or Palestinians. Students, staff, faculty members, and librarians all spoke of the fear of educational and professional penalties or reprisals for their real or assumed speech and/or advocacy on Palestine. For most student respondents, the penalties remained unverified, although the fears were very deeply felt. For instance, speaking of an encounter with a professor in which the professor made remarks against Palestinians, one Muslim-Arab-Palestinian student said:

> *This experience instilled in me an early fear that being openly pro-Palestinian or visibly Muslim could blacklist me, harm my academic standing, or jeopardize future career prospects. This anxiety was amplified by the existence of online smear campaigns such as Canary Mission, which targeted Palestinian and Muslim students.*

Other students disclosed that they withstand considerable discomfort silently in order to protect their futures. One Muslim-Arab-Palestinian student shared their experience of self-censorship out of a fear of reprisals:

> *My lab manager was in the Israeli military for 10+ years. During these years many of my family members were murdered, imprisoned, and tortured by the Israeli military. I do not feel comfortable working with [them] but I am afraid to say anything since I think it will negatively impact my career.*

Another Muslim-Arab student reflected on the implications of what MAP DWG calls the pedagogy of smugness (see, Section VI) on the opportunity for meaningful classroom learning:

> *Me and my friends felt uncomfortable about some of our courses linking terrorism to the Arab and muslim [sic] community, but we didn't do anything because we didn't want to get on the professors [sic] bad side and get a bad grade as a result.*

Students' anxieties seemed to have been confirmed and reinforced by faculty member respondents in the survey. They describing how colleagues would warn students to desist from visible Palestine advocacy lest it impact their grades or reference letters. A Muslim Arab student echoed this experience, saying that supervisors had cautioned their peers that Palestine-related speech could threaten students' electives or references.

A few respondents described having lost an employment opportunity either for their identity or for their advocacy on Palestine. For example, a University of Toronto medical resident who does not identify as Muslim, Arab, or Palestinian stated:

> *I applied for a staff physician job at [University-affiliated hospital] with an associated faculty position at U of T. I had been encouraged by several faculty to apply for this position. My application was rejected one day after my submission. When I inquired as to why I was rejected, I was told "off the record" that a physician on the hiring committee had vetoed my application because he had seen my advocacy for Palestine and stated I was antisemitic.*

A Muslim-Arab student stated:

> *Being Arab exacerbates Anti-Muslim discrimination. I personally applied to a position I am well qualified for 7 times within the span of 6 years and never heard back. I knew some of the staff within the department and was told in confidence that I am not being selected because I am Arab and Muslim.*

These remarks raise a number of follow-up questions MAP DWG was not empowered to address or investigate. As expressed throughout the main report, MAP DWG learned that many who have experiences that may warrant a formal work-place investigation either do not trust the complaints process, or fear that filing a complaint will bring rebuke or reprisal.

For survey respondents the fear of reprisals was not merely a subjective feeling, but instead objectively based given real-time events they witnessed. One example is the job discrimination faced by TMU law school graduates seeking employment at Ontario's Ministry of the Attorney General after signing an open letter on Palestine. A second example is the news reports of a Facebook group called Canadian Jewish Physicians that aimed to discriminate against Canadian Resident Matching Service applicants who had also signed an open letter concerning the violence in Gaza and the targeting of medical facilities and personnel. The third was when the University's senior administration threatened consequences, up to and including termination, for employees associating with the People's Circle for Palestine encampment at the University of Toronto campus in the spring and summer of 2024. These independently investigated and reported incidents contributed to what MAP DWG considers a reasonable apprehension of employment or other reprisals for speech and/or advocacy by or on Muslims, Arabs, and especially Palestinians.

As one Muslim faculty member made plain:

> *Anyone who speaks out against the war will be unjustly labelled as antisemitic and have their careers destroyed. Senior tenured professors, the ones that adjudicate internal awards/grants and write letters for tenure, have been very vocal and sent out public*

mass emails asking faculty to equate anti-war protests with antisemitism; if we cross those people, they may retaliate.

Indeed, this apprehension about employment reprisals regarding speech on or by Muslims, Arabs, and especially Palestinians—and the need for institutional protection—was a consistent theme across survey responses. One staff member insisted that

reprisals have already taken place and there is no trust in U of T among advocates for Palestine, Palestinians, or anyone in opposition to [g]enocide.

One Muslim medical learner reported on the survey that several doctors at University-affiliated hospitals were suspended for their Gaza-related online speech.[293] Staff have additional reason to believe that their Palestine advocacy could cost them their jobs, given that staff do not have the protection of academic freedom. One Muslim-Arab graduate student recommended the University create *"complaint pathway[s] with anti-reprisals guarantees."*

Double Standards in the Treatment of Muslims, Arabs, and Palestinians

Time and again, survey respondents cited asymmetries in the treatment of Muslims, Arabs, and Palestinians relative to others. Failures to apply standards consistently affected these three minority groups.

In one example, a Muslim-Arab-Palestinian student described the experience of a classmate during a student residence orientation activity:

My friend, a Pakistani-Muslim student, was drawn by another student in a stereotypical "ISIS-esque" way – big beard, turban, and "Allahu Akbar" written in the background. The dons did not stop the student from doing this. When the same student that drew my friend went to draw a Jewish-identifying student, they were stopped.

A Muslim faculty member expressed frustration at how their department recognizes and accommodates some religious communities' religious holidays, but excluded Islamic ones.

Our department makes efforts to plan our class and exam/evaluation schedules around Christian and Jewish holy days, but rarely around Muslim holy days or prayer times.

While central administrative offices, such as the former VP PSEC, would issue University-wide messages on different religious holidays, one Muslim staff member expressed disappointment that divisional and unit leadership seemed oblivious to major Muslim religious holidays despite having Muslims on staff:

No [divisional/unit] leadership has ever wished a happy Eid or happy Ramadan. Ever.

Inequities in the treatment of Palestinians and their allies were the most frequently cited in our survey and the most bitterly described. A frequent point of comparison was the recognition and resources granted to Ukrainians in the context of Russia's invasion. One student who does not identify as Muslim, Arab, or Palestinian remarked:

After Oct. 7, many faculties and department[s] were releasing statements equivalent to all lives matter…which was very different from all the previous instances, for example, Ukraine war when they clearly identified Russia as the aggressor and didn't make any statements about there needing to be safety for the Russians.

Other respondents pointed to the University's observance of restrictions on collaborations with Russian universities (see Section III), measures taken to support Ukrainian scholars-at-risk, grants made available to displaced Ukrainian students, and general solidarity with Ukraine demonstrated by the Ukrainian flags displayed around campus.

While MAP DWG acknowledges that some of these initiatives were put forward by the federal and provincial governments, those surveyed noticed that such recognition and resources were absent in the case of Gaza. For example, one Muslim student observed:

In class…when a student used the term "Palestinian health disparities," a lecturer interrupted to say "let us not bring conflict here," then later discussed health effects of the Ukraine war without restriction.

Several respondents also described having symbols of solidarity with Palestine on desks or office doors—including pins, posters, stickers, flags, and keffiyehs—vandalized or removed, even though symbols of other political causes, including Ukraine, were left intact. MAP DWG hopes that respondents reported these incidents to Campus Safety for investigation, but understands the reluctance to turn to the institution for assistance, given the responses that we heard.

The most prominent point of comparison besides Ukraine was the University's stance with regards to Israel and Palestine, and the resources allocated to redress antisemitism in comparison with anti-Muslim, anti-Arab, or anti-Palestinian discrimination and harassment. MAP DWG notes the publication of the web resource *Addressing Antisemitism at the University of Toronto* during its consultation period in 2025, and course offerings on antisemitism to support enhanced equity, inclusion and belonging. We appreciate that a year later the University held a consultation during our mandate on a separate web resource addressing anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment, which it published in September 2026 as a separate online resource. Nonetheless, survey respondents described what they perceive as a disparity in

institutional acknowledgement and resource allocation to redress antisemitism in contrast to limited acknowledgement and resource allocation to redress anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment. Some inferred from this disparity an institutional preference for one harm over another. One Muslim-Arab student remarked:

> *Stop putting antisemitism at the forefront of every email and message. Yes, no one should discriminate against Jewish people, but the amount of discrimination against Muslims is also extremely alarming. Maybe put Islamophobia first for a change, as both are important but only one gets the majority of the spotlight.*

One Muslim staff member noted how University communications failed to "*recognize the ongoing genocide*" while the University's language on Israeli loss was "*active and listed first and used to consistently undermine the Palestinian loss which is also described in passive language."*

The experience of a double standard arose not only out of institutional communications and resource allocation, but also the ordinary interactions with staff, students, faculty members and librarians. For instance, once Muslim-Arab-Palestinian student illustrated how the double standard informed their campus experience:

> *After October 7th happened, many people I knew came up to me as if I was the spokesperson of Hamas and that I knew exactly why they did what they did as if I was content with the death of innocents. Upon hearing news of the death of seven loved ones due to an Israeli strike (including family and friends), those same people did not show me the same distress or sympathy they had for the victims of October 7th. It's infuriating and made me feel completely alone, especially at a time of great personal grief.*

One Muslim-Arab staff member remarked on the distinct and differential treatment from divisional and departmental leaders:

> *Leadership called a Jewish colleague to acknowledge that what is going on in Israel must be hard for them, but did not say anything to me about what was going on in Gaza or Lebanon… No acknowledgement on [sic] my Arab identity and family members who live in Lebanon and how they are impacted by the war.*

Clinical faculty and medical learners who work at both TFOM and affiliated hospitals noted how the differential treatment was no less apparent to them, regardless of the institutional locus. One Muslim clinical faculty member shared the following

> *In a recent meeting, [University-affiliated hospital leader]… mentioned that he had to check on a physician colleague who went to Israel and the Israel-Iran conflict started. He said he texted him daily to make sure he was safe. I listened in shock because this is utter discrimination or favoritism. I know multiple colleagues who went to Gaza on medical missions and our [University-affiliated hospital leader] never checks on them to make sure they are okay.*

Similar double standards were experienced in relation to official University events where, again, representatives of the University were perceived as swift to recognize and assuage collective Israeli and Jewish pain, but were indifferent to the pain of Muslims, Arabs, and Palestinians. One Muslim-Arab student shared with us their experience:

> *During a meeting intended to support trainees' emotional well being, a large portion (30+ mins) of the session was dedicated to discussions about Israel. An Israeli trainee spoke at length about the fear they experienced, with supportive statements made by the facilitators. Both had used the word "terrorists" to describe Palestinians. While they may have used it in reference to those committing acts of violence, I cannot imagine anyone tolerating the same words being used to describe Israeli perpetrators of violence, or anyone else for that matter. Not to mention that there were at least three Arab trainees in the session, none were invited to share our perspective. No facilitator paused to acknowledge the complexity of the conversation or the presence of those in the room who may also be impacted by the ongoing violence. It was selective empathy, and our pain was presumed absent and felt unworthy of acknowledgement.*

We also received a number of reports about the limited care applied when drawing on third-party content to address issues of equity, diversity, and inclusion at the University. An online law school EDI training session assigned to first-year students ironically contained Islamophobic content that repeated tropes about antisemitism among Muslims. Though the Jackman Faculty of Law cancelled the training sessions, its consultation with MAP DWG revealed that it offered no programming intervention thereafter to redress the resulting harm. The limited due diligence in vetting third-party content and the failure to redress the harm raised concerns for many survey respondents about equitable standards of care when applied to one group versus another.

Some respondents also pointed out that they had eagerly welcomed the announcement of a University-wide EDI workshop that aimed to discuss Islamophobia and anti-Palestinian discrimination alongside antisemitism. However, they explained that workshop was indefinitely postponed while trainings on antisemitism continue to be scheduled. MAP DWG appreciates that the University's Institutional Equity Office is planning to host forthcoming sessions addressing anti-Muslim, anti-Arab, and anti-Palestinian discrimination, which became publicly listed as we were finalizing our report.

With respect to campus programming, MAP DWG appreciates that the University takes a content-neutral approach with respect to the temporary allocation of space per freedom of speech directives from the Province. MAP DWG raises some concerns in our full report about how that discretionary authority is exercised

with respect to institutional autonomy (see Section V). We also recognize that members of the University expressed opposition to events that took a pro-Israel perspective, and others opposed events that took a pro-Palestine perspective. Nonetheless, MAP DWG found noteworthy the number of responses we received raising concerns about double standards with respect to event planning, the openness of debate and dialogue, and the tropes of anti-Muslim, anti-Arab, and anti-Palestine bias and prejudice they experienced during such events (see also, Section VI). One Muslim-Arab-Palestinian student shared their experience of an event organized by their college:

> *In 2023, my college … invited a speaker affiliated with a Zionist organization to give a talk on antisemitism. I attended part of this event, and it became clear that the core message equated criticism of Israel with antisemitism. As a student of Palestinian heritage, I found this extremely troubling and erasing. It conflated legitimate political critique with hate speech, which has serious implications for academic freedom and open discourse. Many students, including those in my cohort, raised concerns about this event directly with the principal and vice-principal. However, their response was dismissive: they noted that one student had given positive feedback and insisted that if the event helped even one person, they stood by their decision to host the speaker. There was no acknowledgement of the harm it caused to visibly Muslim and pro-Palestinian students on campus.*

A Muslim-Arab faculty member shared their concerns about increased procedural hurdles when organizing an event on Palestine:

> *I have experienced directly various obstacles to planning events in my faculty if the event concerns Palestine. I've never had an event cancelled or prohibited, but I've found that greater procedural hurdles seem to be placed in connection with events around Palestine.*

While we applaud the University's commitment to content-neutrality, we also identify instances when the "lawfare" of process and procedure can be used to limit the scope of freedom of speech and academic freedom on campus (see Section VI). We provide a series of recommendations to guide those appointed under the Policy on Appointment of Academic Administrators and other administrative staff members on ensuring fair, transparent, and equitable policies with respect to event management and planning, in furtherance of the University's freedom of speech commitments.

Impunity for Some, Surveillance and Discipline for Others

Respondents felt that Muslims, Arabs, and Palestinians were met not only with willful neglect and silencing, but also with policing, demonization, and discipline. Actions that elicited condemnation and reprimands for Muslims, Arabs, and Palestinians went unpunished for others. The picture that emerges is one of impunity for some and surveillance and discipline for others.

A number of examples of anti-Muslim, anti-Arab, and anti-Palestinian behaviour for which people were not held accountable arose from the People's Circle for Palestine and related protests on campus. The encampment provoked reactions from some members of the University that impinged on protesters' rights, but these reactions carried no meaningful consequences. Several respondents reported that a professor angrily tore down material advertising a Palestine solidarity action. One student, who identifies as Muslim and Arab described the incident:

> *Professor [name] was seen ripping and disposing of Palestinian strike posters [while] friends of mine, who are Palestinian, were raising awareness for the occupation occurring in Palestine. When confronted by a passerby, he began recording the individual who stood up to the Professor's actions.*

Others commented on a clinical faculty member at TFOM opposing the encampment and about whom MAP DWG addresses in our discussion of TFOM (see Section VII). We appreciate that in many of these cases, the University may have responded to confidential complaints filed. As MAP DWG makes plain in Section V and VII, while we appreciate the confidentiality of these processes, how the University upholds confidentiality and privacy raises downstream consequences that should also be addressed. Many of the responses we received on incidents such as these reflect MAP DWG's broader concern about how the University redresses complaints, communicates their findings to complainants, and ensures that justice is both done and perceived to be done. We share these survey responses in part to remind the University that in resolving complaints, it must consider how to attend to both the doing of justice and the perception of justice as it navigates complicated privacy rules and regulations.

Students repeatedly reported to MAP DWG their fear of undue surveillance and/or reprisals, physical harm from bystanders, or that their participation in the encampment or other Palestine protests would endanger their status at the University. One Muslim Arab student shared the following:

> *I have a classmate who had their photo taken by an anonymous source while they were at a protest and had it sent to the program chair and to the hospital in which they were working, with the goal to have the student reprimanded for attending a protest.*

A Muslim-Arab-Palestinian student shared their concerns about violence from by-standers at the People's Circle for Palestine

> *Although I did not participate in the encampment due to safety concerns, on my occasional visits [to the area], many Zionist bystanders would shout "KHAMAS" repeatedly as they circled the encampment, yell obscenities at the students, and even get physical.*

Another Muslim student raised concerns that security personnel stationed at or around Palestinian protests did nothing to deter threats of violence by bystanders against student protestors:

We have also seen people … physically assault and intimidate protestors who may be sympathetic to Palestinians, but U of T security and police present have been filmed watching, not de-escalating, nor intervening.

Other examples of perceived under-protection for Muslims, Arabs, and Palestinians involve groups such as Jewish Defense League, JForce, and Magen Herut – whose members appeared on campus during and after the People's Circle. These groups represented a safety concern for many who felt they were under protected from these groups on campus by the University. One Muslim student explained:

The regular presence of JForce and Magen Herut, as pointed out by many, at U of T and other universities, makes me fear my physical and psychological safety. They are physically intimidating … these two particular groups are known to physically intimidate and assault people.

A Muslim-Arab student remarked:

A gang of men attended campus this year to intimidate pro-Palestinian students and activists, and the University did nothing to remove them or protect students.

Other responses pertained to a perception of double standards in the policing of symbols meaningful to Muslims, Arabs, and Palestinians. One Muslim staff member expressed frustration when remarking:

People can raise the Kahanist flag on U of T campus and no apologies are issued – if it was an Al-Qaeda flag, the University would not hesitate to crack down on marginalized students

A faculty member who does not identify as Muslim, Arab, or Palestinian expressed frustration at how collegial governance can create the context for over-policing and under-protecting research, speech, or advocacy by or on Muslims, Arabs, and Palestinians:

A student from the global south made a work that they displayed in a public place on campus and there was a backlash from one Faculty member in particular. This person escalated it and created a lot of noise about hate speech and antisemitism. The piece stated "from the river to the sea" written in Arabic not English. The piece was exploring the stigma of Arabic writing.

A Muslim-Arab-Palestinian faculty member related their concerns having learned the outcome of an administrative meeting that sought to suppress a student's expression of their national identity because it was mistaken as solidarity with Palestine:

One [student] was actually singled out … by the [administrator] who called [them] into his office to tell [them they] must remove [their] Kuwaiti flag pin from [their] lanyard because it resembled the Palestinian flag and he had received complaints from a donor.

The responses above and many others MAP DWG received raise concerns about heightened surveillance and policing of speech or advocacy by or on Muslims, Arabs, and especially Palestinians. MAP DWG addresses this issue more robustly in Section III of the report and provides recommendations therein.

Similarly, we heard repeated concerns from survey respondents about what they perceived as differential approaches to social media content. A professor whose Facebook posts portrayed Muslims, Arabs, and Palestinians negatively, including as terrorists with blood on their hands, provoked a student to launch a petition. While MAP DWG was not privy to any disciplinary processes that may have resulted from these complaints, several survey respondents perceived these problematic posts to have gone unaddressed by the University administration.

At the same time, numerous students and faculty members expressed concern that social media content expressing support for Gaza or Palestine was met with considerable scrutiny by administrative officers. MAP DWG addresses at length policies on social media, as well as informal call-ins and formal complaints processes (see Section V). The comments shared with us informed our analysis of these issues and the recommendations we provided therein. The survey responses below reflect real-time perceptions of University processes and practices, including alleged disciplinary consequences.

A Muslim faculty member wrote:

I know of several students who have been harshly treated for online advocacy – because of their Muslim identity they are viewed with the suspicion that advocating for human rights is in actuality some sort of trojan horse for subversively advocating for hate/terrorism – even if the people they are advocating for are people from their home nations.

Another Muslim faculty member observed:

Students who wear keffiyehs, participate in walk outs, or post their opinions on their personal social media are flagged (by faculty members and/or peers), and at times receive a reprimand from our department leadership because some Jewish faculty members and/or Jewish students state that these actions make them feel "unsafe."

Finally, a Muslim-Arab faculty member shared:

I also know of colleagues who have been disciplined for their personal social media posts that express views critical of Israel, for which there are ongoing grievances.

One example raised by students about the repercussions of pro-Palestine speech expressed on personal social media accounts is the case of volunteer Muslim chaplain Omar Patel, who was accused of antisemitism by Jewish students and Hillel Ontario. Patel denied posting the social media content in question, but nonetheless was dismissed as a volunteer chaplain by UTSC.[294] Survey respondents repeatedly expressed concern about the lack of transparency in the process UTSC used to exclude Mr. Patel from contributing to UTSC, despite students' demands for his volunteer services for their mental and spiritual wellbeing. As noted in the MAP DWG report, leaders of the MCT explained that the University never contacted them to discuss the accusations against its employee. Rather the University acted unilaterally without engaging the MCT leadership or explaining to them any process they undertook in reviewing the complaint. In light of the case of Omar Patel, many Muslims, Arabs, Palestinians, and allies who filled out the survey believe that their social media activity is heavily surveilled and can have serious consequences for their education and careers.

These fears are heightened by online harassment sites, the prime example of which is Canary Mission, addressed at length in the MAP DWG final report (see Section III). Survey responses corroborate MAP DWG's finding that Canary Mission poses a real threat to students, faculty members, librarians, and staff:

One faculty member who does not identify as Muslim, Arab, or Palestinian explained:

> *Being listed on the [Canary Mission] site undermines student, faculty, staff, and librarian safety; makes travel across national border[s] more difficult; and invites harassment and violence from anti-Palestine forces.*

Another faculty member who does not identify as Muslim, Arab, or Palestinian, shared their experience seeking University assistance against Canary Mission:

> *I and others attempted to seek support and assistance from the University for being vilified on the Canary Mission website, but we were met by an individualized approach that highlighted personal mental health resources and safety measures, as if the harm was purely individual, not systemic or collective, and therefore any recourse lies in the realm of individual protective actions.*

A staff member who does not identify as Muslim, Arab, or Palestinian shared observations from students:

> *I have also had students tell me that other students in their class are part of the Canary Mission and thus are afraid to speak out about anything related to their safety, as this organization blacklist[s] students very publicly and is quite active on our campus.*

Online harassment is of course not limited to sites such as Canary Mission. Students in particular suffered the consequences of doxing, when third parties post personal information online without their consent. For instance, one Muslim student described attending their graduation wearing a keffiyeh:

> *A member of the community, most likely a family member of a student in our cohort, was filming us as we crossed the stage. The individual posted us as a compilation on their newly created Instagram and threads accounts, with captions saying they will dox us (they were present so they had booklets with all the graduates' names handed out at convocation hall) . . . Over the next 2 weeks as the video gained traction, my peers and I deactivated our LinkedIn accounts during our job search out of fear.*

Staff were also affected by online threats. One member of staff, who does not identify as Muslim, Arab, or Palestinian, reported that their Palestine solidarity work was featured in the media, with adverse consequences:

> *Shortly after the article was published, I received an email to my U of T inbox from an anonymous harasser. The writer of the email called me a fake Jew and, among other disgusting and violent things, said that he wished for my family to be raped, tortured and murdered in front of my own eyes by hordes of Muslims, "just like" what happened to Israeli citizens on Oct 7.*

MAP DWG believes that the online threats faced by those engaging in Palestine advocacy are part of the over-policing of Muslims, Arabs, Palestinians, and their allies at and beyond the University. Heightened scrutiny, the perception of penalties for expressing solidarity with Palestine, and the feeling of being unprotected lead to two outcomes. They create a culture of silent withdrawal from the University and they lead Muslims, Arabs, and Palestinians to feel that their lives are not valued. We review these two outcomes in the following sections.

University Suppression and Silencing of Muslim, Arab, and Palestinian Voices

Survey respondents expressed repeatedly that they felt that the University muzzled and silenced them. Respondents shared experiences of direct instructions from University supervisors to censor their expressions of solidarity with Palestinians or their allies. For example, one Arab staff member described having reached out to a University of Toronto professor for comment on an article:

> *. . .[The professor] responded saying she was declining media requests because she was "traumatized and consumed by the ongoing genocide in Gaza" and that she would appreciate coverage on professors who were helping students in Gaza, a nonprofit she was part of. I respected her stance and wanted to write an email indicating that. I was told by management that I could not respond to that email indicating that I respected her*

stance. They wanted me to send a simple "Thank you" but I did not feel comfortable not acknowledging her whole message.

Another faculty member, who does not identify as Muslim, Arab or Palestinian, disclosed that they had expressed support for Gaza and Palestine, and that this had prompted administrative leaders to ask them to conceal their affiliations when sharing private political views:

I have been warned privately and publicly by faculty in administrative positions to keep my own administrative titles "hidden" lest the programs I run be associated with my private expression of my opinions and have that harm the school…I do not feel like my school supports free speech on this topic at all!

More often, respondents described a feeling of having to walk on eggshells or remain quiet about Gaza and Palestine. Some remarked that it felt as though uttering the word "Palestine" was forbidden. Others spoke of the student encampment for Gaza as an uneasy and unacknowledged presence. One Arab staff member shared:

During the time of the encampment, colleagues were worried about saying the words "Gaza" or "encampment", often referring to the encampment on Front Campus as the "on going situation." The encampment almost felt like the elephant in the room.

Several respondents perceived the University to have deliberately created an atmosphere that discouraged the discussion of matters related to Palestine. One faculty member who does not identify as Muslim, Arab, or Palestinian wrote:

It is very clear that any expressions of pain, rage, grief or sadness from Muslim people, in relation to Israeli violence, is not allowed at U of T.

A Muslim-Arab-Palestinian student reflected:

The past two years have showed [sic] us how invisible we truly were to U of T. Everything was done to stifle our efforts to tell our side of the story.

Some attributed their silence not to University authorities' direct actions, but spoke of an indirect path towards inaction: a climate of fear that chills speech related to Muslims, Arabs, and Palestinians because of the spectre of retribution. One Muslim-Arab student explained:

My fear was that speaking up may lead to backlash towards me, a transient here only to earn a degree and return home. I chose not to risk my livelihood, even if it meant sacrificing my dignity.

A Muslim-Arab-Palestinian faculty member shared their perception of ineffective academic leadership:

I have reported [instances of racist social media posts against Palestinians] locally to my current leader who says he cannot say or do anything. I fear speaking up the chain of leadership because they are all afraid to say anything.

University members characterize the campus climate as unwelcome to research, speech or advocacy on Muslims, Arabs and Palestinians. One staff member, who does not identify as Muslim, Arab, or Palestinian, described the culture on campus:

The culture here is one of fear and repression when it comes to speaking about Palestine, and those who weaponize identity politics to suppress dialogue about Palestine are never disciplined.

A graduate student who does not identify as Muslim, Arab, or Palestinian described the culture of fear among their undergraduate students:

My students were often afraid to talk about Palestine/Gaza in classroom spaces, in contexts where this experience or knowledge were pertinent to class topics/readings, for fear of surveillance, reporting, and retaliation.

Many embraced self-censorship as a logical response to the conditions of discrimination and fear described above. A Muslim-Arab-Palestinian faculty member who mourned murdered kin with no outlet to express their grief wrote:

I need to hide my identity and self-censor. Most people with whom I work do not know that I am Palestinian and have family stuck in the Israeli attacks. I have grieved and suffered the trauma of our genocide silently. I am invisible and live a lie all to avoid the discomfort of their anti-Palestinian racism.

Self-censorship as a strategy of self-protection emerged not only in survey responses, but repeatedly in consultations as well.

Muslim, Arab, and Palestinian Feelings of Devaluation and Demoralization

The patterns of University behaviour detailed in the previous sections have resulted in feelings among Muslims, Arabs, and Palestinians that the University devalues them. These feelings are not only disheartening, but they also damage a sense of belonging in University settings and reduces these members' investment in the institution.

Several survey respondents expressed feelings of devaluation in relation to their Muslim identity. A Muslim-Arab-Palestinian student remarked, in reference to wearing the hijab:

These experiences of being misjudged, dismissed, or silently ridiculed have been deeply painful and isolating … These remarks, made in a classroom setting, felt alienating and unsafe … Within a university setting that claims to uphold inclusivity,

these kinds of subtle exclusions and judgments are just as damaging to a student's sense of safety and belonging.

The vast majority of respondent testimonies relating to devaluation and demoralization arose in relation to Palestine advocacy. Speaking of incidents where health care providers made discriminatory statements against Palestinians and their allies, one Muslim student wrote:

[This] has me further convinced that my dignity does not matter as a student nor as a colleague. It communicates to me that I do not equally deserve to study or work in an environment without open discrimination.

Another Muslim-Arab-Palestinian student objected to the University's inaction with regards to external agitators and vigilante groups during the encampment:

The University needs to show clear support in protecting their Muslim students…To me, it seems that the administration does not prioritize our comfort and safety, or they would be pursuing these issues with more effort.

Yet another Muslim-Arab-Palestinian student expressed their objection to the University's recalcitrance on the matter of divestment from Israel in these terms:

I am certain that I am not alone in saying that the University has made me, as a Palestinian, an Arab, and a Muslim, feel that the lives of my people are worth less to our school government than the monetary gain that participation in our genocide provides them.

According to several other respondents, the University's official statements communicated a lack of concern for Muslim, Arab, and Palestinian well-being and a limited tolerance for the expression of their views. One Muslim-Arab-Palestinian student remarked:

This uneven treatment where pro-Israel narratives are institutionally platformed and marketed, while pro-Palestinian spaces are made private, obscured, or shifted away from politics creates a deeply unequal and alienating environment. It communicates to students like me that our voices are only welcomed when they are depoliticized or confined to culturally "safe" topics, rather than heard as part of a legitimate political and moral struggle.

A student who does not identify as Muslim, Arab, or Palestinian shared their perception of the plight of Arab students on campus:

Arab students at U of T risk becoming a second-class of students whose experiences of war and oppression are not heard, disrespected, and dismissed. If the University stays silent in these cases but condemns an attack like October 7th (which it should absolutely condemn), Arab students are taught that their lives matter less than their Israeli peers and that the University does not care for them.

Finally, for several respondents, the University's treatment of Muslims, Arabs, and Palestinians rose to the level of dehumanization. As one Muslim student wrote:

Both at a systemic level and individual interactions level – Islamophobia at U of T is rampant and there is a permeating sense that Muslim lives and Palestinian lives matter less than others – that advocacy for oppressed groups leads to targeting by pro Israeli faculty, that dehumanization of Muslims and Arabs is acceptable … Islamophobia keeps being mentioned but ignoring the separate (though sometimes related) issue of anti Palestinian racism. To me, this is part of the dehumanization of the Palestinian people: to not even acknowledge the horrors they are experiencing, to not demonstrate any empathy, and in fact to watch faculty actively justify anti Palestinian racism

Respondents' Recommendations for Action

As a group, MAP DWG has issued a series of recommendations that appear in each section of the report and are listed in Appendix G. We are grateful to University members who offered recommendations of their own, often broadly framed. Survey respondents recommended interventions that would effectively address the exclusion and discrimination experienced on campus by Muslims, Arabs, Palestinians, and their allies, including: religious accommodations for Muslims; more education and training for all members of the U of T community; increased recognition and celebration of days of recognition and cultural and religious holidays for Muslims, Arabs, and Palestinians; clearer policies about international human rights, including divestment from Israel; and more protections for free speech with respect to speech or advocacy on Muslims, Arabs, and especially Palestinians.

Some recognized that the broader context that informs some of the issues we identify relate to structural features of how Canada organizes its state-sanctioned holiday calendar around some religious traditions but not all. One staff member who does not identify as Muslim, Arab, or Palestinian, wrote:

I think it's important to name that I am a white woman … so that the burden of those reflections doesn't solely fall on the shoulders of my Muslim, Arab, and/or Palestinian colleagues across the institution … I do wonder about time away for religious reasons, and how this is supported … the impact of taking such important holidays and holy-days when your colleagues are in-office, and you know you are coming back to a barrage of emails and Teams messages and to-dos (vs. those of us who celebrate Christian holidays and take time alongside all other colleagues and therefore aren't left with a feeling of being behind after we return)… I love our summer President's Days, but maybe those should align with other cultural days to better support all colleagues across the calendar year.

Such responses remind us that the University does not exist in a vacuum. As it reconsiders how to respond to MAP DWG recommendations, including those that situate it with certain state regulatory realities, we turn to the *Statement of Institutional Purpose* as a reminder of the unique position the University plays in society.

Recommendations on religious accommodation tended to centre on providing increased infrastructure for prayer spaces and ritual ablution; academic accommodations for religious observances; and express labeling of food for religious dietary purposes. MAP DWG addresses some of these issues in Section IX.

We heard numerous recommendations about training, education, and awareness to foster inclusion of Muslims, Arabs, and Palestinians on campus, including trainings on Muslim, Arab, and Palestinian history, culture and society; education sessions on the dynamics of anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment; and the creation of resources for effective dissemination. For instance, one student who does not identify as Muslim, Arab or Palestinian, advised that

> *...the University should invest in education and awareness initiatives that confront Islamophobia and anti Palestinian bias directly. Many people on campus hold stereotypes about Muslims and Palestinians that go unchallenged. There should be regular workshops, panel discussions, and campaigns led by Muslim students and faculty members ... Muslim inclusion is not only about accommodation for prayer or religious holidays. It is about changing the campus culture so that students do not fear being judged, photographed, or targeted for expressing who they are.*

One Muslim staff member shared a concern that echoed across consultations and surveys:

> *There is an urgent need for comprehensive training for HR staff, hiring managers, and supervisors on unconscious bias and the ways in which discrimination against Muslims can occur, often unintentionally, during recruitment, evaluation, and workplace interactions. Such training should include practical strategies for equitable hiring, retention, and promotion practices.*

A faculty member, who does not identify as Muslim, Arab, or Palestinian, emphasized the need for increased curricular content on Palestine studies:

> *Include Palestinian material in courses ... (e.g., history, literature, religion, music, social movements, nationalism, diaspora, film, etc.); organize regular cultural and social events (some of them should be fun) to keep the Palestinian profile active and visible in a positive way and organize panels / lectures with on-campus and off-campus guests to address the issue.*

MAP DWG's recommendations centre on these themes, with specific training recommendations featured throughout the report.

Another set of recommendations highlighted the importance of the campus climate, feelings of belonging, and freedom of speech. Respondents' goals were aimed at enhancing feelings of recognition and belonging for Muslim, Arab, and Palestinian students, staff, and faculty members within the University community. Their remarks focused on initiatives that improve the social, emotional, and symbolic aspects of campus life. MAP DWG addresses speech related considerations across Sections III, V, and IX. We also identify a series of resources to support in Section XI.

MAP DWG also appreciates that some of what survey respondents recommended may fall less under the rubric of central University responsibility, and instead to leadership at the divisional, departmental, or unit levels. Central administrative offices often send holiday emails on important Muslim holidays, yet survey respondents repeatedly called for a recognition and acknowledgement of these special holidays. As one Muslim Palestinian staff member remarked:

> *Celebrate the month of Ramadan and the 2 Eids by sending messages and maybe some decorations in management buildings*

MAP DWG infers from this survey response a broader concern for the central administration to consider, namely how unit leaders across the three campuses might implement new learnings about Muslims, Arabs, and Palestinians to ensure an inclusive community within their smaller teams.

MAP DWG Survey Instrument

Background & Purpose: The Muslim, Arab, and Palestinian Discrimination Working Group (MAP DWG) invites you to participate in a survey of the U of T community that will support the Working Group's mandate. This mandate includes, among other things, consulting with U of T students, staff, faculty, and librarians about their experiences of anti-Muslim, anti-Arab, and anti-Palestinian discrimination and/or harassment at the University. This survey is one of many instruments MAP DWG uses to learn about the U of T community's experiences and to inform its recommendations to the University's senior leadership. Data collected via this survey will be used solely for the purposes of drafting the MAP DWG's final report and its recommendations to the University, and may not be accessed or used for other purposes, except as required by law.

Confidentiality: Data gathered via this survey will be treated as strictly confidential by University officials. The raw data collected will be anonymized at the point of collection so that neither your name, UTORid, nor email address will be linked with your responses. Those with access to the data will not be able to identify respondents. To further protect your privacy, any information you provide in your responses that could be used to identify you will be scrubbed if those responses are used for illustrative purposes in the final report.

Voluntary Participation: You are under no obligation to take part in this survey. Your participation is very much welcomed but completely voluntary. Should you decide to participate, you are free to skip questions or discontinue the survey at any time.

Not a Reporting Tool: Please note that this survey is not intended to be a reporting tool to address complaints of discrimination or harassment. If you wish to file a complaint, please contact antiracism@utoronto.ca , or visit https://people.utoronto.ca/inclusion/complaints/

Contact: For any questions related to this survey, you may contact Professor Anver Emon at map.dwg@utoronto.ca. Please be sure to include "Survey" in the subject line of your email.

Please check one box below:

[ ] I understand the terms and conditions of this survey and hereby consent to participate;

[ ] I do not wish to participate

Questionnaire: Section 1

1. **Are you**
   Student
   Post-Doctoral Fellow
   Faculty
   Staff
   Librarian
   Other

2. **(Branching) As a student, are you**
   Domestic
   International

3. **(Branching) As a student, are you**
   Undergraduate
   Graduate
   Other

4. **(Branching) As faculty, are you**
   Tenure-stream, tenured
   Tenure-stream, pre-tenure
   Teaching-stream, continuing status
   Teaching-stream, pre-continuing status
   Clinical faculty, full-time or part-time
   Sessional, adjunct, contractually limited term appointment (CLTA), or visiting
   Other

5. **(Branching) As staff, are you**
   Unionized
   Non-unionized (PM, CM, etc.)
   Casual, temporary, contract, or other

6. **(Branching) As a librarian, are you**
   Permanent status
   Permanent status stream
   Contractually limited term appointment (CLTA)

7. **(Branching) As other, what is your status at the University?**

8. **Which is your primary campus?**
   U of T Mississauga
   U of T Scarborough
   U of T St. George

9. **Do you identify with any of the following categories? (Select all that apply)**
   Muslim
   Arab
   Palestinian
   I do not identify as either Muslim, Arab, or Palestinian

Section 2

In your responses to the following questions, please include any information that will help us understand and contextualize the experience(s) you describe. While we have asked for unique experiences of anti-Muslim, anti-Arab, and anti-Palestinian discrimination in the survey below, please feel free to respond in whatever way best reflects your experience, which may include discrimination or harassment based on overlapping identities.

Please note that each answer is limited to 4,000 characters.

10. **Have you or has someone you know experienced discomfort, discrimination, harassment, exclusion and/or offensive comments or conduct in relation to Muslim identity at the University? If so, please describe the situation below.**
11. **If you experienced or witnessed an instance of discrimination or harassment in relation to Muslim identity, did you or someone you know attempt to access supports or seek redress from the University? If so, what was your experience? If not, why not?**
12. **Please identify any recommendations you have to foster Muslim inclusion at the University.**
13. **Have you or has someone you know experienced discomfort, discrimination, harassment, exclusion and/or offensive comments or conduct in relation to Arab identity at the University? If so, please describe the situation below.**
14. **If you experienced or witnessed an instance of discrimination or harassment in relation to Arab identity, did you or someone you know attempt to access supports or seek redress from the University? If so, what was your experience? If not, why not?**
15. **Please identify any recommendations you have to foster Arab inclusion at the University.**
16. **Have you or has someone you know experienced discomfort, discrimination, harassment, exclusion and/or offensive comments or conduct in relation to Palestinian identity or support for Palestine at the University? If so, please describe the situation below.**
17. **If you experienced or witnessed an instance of discrimination or harassment in relation to Palestinian identity or support for Palestine, did you or someone you know attempt to access supports or seek redress from the University? If so, what was your experience? If not, why not?**
18. **Please identify any recommendations you have to foster Palestinian inclusion and protect the ability to express support for Palestinians and Palestine at the University without fear of reprisal.**

Invitation to Attend Consultations: For those interested, the MAP DWG will be holding in-person and/or virtual meetings with members of the University community as part of its consultations. After submitting your responses, please complete the registration form at https://uoft.me/mapdwg to indicate your interest in participating in one or more consultation(s).

Invitation to Provide Supporting Evidence: If you would like to provide supporting evidence or further details related to the responses you gave above, you may contact Professor Anver Emon at map.dwg@utoronto.ca. Please be sure to include "Supporting Evidence" in the subject line of your email, and "Private and Confidential" in the body of your message. To enable us to link your anonymous survey responses with your supporting evidence, please use the text box below to identify your initials and the date you will be emailing the supporting evidence — example: JD April 9, 2025.

Appendix D: Canadian and Ontario laws and regulations restraining speech

Canada's *Criminal Code* has various provisions criminalizing different categories of hate speech.

Criminal Code of Canada

318 (1) Every person who advocates or promotes genocide is guilty of an indictable offence and liable to imprisonment for a term of not more than five years.

319 (1) Every one who, by communicating statements in any public place, incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace is guilty of

(a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or

(b) an offence punishable on summary conviction.

319 (2) Every one who, by communicating statements, other than in private conversation, wilfully promotes hatred against any identifiable group is guilty of

(a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or

(b) an offence punishable on summary conviction.

319 (2.1) Every one who, by communicating statements, other than in private conversation, wilfully promotes antisemitism by condoning, denying or downplaying the Holocaust

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or

(b) is guilty of an offence punishable on summary conviction.

Ontario legislates and regulates workplace conditions in support of employees. Among its provisions are those on workplace harassment, which entail employers to institute a complaints process.

Ontario Occupation Health and Safety Act

1(1) In this Act…"workplace harassment" means,[295]

(a) engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, that is known or ought reasonably to be known to be unwelcome

32.0.6 (1) An employer shall, in consultation with the committee or a health and safety representative, if any, develop and maintain a written program to implement the policy with respect to workplace harassment required under clause 32.0.1 (1) (b). 2016, c. 2, Sched. 4, s. 2 (10).

(2) Without limiting the generality of subsection (1), the program shall,

(a) include measures and procedures for workers to report incidents of workplace harassment to the employer or supervisor;

(b) include measures and procedures for workers to report incidents of workplace harassment to a person other than the employer or supervisor, if the employer or supervisor is the alleged harasser;

(c) set out how incidents or complaints of workplace harassment will be investigated and dealt with;

(d) set out how information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law;

(e) set out how a worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, will be informed of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation; and

32.0.7 (1) To protect a worker from workplace harassment, an employer shall ensure that,

(a) an investigation is conducted into incidents and complaints of workplace harassment that is appropriate in the circumstances;

(b) the worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, are informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation;

(c) the program developed under section 32.0.6 is reviewed as often as necessary, but at least annually, to ensure that it adequately implements the policy with respect to workplace harassment required under clause 32.0.1 (1) (b); and

(d) such other duties as may be prescribed are carried out.

Ontario's *Human Rights Code* is meant to ensure an equal, fair, and non-discriminatory employment environment.

Ontario Human Rights Code

5(1)Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

(2) Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

10 (1) In Part 1 and in this Part . . .“harassment” means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome; (“harcèlement”)

Ontario issued the directive below in light of various political campaigns that raised concerns about university life.

Ontario 2018 Directive on Freedom of Speech on Campus

In August 2018, the government mandated that colleges and universities develop, implement and comply with a free speech policy that meets a minimum standard based on best practices from around the world. The policy protects free speech *while ensuring that hate speech, discrimination and other illegal forms of speech are not allowed on campus*.[296]

Appendix E: University speech-related policies

University of Toronto Statement on Freedom of Speech (1992)

Of necessity, there are limits to the right of free speech, for example, when members of the University use speech as a direct attack that has the effect of preventing the lawful exercise of speech by members or invited guests, or interfering with the conduct of authorized University business, the University may intervene. Similarly, although no member of the University should use language or indulge in behaviour intended to demean others on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, handicap, age, marital status, family status, the receipt of public assistance or record of offence, the values of mutual respect and civility may, on occasion, be superseded by the need to protect lawful freedom of speech. However, members should not weigh lightly the shock, hurt anger or even the silencing effect that may be caused by use of such speech.[297]

Memorandum of Agreement between The Governing Council of the University of Toronto and The University of Toronto Faculty Association (UTFA). (U of T-UTFA MOA)

Article 9: The parties agree that there shall be no discrimination, interference, restriction, or coercion exercised or practised toward any faculty member or librarian in respect to salaries, fringe benefits, pensions, rank, promotion, tenure, reappointment, dismissal, research or other leaves, or any other terms and conditions of employment by reason of age, race, creed, colour, disability, national origin, citizenship, religious or political affiliation or belief, sex, sexual orientation, gender identity, gender expression, marital status or family status, place of residence, membership or activity in the Association, or any activity pursuant to the principles of academic freedom set out in Article 5, as well as any other ground included or added to the *Ontario Human Rights Code*.

Human Resource Guideline on Workplace Harassment and Civil Conduct (2018) (Civility Guideline)

This Guideline describes what constitutes civil and uncivil conduct and sets out a general framework for staff members who are concerned that they have experienced such conduct. The University wishes to maintain a collegial work environment in which all employees behave in a civil manner and treat each other with respect and civility regardless of position or status in the organization. The University will not condone uncivil conduct…

Civil Conduct

- Treating others with dignity, courtesy, respect, politeness and consideration
- Speaking in tones of voice that are appropriate for the circumstances
- Being respectful of others' right to express their views, even if you disagree
- Managing conflict with others in a respectful way rather than a confrontational way

Uncivil Conduct

- Shouting, slamming doors, or throwing objects
- Telling inappropriate jokes
- Using props suggestive of violence
- Profanity, abusive, aggressive or violent language directed at an individual or individuals
- Humiliating, degrading, demeaning, belittling, insulting, frightening, or intimidating another person
- Distributing comments about an individual, whether verbally or in writing, including online, that are unjustified and are likely to have a negative impact on the individual if he/she were to see them

Social Media Resources and Supports for Faculty Members and Librarians

This resource is directed at faculty member and librarian social media usage. According to the website, faculty member/librarian social media usage is considered on a case-by-case basis. "Generally, faculty members and librarians using social media are considered to be doing so in their personal capacity, but sometimes their usage is related to research, teaching or other professional activities." Importantly, the policy makes clear that social media usage may require University officials to redress social media speech given its regulatory obligations under various statutes and University policies. Specifically, it states:

> If social media activity results in behaviour that may be contrary to University policy and procedures, it may require review by U of T as the result of complaint. For example, "off-duty" conduct can sometimes lead to reports of harassment, discrimination, or other concerning behaviour, including from other members of the University community.

Appendix F: MAP DWG Frequently Asked Questions

Thank you for accepting the invitation to consult and counsel the Muslim, Arab, and Palestinian Discrimination Working Group (MAP DWG). We have prepared this document of frequently asked questions to inform you of how the consultation proceeds and to offer guidance on how you (and/or your team) can prepare to ensure an efficient and effective consultation experience.

1. Who will be at the meeting?

MAP DWG consists of members of the working group and a secretariat consisting of U of T staff members who support the logistics of the working group. MAP DWG members are distributed across three identity-based sub-committees: the Muslim, Arab, and Palestinian Subcommittees. At any consultation you can expect the Chair of MAP DWG and two members of each subcommittee for a total of seven (7) members of the working group. We adopt this approach both to distribute the consultation responsibilities across working group members, and so that each consultation offers a personable experience among a small group of people. In addition, two members of the secretariat will attend to take notes. Besides the working group members and secretariat, the consultation will be attended by other participants in your identity group or organization who have responded to the invitation to consult with MAP DWG. All meetings held via Teams will be transcribed for the hearing impaired, as well as to ensure your thoughts and perspectives are duly captured. The consultations will not be recorded.

2. When attending a consultation, is what I say confidential?

MAP DWG appreciates some U of T community members may be wary of sharing experiences of anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment. Doxing and other forms of discrimination, including in the workplace, are featured across news platforms regularly. Any consultation data collected will be treated with respect for privacy and confidentiality. To protect your privacy, data will be released in aggregate form and de-identified, whenever possible. Data collected via consultations, whether in oral or written form, will be used solely for the purposes of drafting the final report and its recommendations to the University, and may not be accessed or used for other purposes, except as required by law. MAP DWG committee members will have access to consultation data for the sole and express purpose of analysis and development of recommendations in a final report. In addition, a research assistant specialist bound by strict confidentiality agreements will apply a coding system to the data to support analysis. Only deidentified, aggregated information will be reported, whether for internal purposes or public/external use. Reports will contain no individually identifiable information.

3. How should I prepare to meet with MAP DWG?

As MAP DWG undertakes consultations across faculty members and librarians, staff, and students, we are eager to hear about your experiences related to Muslim, Arab, and Palestinian discrimination. The mandate of MAP DWG is to review policies and practices at the University that may enable or perpetuate discrimination across these three groups. MAP DWG is interested to learn about your experiences with certain policies at the university and how they have been applied to you or the organizations you represent. We are also interested in learning about which resources at the University you might value as fostering inclusion of Muslims, Arabs, and Palestinians on campus. The most effective consultations are ones where the participants prepare discussion items and remarks beforehand around the four questions below:

A. Tell us about your experiences of anti-Muslim, anti-Arab, and/or anti-Palestinian discrimination and harassment at the University. Have you witnessed any anti- Muslim, anti-Arab, and/or anti-Palestinian discrimination and harassment at the University directed at others? Have you reported any of these experiences, to which office, and what was your experience?

B. Have any experiences of anti-Muslim, anti-Arab, and/or anti-Palestinian discrimination and harassment at the University been associated with a policy or requirement, and/or an application of that policy or requirement by a particular office/officer at the University? Which policy/requirement, how was it applied, and how did that application result in an experience of anti-Muslim, anti-Arab, and/or anti-Palestinian discrimination and harassment?

C. What resources/programs/initiatives/centers/units/offices/projects at the University of Toronto support Muslim, Arab, and Palestinian inclusion at the University across all aspects of university life? Which address systemic and individual forms of anti-Muslim, anti-Arab, and/or anti-Palestinian discrimination that occur in any aspect of University life? Which ones are important to further bolster, support, and enhance? What is missing?

D. What would you recommend to the University that would help the University achieve a more respectful, equitable, and inclusive community; and to help combat Islamophobia, anti-Arab, and/or anti-Palestinian discrimination at the University?

4. Can I prepare a written submission?

The Working Group does not require a written submission. You may prepare a written submission either before or after you meet with the Working Group, especially if you believe there are matters not covered in what you share orally. In addition, during the consultations MAP DWG members may request copies of items you refer to during the discussion. All written submissions can be sent via email to map.dwg@utoronto.ca. If you plan to submit a written submission prior to the consultation, please do so 10 business days prior to the consultation date so that the Working Group can review it in advance of our consultation. Submissions prepared after the consultation date may be submitted up to August 1, 2025

Appendix G: Recommendations

Demographics and Data (§I)

Recommendation 1

The U of T Student Equity Census (Census) and Employment Equity Survey (Survey) should (in compliance with Ontario's *Freedom of Information and Protection of Privacy Act* (FIPPA) and other applicable laws and policies):

A. Include more granular categories for racial and ethnocultural identities that allow for disaggregation of Arabs and Palestinians.

B. The categories in both the Census and Survey should be brought into alignment with those used in StatsCan survey instruments.

C. The Census and Survey should include a question on linguistic background to better understand this important element of ethnocultural identity.

D. Faculties and units should track the composition of their specific employee and student populations using the online dashboards for both the Census and Survey, which Deans' offices can currently access. Divisional leaders should make high-level data locally available for collegial governance purposes.

Relevant offices administering the U of T Equity Census and Survey should also review the development of a protocol on accessing institutional data and publish relevant FAQs to make micro-data available to U of T affiliated groups that wish to carry out research and other activities to improve student and/or employee experience.

Recommendation 2

The Provost or designated office should strike a committee to design and execute a survey of students, staff, faculty members, and librarians on the campus climate, with specific questions on EDI-related matters. As part of its preparatory work, the committee should consider data sources already available on campus, such as the Voices Survey of Temerty medical learners and clinical faculty; the U of T-wide Speaking Out: Employee Engagement Survey; the National Survey of Student Engagement (NSSE); the Graduate Student Experience in the Research University (gradSERU) survey; and the Scarborough Survey by UTSC's Social Observatory. Other models to consider might include the Harvard Pulse Survey, the University of California Campus Climate Survey, and National Assessment of Collegiate Campus Climates (NACCC).

The committee should ensure the representativeness of the survey by using available sampling frames of various campus groups, and the survey should be fielded regularly so that trends over time can be tracked. Importantly, this survey should include direct questions on matters such as perceived access to opportunities, feelings of inclusion and belonging, experiences of harassment or discrimination, willingness to report such experiences, etc.

Institutional Capacity Building (§II)

Recommendation 3

Drawing on UTSC's Anti-Black Racism and Black Inclusion Advisory Committee as a model, UTM and UTSC should institute a Muslim, Arab, and Palestinian Advisory Group (hereinafter MAP AGs), and Deans of Faculties (or designated officers) on the St. George campus should implement an analogous advisory capacity within their EDI frameworks to advise on Faculty issues as they relate to Muslims, Arabs, and Palestinians.

The School of Graduate Studies should create internal capacity to support equity, diversity and inclusion, including the specific needs and interests of Muslim, Arab, and Palestinian graduate students, and ensure that graduate student perspectives contribute to the campus and Faculty capacities outlined in this recommendation.

The advisory groups should be comprised of faculty members, academic administrators, librarians, staff, and students. These advisors should be consulted on, among other things:

- the implementation of MAP DWG recommendations;
- academic planning and priorities and campus-based strategic planning;
- University communications;
- student, staff, faculty and librarian recruitment strategies;
- community engagement initiatives;
- decision-making about campus life so as to ensure inclusiveness of the lived experiences of Muslim, Arab, and Palestinian staff, undergraduate, and graduate students, including but not limited to issues on campus that may pertain to their identities.

Recommendation 4

The Provost (or designated office) should review, in consultation with the capacities outlined in Recommendation 3, the web resource *Addressing Anti-Muslim, Anti-Arab, and Anti-Palestinian Discrimination at the University of Toronto* at least every five years to update the content to reflect evolving circumstances and growing research and policy development in this area.

Recommendation 5

To reverse the effects of a Palestine exception in Canadian institutional practice that has historically confused, collapsed, and erased Palestinian identity, all academic and administrative units at the University should expressly include reference to anti-Palestinian discrimination and/or harassment wherever they provide non-exclusive lists of discrimination forms (e.g., anti-Black racism, antisemitism, Islamophobia).

The University should provide regular guidance and reminders to academic and administrative units to update their non-exclusive lists consistent with this recommendation. Principals, Provosts, deans and designated officers should provide periodic updates about this to the advisory bodies and/or capacities described in Recommendation 3.

Recommendation 6

The Provost (or designated office) in cooperation with advisory resources in Recommendation 3 should create learning modules for in-person and/or online use addressing anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment in consultation with experts drawn from relevant Faculties who teach and research these subjects at the University of Toronto.

These trainings should be run multiple times per year, and non-academic staff should be allowed to take and complete these trainings during work hours and as part of their work responsibilities through the Success Factors Learning Management System.

All University managers, employees at the PM5 level and above, and employees under the *Policy on Appointment of Academic Administrators* should regularly complete modules on anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment. The Provost (or designated officer) should monitor divisional compliance with this Recommendation; regularly impress upon Principals, Deans, Chairs, and others the importance of fulfilling this training; and provide information in their annual equity reporting about compliance with this and other EDI trainings.

Recommendation 7

The President and the Provost should create Muslim, Arab, and Palestinian Community Advisory Council(s) (MAP CAC) made up of members of these communities external to the University, including but not limited to alumni of the University. The mandates of this body should focus on student, staff, faculty, and librarian experience and discussion of supports, resources, and services for them.

Recommendation 8

The Division of University Advancement and Vice President, Facilities & Real Estate should, together or separately, coordinate with the resources in Recommendation 3 and 7 to advise and support on strategic planning initiatives supporting Muslim, Arab, and Palestinian inclusion and belonging at the University; strategic real estate partnership development; strategic relationship-building with communities to support fundraising for academic priorities that pertain to Muslims, Arabs, and Palestinians.

Recommendation 9

The President, Provost and divisional leaders should consult the resources developed from Recommendation 3 in contexts that require understanding the interpretation of Muslim, Arab, and/or Palestinian slogans, expression, advocacy, history, and/or culture as they relate to University policy- and decision-making.

The Over-Policing and Under-Protection of Muslims, Arabs, and Palestinians: Risk, Safety, and National Security Compliance (§III)

Recommendation 10

The President, Government Relations Office, the Vice-President, Research and Innovation, University Counsel, and the Chief Financial Officer should:

A. Implement additional supports in Research Services for grant applicants seeking to create and disseminate knowledge in regions of the world that are subject to additional limitations due to Tri-Council agency rules and practices, and/or the University's compliance with sanctions and national security requirements.

B. Develop payment channels to overcome private sector obstacles to otherwise lawful academic cooperation, coordination, and collaboration.

C. Meet with the University's financial institutions to develop strategies to enable reliable and effective payment services for legal research collaborations with parties located in countries subject to national security and/or anti-money laundering/anti-terrorist financing risk assessments.

D. Coordinate with U15 and/or Universities Canada to develop and publish guidance on best practices in knowledge creation and dissemination, particularly in relation to limitations imposed by national security laws and regulations.

E. Advocate to relevant Government of Canada agencies (e.g., Public Safety, Global Affairs Canada) that they implement mitigation measures, including guidance on financial inclusion; increased guidance on sanctions compliance for Canadian research universities; and directives to Tri-Council funding agencies to mitigate impacts on research innovation and collaboration in their grant requirements.

F. Modify its compliance procedures to minimize any detrimental consequences compliance may have with its institutional purpose.

Recommendation 11

The Provost (or delegated offices) should:

A. Study the impact (adverse or otherwise) on campus life and the student learning experience of having current or former military personnel as instructors and/or in student-facing roles, particularly service-people from militaries whose leadership and/or actions are subject to investigation under the Rome Statute.

B. Offer optional equity-informed professional development training for enlisted and reservist officers and other military members to support student experience, including topics such as best practices for teaching in diverse classrooms and cultural competency in Canada.

C. Develop and/or amend guidance for divisional leaders on accommodation obligations for students and employees with mental health disabilities related to experiences of war and conflict.

Recommendation 12

With respect to international partnerships with the University or one of its divisions and/or Faculties, the University should:

A. Amend the Procedures for Human Rights Review to expand its application beyond project proposals to include institutional partnerships.

B. Amend the Procedures for Human Rights Review to include periodic follow up reviews every five years of favorably reviewed projects and institutional partnerships with the University in order to account for changing circumstances with regard to global events.

C. Develop and publish:

   1. Administrative guidelines for when the University may initiate a human rights review of an institutional partnership between the University and an international institution outside the five-year cycle as circumstances may require.

   2. Guidance on best practices for periodic human rights reviews of existing and future institutional partnership proposals with foreign institutions that involve research and development that can potentially be harnessed to commit human rights violations under the United Nations Declaration of Human Rights.

D. If proposals between any U of T division and a foreign university partner (a) involve research and development that can potentially be harnessed to commit human rights violations under the UDHR, and (b) have not been subject to review under the University's Procedures for Human Rights Review, the Dean's office of that Faculty shall initiate a human rights review immediately.

E. In coordination with existing student-facing resources, and in cooperation with divisional offices— for any research or educational opportunities or programs the University or Division sponsors that also involve institutions in other countries that present risks to the safety and dignity of a subset of University members based on protected categories under the Ontario Human Rights Code, the Vice-President, International should:

   1. Include in all calls for proposals and notices direct and express disclosures about threats to the safety, security, and dignity of that subset of our University members;

   2. Allocate University resources to University members (e.g., legal assistance, assistance with Canadian diplomatic capacities, emergency travel and health assistance) who, upon a successful application to the program or other University-related work, experience threats to their safety, security, or dignity by the partner institution or the state within which it operates; and

   3. Maintain an active FAQ outlining the scope of University resources available to students, staff, faculty members, and librarians who suffer such safety, security, and dignity harms while involved in a University-sponsored partnership program.

Recommendation 13

In furtherance of freedom of speech, academic freedom (including academic mobility), and Canada's national commitment against foreign influence and/or interference in our research environment, the University should:

A. Condemn third-party platforms that have a nexus to a foreign government (whether enabling or using such sites) and that engage in activities that target the University' institutional autonomy and the academic freedom that flows therefrom, including but not limited to academic mobility, as well as threaten expectations of personal privacy.

B. Adopt specific measures to redress the adverse effects of online harassment on U of T community members, especially disclosure of private information, particularly where there is a nexus with governmental surveillance, immigration, and/or policing.

C. Consolidate existing web resources into a single website featuring relevant University policies and guidelines on online harassment, including information on what doxing is, how to identify it, and penalties for those in the University community who engage in it.

D. Produce and disseminate a comprehensive resource list for those affected by or at risk of online harassment and/or doxing, including training, risk-assessment, and guidance on how to protect against such harassment.

E. Allocate resources to support University members to proactively scrub their Personally Identifying Information (PII) from data brokers.

F. Advocate to government through the Government Relations Office and Universities Canada to better regulate popular search engines (e.g., Google) to limit online harassment and/or doxing sites with a governmental nexus that target universities.

G. Review and update guidance in human resource guidelines that search committees are precluded from considering online harassment or doxing sites when hiring University employees.

H. Develop and publish guidance to employers who recruit at the University to not punish or retaliate against students who have been harassed and/or doxed by an online platform that has a governmental nexus due to their otherwise protected expressive activities by, inter alia, refusing to hire them or withdrawing offers of employment or of internships.

I. Offer supports to alumni who were doxed in the 2023-2024 academic year and suffered violations of privacy interests, or adverse employment or academic consequences as a result.

J. Allocate resources, on a case-by-case basis, to support University members who experience online harassment and/or doxing, such as expert cybersecurity advice; legal counsel to redress resulting harms; and member access to an institutional subscription to scrubbing services.

Recommendation 14

The Provost (or delegated office) should create mandatory training for academic administrators that provides best practices on protecting academic freedom and the University's policies on freedom of speech, while appreciating the difference between them. Such a training should be updated periodically and include:

A. An appreciation of the administrative protections to be in place for effective academic freedom;

B. Case studies presenting hypothetical situations in which academic freedom may arise in the course of academic operations; and

C. Best practices for protecting and fostering a climate of academic freedom within Faculties and departments.

All academic administrators must complete such trainings at least every five years or upon renewing their roles, whichever is shorter.

Recommendation 15

To ensure transparency and accountability in the designation of academic fundraising priorities under paragraph 3 of the *Provostial Guidelines on Donations*,

A. The Provost and Division of University Advancement should encourage, support, and coordinate with Principals and Deans to develop FAQs outlining procedures to apply for such priority and criteria for divisional review and consideration, including actionable feedback being given to the proponents.

B. The Principals and Deans of UTM, UTSC, and FAS should revisit proposals for Palestine-related projects to be considered as academic fundraising priorities under paragraph 3 of the Guidelines, and conduct further consultations with feedback to the proponents if such priorities are not to be adopted.

C. The University should continue to support the process for consideration of the proposal to establish a Centre for Palestine Studies at UTSC. If the proposal is successful, the Centre should be given support to explore a tri-campus mandate analogous to the Jackman Humanities Institute. As with other EDUs, the Centre should be provided with a budget to support post-doctoral fellows, graduate and undergraduate student bursaries, administrative staff (e.g. administrative, communications, and business management), office space, and resources for academic events, workshops, and conferences.

Recommendation 16

To control against potential bias in the University's risk assessment and complaints processes:

A. The Vice-President, Legal, Risk & Safety and Vice President, Research & Innovation should review the University's approaches to risk and safety assessments, including with regard to national security laws and regulations. This would include a review of the indicia of threats, vulnerabilities, and risks that are relied upon in decision-making and mitigation steps to limit potential unintended consequences on institutional autonomy, academic freedom, and the University's mission and purpose. Drawing on the resources in Recommendation 3, the review should adopt an intersectional approach to the administration and effect of these activities to account for possible bias on prohibited grounds under both applicable law and University policy.

B. The annual report on complaints of discrimination and harassment that is required under Bill 166 should add elements to report on the racial, gender, ethnic origin, place of origin, and religious identity of both complainants and respondents.

Recommendation 17

The University should include in its *Guidance on Muslim, Arab, and Palestinian Discrimination and Harassment*, and in any other modules that address anti-Muslim, anti-Arab, and anti-Palestinian discrimination,

A. That choices about clothing, jewelry, or other accessories that include Muslim, Arab, and/or Palestinian symbols can be historically, culturally, and socially meaningful for those who wear them, and do not presumptively constitute grounds for management, regulation, or redress.

B. That symbols, clothing, or sounds (e.g., keffiyehs, call to prayer, ululations) associated with Muslims, Arabs, and Palestinians have been treated in various contexts in society as evidencing security threats, which is a form of bias and harassment.

Recommendation 18

The Provost, Vice-Provost, Students, and other offices as required should, as soon as reasonably possible, provide guidance to Campus Safety on all three campuses that handing out or distributing flyers (flyering) should not be policed or prohibited as an instance of "postering" as it does not entail "affixing", unless the flyering contravenes applicable law or other University policies.

Recommendation 19

The University, in consultation with the resources in Recommendation 3, should develop training modules for Campus Safety that emphasize, consistent with the University's *Statement on Freedom of Speech*, best practices for safety in protest settings, including postering and other speech acts on campus. Officers on all three campuses should be required to complete this module and the module above on anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment.

Recommendation 20

The University should update documentation on the U of T *Free Speech* website and publish an FAQ or other guidance document directed to (a) invited guests and others not formally part of the University community, and who might be inconvenienced by protests; (b) those enforcing University policies (e.g., Campus Safety); and (c) those who organize events that may be subject to protest.

The updated documentation and/or FAQs should note the unique role universities play in society; the protections that protests enjoy under U of T's free speech policies; and the prevailing legal obligations on all parties to ensure the physical safety and security of all who participate, protest, or counter-protest on campus.

Recommendation 21

The Provost (or delegated office) should:

A. Develop and publish guidelines for deans and other unit leaders to confirm that their duties outlined in the Policy on Appointment of Academic Administrators include:

    1. Communicating clearly about the University's human rights approach to redressing claims of discriminatory, harassing, or biased behavior identified by divisional constituents.
    2. Referring credible reports of University members seeking to interfere with, or otherwise undermine, the academic freedom of faculty members and librarians of the University to the appropriate offices at the University for inquiry and redress.

B. Consistent with forthcoming policies on human rights protections—establish clear policies for Deans and other academic and non-academic leaders to redress incidents involving members of their division or office engaging in anti-Muslim, anti-Arab, or anti-Palestinian discrimination or harassment. Failure to take such responsibility should lead to the implementation of appropriate escalation and corrective measures.

Recommendation 22

The University should

A. In coordination with the resources outlined in Recommendation 3—engage with external bodies to which Muslim, Arab, and Palestinian students have historically resorted when concerned about University experiences to develop a working relationship in furtherance of student wellbeing on campus.

B. Consistent with Recommendation 33 and in coordination with representative Student Unions, develop institutional and educational capacities to support student and student leadership understanding of University governance and operations to support students to navigate University policies and procedures.

C. Consider effective strategies to defend and indemnify faculty members, eligible clinical faculty members, and librarians under its general liability policies if they are sued for activities arising out of their teaching and/or research in the ordinary course of fulfilling their employment obligations under contract with the University and protected under article 5 of the *U of T-UTFA MoA* or section 7 of the *Policy for Clinical Faculty*.

Institutional Statements and the Creep of "Institutional Neutrality" (§IV)

Recommendation 23

The Provost and Vice-President, Communications should revise their April 2024 Memo on Institutional, Divisional, and Departmental Statements to:

A. Remove references to the University of Chicago's 1967 Kalven Report, and expressly reject its principle of institutional neutrality.

B. Remove reference to academic freedom and freedom of speech as justifications for the guidance on institutional statements, and substitute for them language consistent with the pragmatic principle of institutional restraint.

C. Expressly state that divisional administrators should not extend the guidance in the memo to other operational matters within divisions, including but not limited to academic or public programming.

D. When issuing the memo to the University community, the Provost and Vice-President, Communications should include a cover letter that explains the rationale for the above edits to the memo on institutional statements.

Freedom of Speech, Civility, and Professionalism as Regulatory and Policy Restraints on Speech (§V)

Recommendation 24

The University should

A. Update the FAQs on the University's Free Speech website to address the distinction between its use of "freedom of expression" and the Charter's protection of freedom of expression, and provide hypotheticals to illustrate how and why the difference matters.

B. In the interests of maximizing clarity for University members who are not necessarily versed in constitutional nuances, revise its resources related to freedom of speech to no longer use "free speech" or "freedom of speech" and "freedom of expression" interchangeably to avoid confusion with *Charter* protections of freedom of expression.

C. In consultation with staff representatives and union executives, develop an educational resource about non-academic staff members' speech freedoms under the University's free speech policies, whether on social media or otherwise, including guidance on applicable employment law principles as they relate to non-academic staff speech and its limits, including an outline of procedural fairness guidelines and expectations.

D. Develop and periodically update mandatory trainings (in-person or virtual) for any administrator at the University whose description of responsibilities includes collegial conversations to address contentious and even polarizing issues in the intellectual environment of their unit. Any successful candidate for such administrative positions should be required to complete these trainings within six months of assuming the position. Training modules should cover mentorship and coaching conversations, the potential for bias in addressing civility issues, power dynamics among faculty, and include case studies.

E. Acknowledging that many are experiencing these 'call-in' conversations in an adversarial way, develop and publish guidance on best practices to ensure procedural fairness when academic or non-academic administrators implement any policies, guidelines, or other resources to redress concerns about speech, research, and/or advocacy by members of the University. Such guidance may include:

1. Robust definitions of civility, collegiality, and professionalism that make note of their complex disciplinary history to control against bias in application.
2. FAQs that draw on collective agreements outlining notice requirement expectations when issuing a request to meet with a University constituent whose speech is at issue (e.g., the policy at issue, the nature of the complaint, the impugned speech).
3. The evidentiary threshold required to ensure that an expressed concern is sufficiently grounded in objective evidence (e.g., clear and convincing) to warrant 'call-in' conversations that may result in chilling speech.
4. A chart outlining both the range of consequences, if any, and programmatic opportunities available to administrators to pursue and/or develop locally within their unit.

Recommendation 25

The Provost (or delegated offices) and divisional leaders should

A. Wherever relevant under prevailing complaints policies and guidelines, list the *Statement on Freedom of Speech* and the *Statement on Institutional Purpose* as the first relevant policies.

B. Draft and publish guidance for all U of T administrators who oversee and implement informal and formal complaints processes about when, under the *Statement of Freedom of Speech*, "the values of mutual respect and civility may, on occasion, be superseded by the need to protect lawful freedom of speech," with hypothetical examples related to policies that have the potential to limit speech (e.g. civility, harassment).

Recommendation 26

The Provost (or delegated offices), in coordination with divisional leaders, should reform the University's complaints process and develop guidance for administrators on management of complaints (informal or formal) related to speech and/or advocacy that may implicate the *Statement on Freedom of Speech*, *Civility Guideline*, or concerns of professionalism. Such guidance should identify best practices, protocols, and procedures for a meaningful, education-oriented, workplace complaints process on speech/advocacy-related issues consistent with the University's *Statement of Institutional Purpose* and other relevant laws and regulations.

Recommendation 27

The Vice Provost, Students should develop and publish student-specific guidance and resources on social media usage based on applicable law and University policies, including the *Code of Student Conduct*.

Recommendation 28

The Provost (and delegated offices), with the agreement of UTFA where relevant, should revise as soon as reasonably possible the *Social Media Resources and Supports for Faculty Members and Librarians* to make clear that the University presumes faculty members' and librarians' social media content is a form of extramural academic freedom under Article 5 of the U of T-UTFA Memorandum of Agreement and section 7 of *The Policy for Clinical Faculty* in circumstances where such social media content is also subject to policies and guidelines that may restrain, redress, and/or discipline speech.

In addition, the Provost (and delegated offices) should develop and publish best practices for administrators, faculty members, and librarians on how to assess social media content in light of the revised presumption of extramural academic freedom, the necessary evidentiary threshold to defeat the presumption, and the requirements of procedural fairness to protect against bias.

Recommendation 29

The Vice-Provost, Students should amend the *User Guide on U of T Policies on Protest*

A. To more comprehensively annotate the content and hypotheticals in the User Guide by reference to each policy at issue and why. The current annotations do not adequately explain what each policy contributes to the analysis.

B. To include hypotheticals of when a protest requires a prior authorization for temporary use of space and when it does not, including between 11 pm and 7 am.

C. To clarify that refusal of authorization for the temporary use of space, space permitting, is content-neutral and consistent with the University's free speech policies, with refusals to be provided in writing and accompanying reasons.

D. To clarify that refused authorizations for the temporary use of space will not rely on the possible reactions of third parties.

E. To provide more clarity about how to appeal and/or complain about adverse administrative decisions on applications for the temporary use of space.

Recommendation 30

The Provost (or designated offices) should

A. Remove "projections" from the list of postering examples in the *User Guide* that constitute vandalism.

B. Include among the postering hypotheticals (i) examples with links to the postering procedures for all three campuses; (ii) a summary of what enforcement measures are available to the University under the relevant procedures; and (iii) pathways for complaints about how the postering policies have been enforced.

C. Engage students at relevant orientations and in cooperation with student unions, on the issue of postering, including providing them with an outline of how to redress caretaker decisions to remove posters once posted.

D. Maintain records of all violations of postering and signage rules, annually publish a review of these violations, and assess for differential impact in the application of University policies and protocols, including but not limited to University freedom of speech policies.

E. Revise relevant policies, guidelines, and procedures on postering for conformity with University policies on free speech and its *Statement of Institutional Purpose*, and to allow faculty members, clinical faculty, students, and

librarians to exercise autonomy over assigned workspaces, carrels, cubicles, doors, whiteboards, and pinboards with respect to postering, subject to applicable laws.

F. Provide guidance for staff members on what they can display in or on their workspaces, carrels, cubicles, doors, white boards, and pinboards consistent with professional requirements and the expectations of their roles, particularly those who work in public-facing or student services positions.

Recommendation 31

The University should review, in consultation with its federated universities and colleges, existing guidelines on the allocation of space to external parties to determine best practices for the protection of freedom of speech, academic freedom, *and* institutional autonomy.

Governance Toward Academic Freedom (§VI)[298]

Recommendation 32

The Governing Council secretariat should

A. Prepare specific guidance for Lieutenant Governor in Council Members (LGIC; political appointees) of the Governing Council to explain the unique challenges that their status as government-appointed members could pose to institutional autonomy and academic freedom, and how they should approach their governance role accordingly.

B. In coordination with the resources provided in Recommendation 3, develop trainings specific to the mandate of Governing Council and its members, addressing anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment, with a requirement that all members complete the training before their term of service commences.

Recommendation 33

The Office of the Provost (or designate) should develop, in coordination with the resources identified in Recommendation 14 and 21, specialized training for all unit leaders appointed under the *Policy on Appointment of Academic Administrators* to help them better understand the nature of University corporate governance with specific attention on protecting, preserving, and upholding institutional autonomy, academic freedom, and freedom of speech. This training should be required of all who assume these roles on a periodic basis (e.g., with every term renewal), and should be periodically updated and revised to reflect changes in the regulatory environment.

Recommendation 34

The Vice-Provost, Teaching & Learning, and the Centre for Teaching Support & Innovation should draw on scholarly experts at U of T to develop guidance on pedagogic best practices for teaching, classroom engagement, and social media content development in the teaching and learning context when it comes to difficult, polarizing topics.

This guidance can support, consistent with Recommendation 24(d), academic administrators in exercising divisional oversight and conflict resolution with regard to informal concerns and formal complaints related to speech by faculty members and librarians.

Recommendation 35

Pursuant to the principles of institutional autonomy, academic freedom, and freedom of speech—and in light of University policies on freedom of speech and the *Policy on the Temporary Use of Space*—the Provost should issue guidance to all Deans, Principals, Chairs, and Directors concerning the cancellation, postponement, or alteration of an already publicized event after receipt of complaints, whether from external parties or other members of the University. After an event has been organized, scheduled, and publicized, administrators undertaking a subsequent review or other process should bear an onus of transparency, accountability, and restraint before canceling, postponing, or in any way altering the event following receipt of a complaint or complaints.

The guidance should provide best practices to administrators on enhanced due diligence, transparency and accountability in the service of the University's *Statement of Institutional Purpose*, including but not limited to requiring administrators to provide detailed written reasons and policy-based justifications explaining their decision to cancel or delay a previously scheduled event that has since generated complaints.

Temerty Faculty of Medicine (§VII)

Recommendation 36

The Provost (or delegated offices) and the Deans of any Faculty that has a curricular relationship with a TAHSN hospital (e.g., TFOM, Dalla Lana School of Public Health, Bloomburg Nursing, Leslie Dan Faculty of Pharmacy, and Factor-Inwentash Faculty of Social Work), in coordination with the resources provided in Recommendation 3 and the TAHSN executive, should

A. Create, publish, and distribute—through the TAHSN network on which a University representative sits—to all affiliated hospitals best-practice guides for addressing anti-Muslim, anti-Arab, and anti-Palestinian discrimination and harassment, and develop training modules that TFOM clinical faculty members (who also work at TAHSN hospitals) should complete if they wish to work with, oversee, or supervise the University's medical learners on hospital grounds.

B. Jointly develop and publish guidance on procedural fairness requirements when complaints of civility and/or professionalism (e.g., CPSO, CASW) are made against any member of the University and a TAHSN hospital with respect to their research, teaching, expression, and/or advocacy.

Recommendation 37

TFOM, DLSPH, and the other health sciences Faculties—in coordination with the Institute of Islamic Studies, the proposed Centre for Palestine Studies, and the resources provided in Recommendation 3—should develop a shared strategic plan about Muslim, Arab, and Palestinian communities and health equity. Subject to collegial governance processes, MAP DWG strongly encourages inclusion of potential academic fundraising priorities under the *Provostial Guidelines on Donations;* streams of dedicated funding; and a commitment to study the effects of Muslim, Arab, and Palestinian discrimination and harassment on public health outcomes of those communities, and mental health.

Professional Schools and Partnership Management (§VIII)

Recommendation 38

When the University next enters into negotiations with TAHSN hospitals over the terms of affiliation, the University should propose a Protocol with Health Care Institutions, that addresses which institution exercises jurisdiction and how it is exercised with respect to professionalism and/or civility complaints related to speech and/or advocacy, including best practices on procedural fairness, evidentiary requirements, and the relevant indicia of public trust in health care provision to ensure greater accountability and transparency in how the relevant institution administers formal and informal complaints processes on University members with respect to any and all relevant guidance and policies on professionalism, civility, speech, advocacy, and social media usage, especially with respect to speech/advocacy that may challenge the cherished beliefs of society at large, including the University and the Hospitals.

MAP DWG understands that this is a point of negotiation with the Hospitals. Nonetheless MAP DWG's preference would be that the University should play a more robust jurisdictional role with respect to complaints against medical learners and faculty (clinical and otherwise) with respect to allegations against *their speech or advocacy,* and that any such complaints should be adjudicated consistently with both University policies and CPSO guidelines with reasonable safeguards to ensure procedural fairness and appropriate evidentiary thresholds, while exercising restraint in the face of a highly polarized environment.

Recommendation 39

The Provost (or delegated office) should provide and publish guidance on best practices for procedural fairness in informal collegial and mentorship discussions, especially as related to speech or advocacy that may challenge the cherished beliefs of society at large or of the University itself. Best practices may include, for instance, notice to all parties; an opportunity to respond to allegations; evidentiary basis for the complaint and/or concern; and a written explanation of which University policies the conduct at issue allegedly contravenes.

Recommendation 40

The Provost and President shall undertake a review of the University's partnership agreements with local institutions (e.g. TAHSN hospitals, school boards) providing research, teaching, and learning opportunities to our students and faculty members, and negotiate revisions and amendments that ensure that complaints against University members' research, speech or advocacy offsite is subject to a jurisdiction that protects freedom of speech and adopts best practices for procedural fairness, whether in formal or informal review processes.

Recommendation 41

Any time a licensed professional, whether in a voluntary capacity or as part of a partnership with the University, refuses to complete the necessary requirements for a University student to complete an academic activity, such as a practicum, because the licensed professional disagrees with the student's otherwise legitimate and lawful speech, political views, or assembly choices, the Dean of the relevant Faculty must issue a prompt complaint to the appropriate licensing body on grounds of unprofessionalism and should exercise the necessary accommodations and/or measures to ensure the adversely affected student is not unduly prejudiced in fulfilling academic requirements.

Recommendation 42

The Vice-President, Advancement, in consultation with Principals and Deans, should promulgate a Volunteer Code of Conduct for any external person or body that seeks to contribute their time or in-kind resources, without compensation, to the mission and purpose of the University – for example, advisory boards, alumni volunteer bodies or activities such as mentoring, and so on. The Volunteer Code should expressly address their duties as volunteers to our students, and any consequences that may arise from not fulfilling those duties properly, particularly with regard to allegations of harassment and/or discrimination.

Students and Student Organizations (§IX)

Recommendation 43

The University should:

A. Formally allocate a budget for custodial care in providing space accommodations to enable Muslim life on the three campuses.

B. Explore including within the University's 10-year real estate development plans the development of Centres for Muslim Life on the three campuses.

Recommendation 44

The Division of University Advancement – in coordination with the resources provided in Recommendations 3 and 7– should develop an advancement strategy to attract donors to a Muslim, Arab, and Palestinian excellence campaign at the University.

Recommendation 45

The Provost (or delegated offices) should

A. Review and potentially amend the current *Policy on Open, Accessible and Democratic Autonomous Student Organizations* to clarify that democracy means "representative democracy".

B. Consult with student organizations and unions about shared expectations on the balance between autonomy and the need for mutual support, in particular with respect to third parties or external actors, including Provincial regulators.

C. Develop resources – in cooperation with student unions and student organization leaders – to support senior academic and non-academic administrators and student union executives to understand the nature of representative democracy and disagreement.

D. Develop guidance for academic and non-academic administrators, consistent with the recommendations of the Working Group on Civil Discourse, on the requirements of transparency and accountability in performance of their duties.

Recommendation 46

The Provost (or delegated offices) should:

A. Consult with student unions and organizations to assess their continued support for the CRCSS as a dispute resolution mechanism since the time of the Policy's adoption a decade ago.

B. Assess the withholding of fees from the UTGSU for its BDS Caucus at the end of UTGSU's fiscal year based on actual funds spent, in furtherance of UTGSU's autonomy and democratic operations.

C. Review, revise, and periodically update the CRCSS procedures in light of best practices on procedural fairness to all parties to a dispute.

D. Begin negotiations with the UTGSU to reassess its compliance with relevant policies in light of its continued and renewed commitment to the BDS Caucus.

E. Under the Policy on Open, Accessible, and Democratic Autonomous Student Organizations, in coordination with SCSU, UTMSU, UTGSU, UTSU, APUS, and other student organization representatives, develop a student-organization facing policy that identifies best practices for student organizations' that choose to pursue practices of corporate social responsibility and avoidance of social harm.

Divestment (§X)

Recommendation 47

The President and the Investment Committee, should

A. Work with UTAM officials to develop and periodically publish in its Responsible Investing reporting robust descriptions of social risk factors, especially human rights, under its ESG-informed approach—including but not limited to applicable standards, conventions, treaties, guidelines, and legal decisions by multilateral and international bodies—and include regular reporting on its social risk due diligence with investment managers, especially with respect to human rights risk.

B. Consider an absolute prohibition on investments that aid and/or abet violations of peremptory norms of international law.

C. Provide greater guidance on what constitutes "a convincing brief" under the existing *Policy on Social and Political Issues with Respect to University Divestment*.

Recommendation 48

The Provost (and delegated offices), should

A. In consideration of the "Open Letter by Gaza Academics and University Administrators to the World," incorporate within current strategic planning initiatives considerations of ways that U of T can contribute to the rebuilding of Gaza's educational institutions, including support for libraries, research institutes, cultural institutions, and other such organizations in Palestine.

B. Establish an annual program to host and fully fund Palestinian post-doctoral fellows and/or senior scholars at the University to pursue research and academic exchange, with priority given to Palestinian students at-risk from the Middle East and North African region.

C. Recruit and fully fund Palestinian undergraduate students-at-risk – with preference given to applicants from Gaza, West Bank, Lebanon, Jordan, Syria, Egypt, and Palestinian citizens of Israel.

D. In coordination with Government Relations Office, advocate with Immigration, Refugees, and Citizenship Canada to expedite visas for existing and future students coming to the University as a student at risk.

E. Expand on the University's partnerships with universities in Palestine, with preference given to universities in Gaza, to foster academic collaboration, promote cross-cultural understanding, and enhance educational opportunities in the region.

F. Develop and/or expand upon international strategic plans to connect and collaborate with research universities in Arabic-speaking and/or Muslim majority states.

Resources for Muslim, Arab, and Palestinian Inclusion at the University of Toronto (§XI)

Recommendation 49

The Division of University Advancement – in cooperation with the Vice-Provost, Students, divisional Deans, and the resources provided in Recommendations 3 and 7, as appropriate—should

A. Build partnerships with the Muslim, Arab, and Palestinian student organizations across the University to develop a list of Muslim, Arab, and Palestinian alumni who are willing to engage with current students for mentorship and other opportunities, and who may wish to provide resources to support Muslim, Arab, and Palestinian life on campus.

B. Create an internally searchable database for all academic fundraising priorities across all three campuses of the University for transparency when it comes to the scope of inclusion and equality in fundraising planning; and

C. For each campus, provide an assessment, in coordination with relevant Principals, Deans, and Chairs, about the resourcing of academic initiatives that centre Muslim, Islamic, Arab, and Palestinian lives, histories, cultures, and archives. Such an assessment could involve identifying peer institutions and benchmarks, consulting external reviewers, and comparing with other areas of study and disciplines.

Recommendation 50

The Provost or designated offices, should

A. In close cooperation with the Director of the Institute of Islamic Studies—and in consultation with the Chief Librarian, DUA leadership, and the Deans of the Faculty of Arts & Science, the Faculty of Information, and OISE, and the resources provided in Recommendations 3 and 7—

    1. Develop a strategic plan for the growth of the Muslims in Canada Archives (MiCA), including but not limited to increased space allocation for stewardship of archival content at UTL facilities; resource support for processing and digitization of MiCA's collections and backlog; staffing support for digital archiving and national expansion of acquisitions; communications support to promote more robust storytelling; and diversifying its financial support for future growth.
    2. Develop a strategic plan for collaborative engagement with MiCA for academic planning, curriculum development, research and development, archival training and development in order to enhance MiCA's integration within the University and its reach beyond the University.

B. In consultation with the Toronto School of Theology (TST), consider more coordination between the various programs under the TST and relevant University divisions and units (e.g. Departments of Anthropology, History, Near and Middle East Civilization, and Religion; Multifaith Centre; Centre for South Asian Critical Humanities) working on issues of Islam in order to support more collaborative and less siloed programming on Muslims, Arabs, and Palestinians.

C. In coordination with UTM, UTSC and University Divisions, create a $1,000,000 start-up fund to support the development of academic priorities for fundraising purposes at the University that further knowledge creation on Muslim, Arab, and Palestinian life, history, and culture that centres the lived experiences and archives of those groups.

D. In coordination with the relevant divisions and departments —expand the University's offerings in languages of the Muslim and Arab world (e.g., Arabic, Urdu, Farsi) given the size and national (and international) status of the University. Funding for formal language instruction should continue to be predictable and stable.

Recommendation 51

The Dean of the Faculty of Arts & Science, in coordination with the Division of University Advancement and the Director of the Institute of Islamic Studies, should develop a strategic plan to expand the Institute of Islamic Studies' capacity to support research and programming, especially on anti-Muslim, anti-Arab, and anti-Palestinian discrimination and bias.

Recommendation 52

The Principal and Dean of UTM should, in coordination with the Centre for South Asian Critical Humanities, develop a strategic plan to expand its capacities to foster critical research at the intersection of Hindutva, Islamophobia, and Hinduphobia.

Recommendation 53

The Chief Librarian (or designated offices) should

A. Expedite the preparation of LibGuides on Palestine Studies, including its Palestine collections.

B. In coordination with directors of the Institute of Islamic Studies and the proposed Centre for Palestine Studies, develop curatorial exhibits and special digital exhibits that highlight Muslim, Arab, and Palestinian history, collections, resources, research, and contributions to Canadian heritage.

C. Propose annually until approved for funding a librarian position for an Islamic Studies librarian to support current collections development, curation, and capacity across all three campuses.

Recommendation 54

The Vice-President, People, Finance, and Digital Services should

A. Establish a more regular and more frequent schedule to communicate and/or advertise information about how to file complaints or seek redress for anti-Muslim, anti-Arab, or anti-Palestinian discrimination or harassment experiences, with measures redressing protection from reprisals.

    1. Emails should be sent annually with easily accessible information for all staff members.

B. Establish tracking and documentation of anti-Muslim, anti-Arab, and anti-Palestinian discrimination/harassment complaints, and ensure consistent tracking practices across the complex network of human resource departments across the University.

    1. For transparency purposes, annually report on trends.

C. Consistent with the purport of Staff Recommendation 4 of the Report of the University of Toronto Anti-Black Racism Task Force, take concrete steps to address the limited Muslim, Arab, and Palestinian membership in senior leadership positions.

D. Encourage the creation of Muslim, Arab, and Palestinian staff affinity groups on all three campuses.

E. Create specialized onboarding materials for staff identifying as Muslim, Arab, and/or Palestinian to ensure that they are aware of affinity groups, opt-in staff email lists, learning opportunities, and other programming across the University that may be of interest to them.

F. Leverage existing programs and talent pools to identify suitable Muslim, Arab, and Palestinian staff for special project/secondment/promotional opportunities across the University (not only related to EDI issues, but all operational areas).

Recommendation 55

A. Outreach:

1. Develop and/or expand on a Muslim, Arab and Palestinian recruitment strategy for Canada at the undergraduate and graduate levels—separate and distinct from what is already underway as part of the University's international strategy—and ensure ongoing funding for this domestic strategic outreach

2. Create permanent, dedicated institutional funds to support access programs for Muslim, Arab, and Palestinian students, especially new Canadians, and first- and second-generation Canadians. Such funds may be matched by an external partner.

B. Admissions

1. In cooperation with DUA and relevant bodies, provide transparency and accessibility to existing University-held and/or -administered student awards by publicly listing all awards offered by the University with relevant eligibility criteria for students.

2. Create a central fund for

   A. Entry scholarships for Muslim, Arab, and Palestinian students, especially new Canadians and first- and second-generation Canadians; and

   B. Scholarships and awards at different stages of a student's program

   Such funds may be matched by an external partner.

C. Operational Inclusion

1. Coordinate with each division to develop new student orientation opportunities to learn about anti-Muslim, anti-Arab, and anti-Palestinian bias and prejudice, and create welcome opportunities (whether centralized or divisional) for Muslim, Arab, and Palestinian students.

2. Coordinate with each division and program to review materials, including third-party course content, that convey messaging to students to ensure they do not exclude the Muslim, Arab, or Palestinian experience, and do not perpetuate anti-Muslim, anti-Arab, or anti-Palestinian biases, prejudices or stereotypes.

D. Work with and support University and divisional health and wellness offices to hire and/or curate lists of mental health service providers who are culturally attuned and trauma-informed practitioners with a proven capacity to recognize and support the intersectional identities of Muslims, Arabs, and Palestinians, and implement health and wellness supports without the threat of erasure or denial of that intersectional complexity.

E. Support the Dean of SGS in efforts to strengthen mechanisms around conflict resolution between graduate students and faculty members, particularly with regard to the targeting of PhD students.

F. In coordination with the resources outlined in Recommendation 3, divisional equity offices, and other relevant offices, disseminate widely the Institutional Equity Office's resources outlining standard accommodations for Muslim students, including dietary needs, prayer customs, and religious holidays, and providing educational background to faculty members and staff on religious holidays and requirements (e.g., Ramadan) and their potential implications for student life and wellbeing. Include in these existing resources guidance on best practices for religious accommodation.

Recommendation 56

The Dean of OISE should periodically—and in coordination with the Institute of Islamic Studies, any future Centre for Palestine Studies, and the resources provided in Recommendation 3—sponsor and host workshops and/or conferences examining and redressing anti-Muslim, anti-Arab, and anti-Palestinian discrimination and bias in primary and secondary curriculum and teaching, with the target audience being both registered students and current teachers seeking in-service training.

Recommendation 57

U of T Communications as well as campus and divisional communications offices should do more to increase the representation of Muslims, Arabs, and Palestinians at the University, more proactively monitor the doxing of University members in order to refer members for safety supports, and create more communication strategies and guides for University officials and members to redress online doxing, hate, and trolling of University members consistent with recommendations outlined in Section III.

Endnotes

1 As MAP DWG conducted consultations, international bodies were issuing decisions on global conflicts that informed how Muslim, Arab, and Palestinian members assessed the University's promise of radical, critical teaching, discussion, research, and speech. MAP DWG's report references these bodies' decisions to illustrate the local significance of multilateral norm-setting bodies on the interests, perceptions, and even expectations that members of the University have of University policies, practices, and decision-making.

2 Representatives of all these constituencies served on MAP DWG. Though we did not have librarian members, MAP DWG received guidance and support from two librarians *ex officio*.

3 In some cases, protestors were trucked away in police buses, suspended from university, and arrested but rarely charged. In other cases, universities erected new campus police regimes that surveilled students in encampments and at protests. In limited cases, university working groups were formed amid the heat of the protests to address how the violence in Gaza affected their constituencies, with a focus on Muslim, Arab, and Palestinians (MAP). Stanford, UCLA, and Harvard, for instance, adopted the tripartite framework of MAP, while using then-current campus advocacy for Palestine and Palestinian rights/freedoms as an organizing vehicle for their narratives, deliberations, and recommendations. Stanford's report, *Rupture and Repair*, can be found here; Harvard's report can be found here; UCLA's taskforce reports can be found here.

4 Ryan Quinn, "First Columbia, Now Harvard: Middle East Studies Under Pressure," *Inside Higher Ed,* 9 April 2025, https://www.insidehighered.com/news/faculty/academic-freedom/2025/04/09/columbia-then-harvard-middle-east-studies-under-pressure

5 Committee on Freedom of Expression, *Report of the Committee on Freedom of Expression* (University of Chicago, 2014), 2, https://provost.uchicago.edu/sites/default/files/documents/reports/FOECommitteeReport.pdf.

6 For another report addressing university campus climate, see York University Race Equity Committee, *Surveilled & Silenced: A Report on Palestine Solidarity at York University* (York University, 3 October 2024), https://doi.org/10.6084/m9.figshare.27080728.v3.

7 University of Toronto, *Statement of Institutional Purpose* (1992), https://governingcouncil.utoronto.ca/secretariat/page/university-toronto-statement-institutional-purpose#:~:text=The%20University%20of%20Toronto's%20purpose%20is%20to:,its%20campuses%20attractive%20settings%20for%20scholarly%20activity**.

8 Zhidong Hao, "Institutional autonomy in relation to academic freedom, the role of the government and the need for higher education as a federation," *European Review* 33, no S1 (2025): S70-S85, S71. Universities Canada, an advocacy body for Canadian universities, explains "[a]s centres of free inquiry, universities have an obligation both to serve society and to safeguard and promote the independence of institutional decision making. They have a responsibility to advocate that institutional autonomy be recognized by governments and others as a necessary condition to their proper functioning." Universities Canada, "Principles of institutional autonomy," https://univcan.ca/about-universities-canada/membership-and-governance/principles-and-commitments/principles-of-institutional-autonomy/ (accessed 31 January 2026). Importantly, at the University of Toronto, only faculty members and librarians enjoy academic freedom under the UofT-UTFA Memorandum of Agreement. Clinical Faculty at Temerty Faculty of Medicine may enjoy academic freedom, subject to the Policy for Clinical Faculty. Staff members and students do not enjoy academic freedom at the University of Toronto.

9 See, for example, Samuel P. Huntington, *The Clash of Civilizations and the Remaking of the World Order* (Simon and Schuster, 1996).

10 Anver M. Emon and David Schneiderman, "The Storm over Academic Freedom, Collegial Governance, and International Human Rights at U of T's Faculty of Law," *Canadian Legal Education Annual Review* 12 (2025): 27-74.

11 The University of Toronto, *International Strategic Plan, 2022-2027,* at 2, online: https://international.utoronto.ca/wp-content/uploads/2023/08/International_Strategic_Plan_2022-2027L.pdf

12 The University of Toronto, *International Strategic Plan, 2022-2027,* at 1.

13 The University of Toronto, *International Strategic Plan, 2022-2027,* at 5.

14 David Palmer, "Affidavit," in *University of Toronto v. John Doe,* Ontario Superior Court, Court File No., CV-24-00720977-0000, ¶4.

15 The University of Toronto, *International Strategic Plan, 2022-2027,* at 3 (emphasis added).

16 This phenomenon was not unique to the University of Toronto. A review of comparator reports at UCLA, Stanford, and Harvard shows that despite a mandate to address Muslim, Arab, and Palestinian inclusion on campus, the narratives they shared were situated in relation to the war in Gaza and its implications across these three constituencies.

17 United Nations Human Rights Council, *Legal analysis of the conduct of Israel in Gaza pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide,* A/HRC/60/CRP.3 (16 September 2025), www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session60/advance-version/a-hrc-60-crp-3; B'Tselem and Physicians for Human Rights Israel, *Our Genocide,* 28 July 2025, https://www.btselem.org/publications/202507_our_genocide; International Association of Genocide Scholars, *IAGS Resolution on the Situation in Gaza,* 31 August 2025, https://genocidescholars.org/wp-content/uploads/2025/08/IAGS-Resolution-on-Gaza-FINAL.pdf. In its May 24, 2024 order in the case of *South Africa v. Israel* related to the application of the Genocide Convention, the International Court of Justice explained that "in conformity with its obligations under the Genocide Convention, Israel must immediately halt its military offensive, and any other action in the Rafah Governorate, which may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part." *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel),* Order of May 25, 2024, ICJ Reports at ¶50.

18 The International Court of Justice issued a preliminary provisional order in the case of *South Africa v. Israel*, in which it recognized that some of the rights claimed by South Africa plausibly are at issue, specifically "the right of the Palestinians in Gaza to be protected from acts of genocide and related acts. …" Application of the Convention on the Prevention and Publishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), Provisional Measures, Order of 26 January 2024, I.C.J. Reports 2024, p. 3 at ¶54.

19 The current Prime Minister of India, Narendra Modi, leads the ruling Bharatiya Janata Party (BJP), which is committed to recasting India as an ethnic democracy. As Christophe Jaffrelot explains, the Indian variant of "ethnic democracy – a notion that came to the social sciences out of the Israeli melting pot of the 'Jewish state,'… – is both informed by the promotion of a Hindu definition of the nation in opposition to the secularism enshrined in the 1950 constitution and defended by its 'progressive' champions (intellectuals, NGOs, etc.) … and by its opposition to the Christians and (more especially)

Muslim minorities." Christophe Jaffrelot, *Modi's India: Hindu Nationalism and the Rise of Ethnic Democracy* (Princeton University Press, 2021), 6. For an informative and robust history of Hindutva ideology and its nexus with Zionist ideologies, see Azad Essa, *Hostile Homelands: The New Alliance between India and Israel* (Pluto Press, 2023).

20 We do not follow this practice when referring to speech or views, whether of administrators or anyone else, expressed in public documents. The public nature of those documents precludes any reasonable expectations of privacy and/or confidentiality.

21 There was a disruption in the survey's availability between September 22 and September 23, and again between October 24 to October 27, 2025 due to technical issues.

22 See, for instance, the relevant data tables and resources on ethnocultural and religious diversity based on the 2021 census. Statistics Canada, "Topics, 2021 Census: Ethnocultural and religious diversity," updated 4 December 2024, https://www12.statcan.gc.ca/census-recensement/2021/rt-td/ethno-religion-eng.cfm. For analysis of prior census data, see, Sarah Shah, "Canadian Muslims: Demographics, Discrimination, Religiosity, and Voting," *Institute of Islamic Studies Occasional Paper Series,* https://utoronto.scholaris.ca/items/6721fdb2-7e88-4fe6-b20d-096b38750a51

23 Alan Christie, "The University of Toronto and the three priorities," *U of T News*, 5 October 2015, https://www.utoronto.ca/news/university-toronto-and-three-priorities.

24 See, for example, Sarah Shah, *Canadian Muslim Demographics, Socioeconomics, Social Attitudes, and Experiential Outcomes* (University of Toronto, 2025), https://islamicstudies.artsci.utoronto.ca/publications/; idem., *Canadian Muslims: Demographics, Discrimination, Religiosity*.

25 Sherene Razack may suggest that this would apply to the status of Muslims (and plausibly Arabs, and Palestinians) in Canadian history, politics, culture, and society more broadly. Sherene Razack, *Casting Out: The Eviction of Muslims from Western Law and Politics* (Toronto: University of Toronto Press, 2008).

26 Incidentally, StatsCan will be asking about religion and ethnocultural origins every five years, commencing in 2026. At the time of writing, MAP DWG only had access to the 2021 census data. See, Statistics Canada, "Content Changes for the 2026 Census of Population," 4 July 2025, https://www12.statcan.gc.ca/census-recensement/2026/ref/98-20-0004/2026003/98-20-00042026003-eng.cfm.

27 Component categories may not sum exactly to the total due to Statistics Canada's random rounding to base 5. All figures refer to the population in private households in the Toronto Census Metropolitan Area (CMA). The Toronto CMA is used as equivalent to the Greater Toronto Area (GTA).

28 See, Avi Shlaim, *Three Worlds: memoirs of an Arab-Jew* (Oneworld Publications, 2023).

29 Baha Abu-Laban, *An Olive Branch on the Family Tree: The Arabs in Canada* (McLelland and Steward, 1980).

30 Jenna Hennebry and Zainab Amery, "'Arab' Migration to Canada: Far from Monolithic," in *Targeted Transnationals: The State, the Media, and Arab Canadians,* eds. Jenna Hennebry and Bessma Momani, 15-31 (University of British Columbia Press, 2013), 17

31 Paul Eid, *Being Arab: Ethnic and Religious Identity Building among Second Generation Youth in Montreal* (McGill-Queen's University Press, 2007), 3-10; Hennebry and Amery, "'Arab' Migration to Canada: Far from Monolithic," 16.

32 Please note that the categories figures 1-3 do not necessarily add up to 100%. This is because respondents were allowed to select more than one identity category, and because MAP DWG did not consistently include a residual "other" category.

33 The Student Equity Census can be viewed here: https://www.viceprovoststudents.utoronto.ca/news-initiatives/u-of-t-student-equity-census/

34 The Peel Social Lab at the University of Toronto has surveyed students in the Introduction to Sociology course since 2017. From 2017-2020, the Lab collected data from over 3000 students. While this survey is not representative of the entire campus, it nonetheless reported its data to UTM's Vice-Principal, Academic and Dean. For instance, most respondents lived in Mississauga (60%) and of those, the majority lived off campus, or in other words, commuted to class. The respondents were mostly likely to report having no religion, but 21% of the respondents identified themselves as Muslim. Most reported having caregivers who were foreign-born, or in other words. many were children of immigrants. Peel Social Lab, *Peel Social Lab Report,* September 2020, https://www.utm.utoronto.ca/peel-social-lab/sites/files/peel-social-lab/documents/2022-12/PSL%20Report%20-%20Dean%27s%20Office%20FINAL.pdf

35 Martin Friedland, *The University of Toronto: A History*, 2nd ed. (Toronto: University of Toronto Press, 2013).

36 MAP DWG is grateful to the volunteer realtors and real estate lawyers who provided assistance in title searches on the underlying property on which the Newman and Wolfond Centres sit.

37 Friedland, *The University of Toronto,* 394. He later explains "[i]t was not until 1967…that the 'regulations finally removed all explicit traces of racial discrimination from Canada's immigration laws.'" Friedland, *The University of Toronto,* 394.

38 Roshan Jahangeer, Cynthia Whitehead, and Umberin Najeeb, "The conditional inclusion of Muslims in medicine: intersectional experiences of Muslim medical students at the University of Toronto's Faculty of Medicine from 1887-1964," *Canadian Medical Education Journal* 15, no 5 (2024), https://journalhosting.ucalgary.ca/index.php/cmej/article/view/78134/57821. Faculty members on MAP DWG suggest, though cannot confirm, that the first Palestinian appointed at the University was Michael Marmura (appointed in 1959), an expert in Islamic philosophy.

39 StatsCan released an analysis of Muslims in Canada based on its most recent 2021 census. Between 2001 and 2021, the Muslim population of Canada went from 2% to 4.9% of the Canadian population. Racially, South Asians constitute 37.6% of the Muslim population in Canada, with Arabs following a close second (32.2%), then West Asians (13%), and then Black Canadians (11.6%). While the largest percentage of Muslims in Canada were born in Canada (29.5%), Muslims in Canada herald from Pakistan, Iran, Morocco, Algeria, Bangladesh, Syria, Afghanistan, India, and Lebanon. More Muslims call Ontario home than any other province, with Muslims constituting approximately 6.7% of Ontario's population. Much of this population is found in the Greater Toronto Area.

40 See, for instance, Richard Bulliet, *Methodists and Muslims: My life as an Orientalist* (Ilex Project, 2020).

41 Edward W. Said, "Orientalism reconsidered," *Race & Class* 27, no 2 (1985): 1-15, 4.

42 MAP DWG thanks UTARMS for assistance in researching University history.

43 See UTARMS online, here: https://archive.org/details/uoftcalendaracad1963ak/page/160/mode/2up

44 See UTARMS online, here: https://archive.org/details/uoftcalendaracad1963ak/page/162/mode/2up

45 See UTARMS online, here: https://archive.org/details/uoftcalendaracad1963ak/page/150/mode/2up

46 See the NMC Department website, here: https://www.nmc.utoronto.ca/about-us/our-department/department-near-middle-eastern-civilizations. See also, Fred V. Winnett and W. Stewart McCullough, "A Brief History of the Department of Near Eastern Studies (formerly Oriental Languages) in the University of Toronto to 1976-1977," available in Roberts Library, and online: https://drive.google.com/file/d/1Svc8dkC3SfJ_UhilsuPSw8zbzy-8crMO/view?usp=sharing

47 Suzanne L. Marchand, *German Orientalism in the Age of Empire: Religion, Race, and Scholarship* (Cambridge: Cambridge University Press, 2009).

48 See, Bulliet, *Methodists and Muslims.*

49 Glen A. Jones, "Ontario Higher Education Reform, 1995-2003: From Modest Modifications to Policy Reform," *The Canadian Journal of Higher Education* 34, no 3 (2004): 39-54, 44, explaining that the Harris government's first budget (for 1996-1997) proposed a 15% ($280 million) cut in expenditures to Ontario universities.

50 Jan A. Ali, "Studying Islam and Muslims in Contemporary Global Society," *Australian Journal of Islamic Studies* 7, no 3 (2022): i-v; Aaron W. Hughes, "The Study of Islam Before and After 9/11: A Provocation," *Method & Theory in the Study of Religion* 24, nos. 4-5 (2012): 314-336.

51 As MAP DWG explains herein, Hearing Palestine's experience offers an important case study to assess and examine how the University's ostensibly neutral policies and practices yield a pattern of over-policing and under-protecting Muslims, Arabs, Palestinians, and those studying their history and culture.

52 Joe Friesen, "U of T faculty who don't leave pro-Palestinian encampment before deadline could face termination," *Globe and Mail,* May 26, 2024, https://www.theglobeandmail.com/canada/article-surprise-alarm-from-u-of-t-faculty-as-school-warns-of-termination-for/. See also, James Bullanoff, "U of T issues trespass notice after student protesters reject university's offer," *The Varsity* 24 May 2024, https://thevarsity.ca/2024/05/24/breaking-u-of-t-issues-trespass-notice-after-student-protesters-reject-universitys-offer/.

53 For York University's quick resort to the Toronto Police Services, see Adam Carter, "Police dismantle pro-Palestinian encampment at York University," *CBC News,* 6 June 2024, https://www.cbc.ca/news/canada/toronto/york-university-encampment-1.7226697. McGill University relied on private security firms to clear out its protestors. Sabrina Jones and Matthew Lapierre, "McGill dismantles pro-Palestinian encampment, ending months-long protest on campus," *CBC News,* 10 July 2024, online: https://www.cbc.ca/news/canada/montreal/mcgill-asks-encampment-to-leave-1.7259095. At UCLA, police used helicopters and flash bangs to break up the crowds at the encampment erected on the campus in Los Angeles. Ryan Pearson, Ethan Swope, Jake Offenhartz, and Joseph Frederick, "Police fire flash-bangs, detain protestors as they dismantle pro-Palestinian encampment at UCLA," *PBS News,* 2 May 2024, https://www.pbs.org/newshour/politics/police-fire-flash-bangs-detain-protesters-as-they-dismantle-pro-palestinian-encampment-at-ucla. For a review of UCLA's use of police, see The UCLA Taskforce on Anti-Palestinian, Anti-Muslim, and Anti-Arab Racism, "The Militarization of Campus," 28 June 2024, https://uclaracismtaskforce.com/the-militarization-of-campus/.

54 For instance, York University turned to Toronto Police Services to forcefully dismantle its encampment the day after it was erected. Adam Carter, "Police dismantle pro-Palestinian encampment at York University," *CBC News,* 6 June 2024, online: https://www.cbc.ca/news/canada/toronto/york-university-encampment-1.7226697.

55 Factum of the Moving Party, in *Governing Council of the University of Toronto v. John Doe et al.,* Ontario Superior Court, Court File No., CV-24-00720977-0000, ¶3-5.

56 Factum of the Moving Party, in *Governing Council of the University of Toronto v. John Doe et al.,* Ontario Superior Court, Court File No., CV-24-00720977-0000, ¶27-28.

57 *University of Toronto (Governing Council) v. Doe et al.*, 2024 ONSC 3755, ¶10.

58 Factum of the Moving Party, in *Governing Council of the University of Toronto v. John Doe et al.,* Ontario Superior Court, Court File No., CV-24-00720977-0000, ¶82.

59 Factum of the Moving Party, in *Governing Council of the University of Toronto v. John Doe et al.,* Ontario Superior Court, Court File No., CV-24-00720977-0000, ¶92.

60 Factum of the Moving Party, in *Governing Council of the University of Toronto v. John Doe et al.,* Ontario Superior Court, Court File No., CV-24-00720977-0000, ¶58.

61 Factum of the Moving Party, in *Governing Council of the University of Toronto v. John Doe et al.,* Ontario Superior Court, Court File No., CV-24-00720977-0000, ¶58.

62 Factum of the Moving Party, in *Governing Council of the University of Toronto v. John Doe et al.,* Ontario Superior Court, Court File No., CV-24-00720977-0000, ¶61.

63 David Palmer, "Affidavit," in *Governing Council of the University of Toronto v. John Doe et al.,* Ontario Superior Court, Court File No., CV-24-00720977-0000.

64 *University of Toronto (Governing Council) v. Doe et al.*, 2024 ONSC 3755, ¶7-8.

65 *University of Toronto (Governing Council) v. Doe et al.*, 2024 ONSC 3755, ¶53. Admittedly, the University conceded that it does not know who engaged in the reported acts of violence, but only that "the encampment attracts such conduct by others."

66 Canada, Special Representative on Combatting Islamophobia, *The Canadian Guide to Understanding and Combatting Islamophobia: For a More Inclusive Canada* (Government of Canada, 2024), 16. See also, Marina Jimenez, "For Muslims, Guilt by Association," *The Globe and Mail,* 8 September 2006, A1. Guilt by association informed the Canada Revenue Agency's revocation of the Ottawa Islamic Centre's charitable status, which was reinstated years later upon further review. Anver M. Emon and Nadia Z. Hasan, *Under Layered Suspicion* (University of Toronto, 2021), www.layeredsuspicion.ca.

67 *University of Toronto (Governing Council) v. Doe et al.*, 2024 ONSC 3755, ¶58.

68 *University of Toronto (Governing Council) v. Doe et al.*, 2024 ONSC 3755, ¶59.

69 Note that though this respondent uses the narrow, contractually limited concept of "academic freedom" in response to MAP DWG's broad survey questions. MAP DWG appreciates this respondent's usage to refer broadly to the institutional culture of freedom of speech and open, critical inquiry.

70 Affidavit of David Palmer in *Governing Council of the University of Toronto v. John Doe et al.,* Ontario Superior Court, Court File No., CV-24-00720977-0000, ¶4.

71 Affidavit of Jonatan Michael Brown Gilbert in *Governing Council of the University of Toronto v. John Doe et al,* Ontario Superior Court, File No. CV-24-00720977-0000, para 4.

72 Affidavit of Alejandro Paz in *Governing Council of the University of Toronto v. John Doe et al,* Ontario Superior Court, File No. CV-24-00720977-0000, paras. 12-13.

73 Affidavit of Majd al-Shihabi in *Governing Council of the University of Toronto v. John Doe et al.,* Ontario Superior Court, Court File No., CV-24-00720977-0000, ¶11.

74 *Governing Council of the University of Toronto v. John Doe et al.*, 2024 ONSC 3755, ¶67.

75 Affidavit of Ahlam Mohammed in *Governing Council of the University of Toronto v. John Doe et al.,* Ontario Superior Court, Court File No., CV-24-00720977-0000.

76 MAP DWG appreciates that the connection made between Palestine and indigenous peoples is not shared among all indigenous peoples in Canada. See, for example, Chris Sankey, "Stop comparing Palestinians to Indigenous Canadians," *MacDonald Laurier Institute,* 20 October 2023, online: https://macdonaldlaurier.ca/stop-comparing-palestinians-to-indigenous/. In contrast to Sankey, see, Candace Maracle, "While some Indigenous people rally for Palestinians, others say it's not a struggle against colonialism," *CBC News,* 29 November 2023, https://www.cbc.ca/news/indigenous/indigenous-people-canada-gaza-palestinians-1.7032180.

77 Affidavit of Sandy Welsh in *Governing Council of the University of Toronto v. John Doe et al.,* Ontario Superior Court, Court File No., CV-24-00720977-0000.

78 Recent scholarship suggests that the University's singular attitude toward the People's Circle was endemic of a broad security narrative shared among Canadian universities, posing a systemic problem that goes well beyond the scope of MAP DWG or what any single report can redress. Fahad Ahmad and Nicole Baiton, "Colonial legacies and racialised threats: how the 'terrorism' discourse stigmatises Palestine solidarity activism at Canadian universities," *Critical Studies of Terrorism* (2026): https://doi.org/10.1080/17539153.2025.2607805.

79 The respondent is likely referring to USW Local 1998 Executive Committee, "Statement from the USW Local 1998 Executive Committee on the University of Toronto's legal injunction against the People's Circle for Palestine encampment protestors," 3 July 2024, https://www.usw1998.ca/statement-from-the-usw-local-1998-executive-committee-on-the-university-of-torontos-legal-injunction-against-the-peoples-circle-for-palestine-encampment-protesters/

80 In Canada, this normalization of anti-Muslim, anti-Arab and anti-Palestinian bias is evident across the public and private sector. Ontario's so-called Sharia debate in 2004-2005 illustrated how moral panic about the foreign spectre of Muslims, Islam, and Sharia could inform public policy decisions. Anna Kortweg and Jennifer Selby, eds., *Debating Sharia: Islam, Gender, Politics and Family Law Arbitration* (Toronto: University of Toronto Press, 2012); Natasha Bakht, "Were Muslim Barbarians Really Knocking on the Gates of Ontario: The Religious Arbitration Controversy-Another Perspective" *Ottawa Law Review 40th Anniversary Edition* 40 (2006.):67-82. Quebec's Reasonable Accommodation Commission was spurred by municipal efforts in Hérouxville, QC to promulgate codes of conduct for newcomers, leveraging longstanding biases about Muslims and Islam to address a largely manufactured problem in that town. Daniel Ahadi, "L'affaire Hérouxville in context : Conflicting narratives on Islam, Muslim women, and identity,"*Journal of Arab & Muslim Media Research* 2 no. 3 (2009): 241-260; Jonathan Montpetit, "What we can learn from Herouxville, the Quebec town that became shorthand for intolerance," *CBC News,* 26 January 2017, https://www.cbc.ca/news/canada/montreal/herouxville-quebec-reasonable-accommodation-1.3950390; Norimitsu Onishi, "How a Canadian town famous for xenophobia fell in love with immigrants," *The Irish Times,* 22 December 2022, https://www.irishtimes.com/world/canada/2022/12/22/how-a-canadian-town-famous-for-xenophobia-fell-in-love-with-immigrants/. On Islam and multiculturalism in Canada, see Joseph H. Carens and Melissa S. Williams, "Islam, immigration, and group recognition," *Citizenship Studies* 2, no 3 (1988): 475-500. At the federal level, the 2015 legislation *Zero Tolerance for Barbaric Cultural Practices Act,* and the subsequent campaign for a Barbaric Cultural Practices Hotline were largely viewed as premised on Islamophobic biases, for which members of Parliament later apologized. Jim Bronskill, "Conservative MP Tim Uppal sorry for role in divisiveness' of Harper-era policies," *CBC News,* 14 June 2021, https://www.cbc.ca/news/politics/uppal-harper-conservative-muslim-niqab-1.6065058. Quebec's Law 21 utilizes the *Charter's* "notwithstanding clause" – which permits federal or provincial laws to temporarily override *Charter* rights – to preclude from public employment those wearing religious symbols, in particular the *hijab*. Quebec's Superior Court claimed that the law is facially prejudicial and discriminatory as Muslim women in Quebec report being precluded from applying for certain employment. "Bill 21: Majority of Muslim women considered leaving Quebec for work," *City News,* 14 June 2024, https://montreal.citynews.ca/2024/06/14/bill-21-muslim-women-considered-leaving-quebec-work/. When reversed by the Quebec Court of Appeal, the Women's Legal Education and Action Fund (LEAF) explained that the appellate court held that the Notwithstanding Clause overrides guarantees of gender equality under Section 28, reminding us that Islamophobia takes special and specific aim against Muslim women. See, generally, Chris Allen, *Reconfiguring Islamophobia* (Springer, 2020), esp. Ch. 6; Khaled A. Beydoun and Nura A. Sediqe, "Unveiling: the law of gendered Islamophobia," *California Law Review* 111, no 2 (2023): 465-527. On gendered Islamophobia generally, see Amina Easat-Daas and Irene Zempi, eds., *The Palgrave Handbook of Gendered Islamophobia* (Springer International Publishing, 2024). MAP DWG appreciates the irony that the very document that enshrines fundamental freedoms for Canadians is being used to subvert them, at least for a minority population with particular adverse effect on racialized Muslim women.

81 Department of U.S. Department of Defense, "Defense News Briefing – Secretary Donald Rumsfeld and General Myers," 12 February 2002, https://web.archive.org/web/20160406235718/http://archive.defense.gov/Transcripts/Transcript.aspx?TranscriptID=2636.

82 On the Palestine exception, see, for instance, Ussama Makdisi, "Beyond the Palestine Exception," *Critical Times* 8, no 1 (2025): 1-32.

83 See, for instance, Todd Shepard, *The Invention of Decolonization: The Algerian War and the Remaking of France* (Cornell University Press, 2008); Elise Franklin *Disintegrating Empire: Algerian Family Migration and the Limits of the Welfare State in France* (University of Nebraska Press, 2024); See, also, Paul Eid, *Being Arab: Ethnic and Religious Identity Building among Second Generation Youth in Montréal* (Montréal: McGill-Queens University Press, 2007).

84 Stewart Bell and Jeff Semple, "Intercepted communications link Indian government to B.C. Sikh leader's assassination," *Global News,* 6 November 2025, https://globalnews.ca/news/11514695/intercepted-communications-india-temple-assassination-canada/.

85 This report uses the terms Islamophobia and anti-Muslim bias synonymously. In public discourse and debate, "Islamophobia" is the more common term. Historians of Islamophobia show that it first found expression in a 1997 Runnymede Trust report published in the UK. See, Todd Green, *The Fear of Islam: An Introduction to Islamophobia in the West,* 2nd ed. (Fortress Press, 2019). The Runnymede authors recognized that the term, though "not ideal," provides a "useful shorthand way of referring to dread or hatred of Islam – and, therefore, to fear or dislike of all or most Muslims." *Islamophobia: A Challenge for Us All* (Runnymede Trust, 1997), 1. A pragmatic term of art, it has certainly garnered its fair share of critics. Etymologically, the suffix *phobia* suggests a type of fear, thereby suggesting Islamophobia is a therapeutic condition to be treated clinically. This would be an all-too-reductive approach that ignores the political and institutional work of Islamophobia, as exemplified above. An analytic trend in the study of Islamophobia is to draw upon critical race theory, and to recognize Islamophobia as an instance of socially constructed racializing logics, even though Islam as a religion is not reducible to a race *per se*.

86 Tim Aistrope, "The Muslim paranoia narrative in counter-radicalisation today," *Critical Studies on Terrorism* 9, no 2 (2016): 182-204.

87 MAP DWG appreciates that the Office of Learner Affairs at the Temerty Faculty of Medicine provides a complaints process. We address TFOM more robustly herein, complaints processes and their limits, and concerns of procedural fairness and protection of complainants from reprisals. Nonetheless, we reproduce this statement here to signal, at the very least, a not-uncommon perception among our survey respondents that the University's complaints processes are ineffective, and (as suggested in the above quote) can lead to reprisals.

88 The IHRA definition is the subject of considerable debate. For MAP DWG our concern remains that the definition run the risk of recharacterizing otherwise legitimate critique of the State of Israel as antisemitic.

89 For instance, current provincial legislation requires the University to provide complaint procedures for students, faculty, staff, and librarians. These complaints procedures are subject to directives from the Ontario Ministry of Colleges, Universities, Research Excellence and Security. See for example, the Minister's directive on anti-racism and anti-hate for publicly assisted colleges and universities: https://www.ontario.ca/page/ministers-directive-anti-racism-and-anti-hate-publicly-assisted-colleges-and-universities

90 See, for example, Natasha Tusikov and Blayne Haggart, "Canadian universities and faculty must continue to push back against the speech-stifling IHRA antisemitism Working Definition," *Centre for Free Expression,* 9. December 2024, https://cfe.torontomu.ca/blog/2024/12/canadian-universities-and-faculty-must-continue-push-back-against-speech-stifling-ihra.

91 For further readings on this topic, see, Naved Bakali, *Islamophobia: Understanding Anti-Muslim Racism through the Lived Experiences of Muslim Youth* (Sense Publishers, 2016); Natasha Bakht, *In Your Face: Law, Justice, and Niqab-Wearing Women in Canada* (Delve Books, 2020); Amélie Barras, Jennifer Selby, and Adrian, Melanie, eds. *Producing Islam(s) in Canada: On Knowledge, Positionality, and Politics* (University of Toronto Press, 2021); Anver M. Emon, ed. *Systemic Islamophobia in Canada: A Research Agenda* (University of Toronto Press, 2023); Anna Kortweg and Jennifer Selby, eds., *Debating Sharia: Islam, Gender, Politics, and Family Law Arbitration* (University of Toronto Press, 2018); Monia Mazigh, *Gendered Islamophobia: My Journey with a Scar(f)* (Mawenzi House, 2023); Haroon Siddiqui, *My name is not Harry: A Memoir* (Dundurn Press, 2023); Youcef Soufi, *Homegrown Radicals: A Story of State Violence, Islamophobia, and Jihad in the Post-9/11 World* (New York University Press, 2025); Jasmine Zine, *Under Siege: Islamophobia and the 9/11 Generation.* McGill-Queens University Press, 2022.

92 As the U.S.-based Heritage Foundation explains, "Israel stands as an outpost for American values in one of the world's most volatile regions." *U.S.-Israel Strategy: From Special Relationship to Strategic Partnership, 2029-2047,* Special Report, No. 313 (March 12, 2025): 5, https://www.heritage.org/global-politics/report/us-israel-strategy-special-relationship-strategic-partnership-2029-2047.

93 Eid, *Being Arab,* 9.

94 For further readings on Arab history in Canada and anti-Arab stereotypes, discrimination, and bias, see, Baha Abu-Laban, *An Olive Branch on the Family Tree*; Eid, *Being Arab*; Jenna Hennebry and Bessma Momani, eds. *Targeted Transnationals: The State, the Media, and Arab Canadians* (UBC Press, 2013); Asal Houda, *Identifying as Arab in Canada: A Century of Immigration History* (Fernwood Publishing, 2020); Karim H. Karim H, *Images of Arabs and Muslims: A Research Review* (Ministry of Heritage, Canada, 1991).

95 Of course, the CBC's position cannot hold today, given that Canada recognized Palestine as a state in September 2025. But even in doing so, the Government of Canada still associated Palestine and Palestinians with violence and/or terrorism: "Recognising the State of Palestine, led by the Palestinian Authority, empowers those who seek peaceful coexistence and the end of Hamas. *This in no way legitimises terrorism, nor is it any reward for it,*" says the Canadian statement. This government's association of terrorism with Palestine is a construct that MAP DWG found pervasive across its consultations, and which are detailed throughout this report. Canada, Office of the Prime Minister of Canada, "Statement by Prime Minister Carney on Canada's recognition of the State of Palestine," 21 September 2025, https://www.pm.gc.ca/en/news/statements/2025/09/21/statement-prime-minister-carney-on-canada-recognition-state-palestine.

96 Abigail B. Bakan and Yasmeen Abu-Laban, "Anti-Palestinian racism, antisemitism, and solidarity: considerations toward an analytic of praxis," *Studies in Political Economy* 105, no 1 (2024): 107-122; Abigail B. Bakan and Yasmeen Abu-Laban, "Anti-Palestinian Racism and Racial Gaslighting," *The Political Quarterly* 93, no 3 (2022): 508-516; Liz Fekete, "Anti-Palestinian racism and the criminalisation of international solidarity in Europe," *Race & Class* 66, no 1 (2024): 99-120.

97 Bakan and Abu-Laban, "Anti-Palestinian racism," 112.

98 Bakan and Abu-Laban, "Anti-Palestinian racism," 112.

99 Letter of Hon. Eugene Rossiter, Chief Justice, Tax Court of Canada to Hon. J. Michael MacDonald, Acting Executive Director, Canadian Judicial Council, 23 October 2020, 2.

100 Majid, *Anti-Palestinian Racism*, 21. See also, Yasmeen Abu-Laban and Abigail Bakan, "Anti-Palestinian Racism: Analyzing the Unnamed and Suppressed Reality," in *Racial Formations in Africa and the Middle East: A Transregional Approach,*143-149 (Washington D.C.: POMEPS, September 2021), 143. The entire POMEPS volume is open-access and available here.

101 Abu-Laban and Bakan, "Anti-Palestinian Racism and Racial Gaslighting," 511.

102 Esmat Elhalaby, "A Dying Postcolonialism," *The Palestine Yearbook of International Law* 24 (2023): 155-164, 155.

103 See, for example, https://www.gov.il/en/pages/vi-the-arab-refugees-introduction.

104 Abu-Laban and Bakan, "Anti-Palestinian Racism and Racial Gaslighting," 511. A recent example that illustrates Nakba denialism in action would be the opposition to the Canadian Human Rights Museum's exhibit "Palestine Uprooted: Nakba Past and Present".

105 The first three images are either of the Palestinian flag or substitutes for it.

106 A political symbol identified with Palestine and Palestinians, a fashion accessory, and useful during Canada's winters and in the cold stacks of Robarts Library, the *keffiyeh* has a long and complex history associated with managing the elements in the desert and later being utilized within different and distinct political contexts. Zoe Sottile, "The keffiyeh explained: How this scarf became a Palestinian national symbol," *CNN,* 20 November 2023, https://www.cnn.com/2023/11/28/style/style-palestinian-keffiyeh-explained. MAP DWG has found, however, that it is oversaturated with political meaning, often through the mechanism of an impulsive antisemitism. Those who wear either one or the other or both (i.e., *keffiyah* as *hijab*) report suffering anti-Muslim and anti-Palestinian harassment for doing so. For instance, the Ontario legislature so saturated the *keffiyeh* with only political meaning that it required MPP Sarah Jama (NDP-Hamilton Centre) to leave the Legislative Assembly because she was wearing one. "MPP Sarah Jama defies order to remove keffiyeh at Queen's Park," *CBC News,* 24 April 2024, online: https://www.cbc.ca/news/canada/toronto/ont-keffiyeh-1.7185184.

107 Armani Syed, "How the Watermelon Became a Symbol of Palestinian Solidarity," *Time Magazine,* 20 October 2023, https://time.com/6326312/watermelon-palestinian-symbol-solidarity/.

108 Importantly, Ben-Gvir has been subjected to Canadian economic sanctions since June 10, 2025. *Special Economic Measures (Extremist Settler Violence) Regulations,* SOR/2024-91.

109 Shaheen, *Reel Bad Arabs*; Razack, *Casting Out;* Ahmed and Ali-Mohammad, "Racialized knowledges." See also, Laila Lalami, "Arab-Bashing for Fun and Profit," *Los Angeles Times,* 28 July 1997, https://www.latimes.com/archives/la-xpm-1997-jul-28-ca-16983-story.html. For a study of how the fear and stereotypes of terrorism affect municipal urban planning processes, see Rosemary R. Corbett, *Making Moderate Islam: Sufism, Service, and the 'Ground Zero Mosque' Controversy* (Stanford University Press, 2016).

110 E.W. Lane, *Arabic-English Lexicon* (Cambridge: Islamic Texts Society, 1984), 2:2831.

111 Affidavit of Roey Stav in *The Governing Council of the University of Toronto v. John Doe et al,* ONSC, Court File No. CV-24-00720977-0000, at 6.

112 Affidavit of Cynthia Lazar in *The Governing Council of the University of Toronto v. John Doe et al,* ONSC, Court File No. CV-24-00720977-0000, at ¶10.

113 See, for example, Affidavit of Patricia Houston in *Governing Council of the University of Toronto v. John Doe et al,* Court File No. CV-24-00720977-0000; Affidavit of David Palmer in *Governing Council of the University of Toronto v. John Doe et al,* Court File No. CV-24-00720977-0000.

114 For other resources on Palestine, Palestinians, and anti-Palestinian discrimination and harassment, see, Nahla Abdo and Nur Masalha, eds. *An Oral History of the Palestinian Nakba* (Zed Books, 2018); Yasmeen Abu-Laban and Abigail Bakan, *Israel, Palestine, and the Politics of Race: Exploring Identity and Power in a Global Context* (IB Tauris, 2020); Izzeldin Abuelaish, *I Shall Not Hate: A Gaza Doctor's Journey* (Vintage Canada, 2011); Ghada Ageel, *Apartheid in Palestine: Hard Laws and Harder Experiences* (University of Alberta Press, 2016); Chandni Desai, "Disrupting Settler-Colonial Capitalism: Indigenous Intifadas and Resurgent Solidarity from Turtle Island to Palestine," *Journal of Palestine Studies* 50, no 2 (2021): 43-66; Esmat Elhalaby, *Parting Gifts of Empire: Palestine and India and the Dawn of Decolonization* (University of California Press, 2025); Didier Fassin, *Moral Abdication: On Consent to the Obliteration of Gaza,* trans. Gregory Elliott (Verso, 2024); Maen Hammad, *Landing* (Huwawa, 2025); Mowafa Househ, *Under the Nakba Tree: Fragments of a Palestinian Family in Canada* (Athabasca University Press, 2022); Rashid Khalidi, *The Hundred Years' War on Palestine: A history of Settler Colonialism and Resistance, 1917-2017* (Metropolitan Books, 2022); Ussama Makdisi, *Age of Coexistence: The Ecumenical Frame and the Making of the Modern Arab World* (University of California Press, 2019); Nur Masalha and Sa'di Ahmad, eds. *Decolonizing the Study of Palestine: Indigenous Perspectives and Settler Colonialism after Elia Zureik* (IB Tauris, 2023); Edward Said, *The Question of Palestine* (Vintage Books, 1992).

115 Though originally founded by a Royal Charter from King George IV, the Ontario government has "continued" the University using its legislative powers. See *The University of Toronto Act, 1947*, s. 2, which states that the "University of Toronto … is hereby continued and subject to the provisions of this Act." Available online; https://governingcouncil.utoronto.ca/system/files/2022-08/university%20of%20toronto%20act%201947.pdf.

116 For example, immigration security certificates create the conditions for administrative detention without charge. Federal laws such as the *Barbaric Cultural Practices Act,* 2015 normalize Islamophobia through facially neutral legislation. See, *Zero Tolerance for Barbaric Cultural Practices Act*, S.C. 2015, c. 29. Inherited biases about Islam and Islamic law informed Ontario's 2003-2005 debate on Sharia family arbitration and lie at the heart of Quebec's Law 21. Kortweg and Selby, *Debating Sharia;* Zeinab Diab, "Quebec and Law 21, a Conceptual Ecosystem of Otherness," in *Secularism, Race, and the Politics of Islamophobia,* ed. Sharmin Sadiquee, 139-166 (University of Alberta Press, 2025). Recent policy debates have centred on national security audits of charities. As the National Security Intelligence Review Agency recently explained, audits of Muslim-identified charities on grounds of national security lacked sufficient due diligence and thereby "introduced risks of bias and discrimination." National Security Intelligence Review Agency (NSIRA), *Review of the Canada Revenue Agency's Review and Analysis Division,* Review 23-08 (Government of Canada, 2025), 15. On this issue generally, see, Anver M. Emon, ed., *Systemic Islamophobia in Canada: A Research Agenda* (University of Toronto Press, 2023); Baljit Nagra and Paula Maurutto, "Anti-Muslim Surveillance: Canadian Muslims' Experiences with CSIS," *Sociology of Race and Ethnicity* 9, no 3 (2023): 311-325; Fahad Ahmad and S. Ali-Mohammad, "Racialized knowledges: Understanding the construction of the Muslim 'terrorist' in the policy process," *Critical Policy Studies* 19, no 5 (2025): 701-721. Sherene Razack, *Casting Out: The Eviction of Muslims from Western Law and Politics* (University of Toronto, 2008). On the economics underlying Canadian Islamophobia, see Jasmine Zine, "The Canadian Islamophobia Industry: Islamophobia's Ecosystem in the Great White North," *Islamophobia Studies Journal* 7, no 2 (2022): 233-249.

117 Kent Roach, "The Need to Better Understand the Over-Policing and Under-Protection of Muslims," in *Systemic Islamophobia in Canada: A Research Agenda,* ed. Anver M. Emon, 207-223 (University of Toronto Press, 2023), 207.

118 Anver M. Emon, *Humanitarianism & the Exclusion of Muslim Charities from the Financial Sector* (Institute of Islamic Studies, 2026), https://islamicstudies.artsci.utoronto.ca/report-humanitarianism-and-the-exclusion-of-muslim-charities-from-the-financial-sector/; Tim McSorely, *The Damage of De-Risking: How Canada's Policies to Counter Terrorism Financing Drive Financial Exclusion* (International Civil Liberties Monitoring Group, 2026), https://iclmg.ca/wp-content/uploads/2026/09/Derisking_report.pdf. Note that Emon's study was undertaken in his capacity as a faculty member and with the support of the former Office of the Special Representative on Combatting Islamophobia.

119 The multilateral Financial Action Task Force (FATF) recognizes that how states regulate financial institutions domestically to combat money laundering and terrorist financing can have adverse unintended consequences for the not-for-profit sector in particular, including universities. FATF, "Mitigating Unintended Consequences," *FATF-GAFI.org,* online: https://www.fatf-gafi.org/en/publications/Financialinclusionandnpoissues/Unintended-consequences-project.html. The discourse on unintended consequences is limited. See, Working Group on the National Inherent Risk Assessment 2023, Advisory Committee on the Charitable Sector, Ministry of National Revenue (Canada), *Report and Recommendations* (October 2024), available from the Advisory Committee on the Charitable Sector upon request at CHARCOMMG@cra-arc.gc.ca. See also, Emon, *Humanitarianism and the Exclusion*, addressing the issue from a humanitarian charities perspective.

120 Incidentally, Muslims, Arabs, and Palestinians are all too familiar with the inability to engage and/or to hold public-facing institutions accountable. In 2021, upon the publication of research on allegedly biased audits of Muslim charities, then-Prime Minister Justin Trudeau instructed the Office of the Taxpayers Ombudsperson (OTO) in 2021 to review the Canada Revenue Agency for bias against Muslim-led charities. The OTO could not fulfill its review mandate precisely because, among other things, it was precluded from engaging materials that fell under the rubric of national security. Canada, Office of the Taxpayers Ombudsperson, *Charity Begins with Fairness: More to Explore* (Government of Canada, 2023), https://www.canada.ca/en/taxpayers-ombudsperson/programs/reports-publications/special-reports/charity-begins-with-fairness.html. Incidentally, when the National Security Intelligence Review Agency (NSIRA) decided to undertake its own review upon learning of the OTO's obstructions, it found considerable evidence that the CRA's review processes created the condition for bias to enter into the audit and review process. National Security Intelligence Review Agency (NSIRA), *Review of the Canada Revenue Agency's Review and Analysis Division,* Review 23-08 (Government of Canada, 2025), https://nsira-ossnr.gc.ca/en/reviews/find-a-review/23-08/backgrounder/.

121 In its 2022 budget, the Government allocated $34.6 million over five years (as of 2022) and $8.4 million thereafter "to enhance Canada's ability to protect our research, and to establish a Research Security Centre that will provide advice and guidance directly to research institutions." The Research Security Centre sits alongside Canada's policing and intelligence agencies (e.g., RCMP and CSIS) at the Ministry of Public Safety.

122 For an overview of Canada's sanctions, see Global Affairs Canada, "Current sanctions imposed by Canada," 5 July 2024, https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/current-actuelles.aspx?lang=eng.

123 Canada, Department of Finance, *Updated Assessment of Inherent Risks of Money Laundering and Terrorist Financing in Canada,* March 2023, https://www.canada.ca/content/dam/fin/programs-programmes/fsp-psf/nira-neri/nira-neri-eng.pdf.

124 The United States designated al-Haqq in 2025 after it brought legal proceedings against Israel before the International Criminal Court. U.S. State Department, "Sanctioning Foreign NGOs Directly Engaged in ICC's Illegitimate Targeting of Israel," 4 September 2025, https://www.state.gov/releases/2025/09/sanctioning-foreign-ngos-directly-engaged-in-iccs-illegitimate-targeting-of-israel.

125 United Nations, "UN experts condemn Israel's designation of Palestinian human rights defenders as terrorist organisations," 25 October 2021, https://www.ohchr.org/en/press-releases/2021/10/un-experts-condemn-israels-designation-palestinian-human-rights-defenders.

126 For the U.S. sanctions on Iran see, Office of Foreign Assets Control resource page under the U.S. Department of the Treasury, https://ofac.treasury.gov/sanctions-programs-and-country-information/iran-sanctions

127 Canada, "Managing foreign terrorist fighters and associated travelers," 19 January 2019, https://www.international.gc.ca/world-monde/international_relations-relations_internationales/g7/documents/2018-04-22-foreign_terrorist-terroristes_etrangers.aspx?lang=eng.

128 Canada, Senate Standing Committee on Human Rights, *Combatting Hate: Islamophobia and its Impact on Muslims in Canada,* 44th Parl, 1st session, November 2023, 51, https://sencanada.ca/en/info-page/parl-44-1/ridr-islamophobia/.

129 See, *Crimes Against Humanity and War Crimes Act,* SC 2000, c. 24.

130 Government of Canada, "Canada and the International Criminal Court," October 20, 2023, https://www.international.gc.ca/world-monde/international_relations-relations_internationales/icc-cpi/index.aspx?lang=eng.

131 See, *Occupational Health and Safety Act*, R.S.O., 1990, c. O.1, Section 1 (5), defining workplace harassment.

132 Emma Dobrovnik, "Former engineering professor went on leave to serve in IDF after October 7, 2023," *The Varsity,* 3 February 2026, https://thevarsity.ca/2026/02/03/former-engineering-professor-went-on-leave-to-serve-in-idf-after-october-7-2023/.

133 Government of Canada, *Security, Sovereignty, and Prosperity*: *Canada's Defence Industrial Strategy* (Ministry of National Defense, 2026), 24, https://www.canada.ca/en/department-national-defence/corporate/reports-publications/industrial-strategy/security-sovereignty-prosperity.html#toc6-a

134 See, for instance, Selia Sanchez, "UTSU releases statement affirming solidarity with Uyghur students," *The Varsity,* 25 August 2022, https://thevarsity.ca/2022/08/25/utsu-releases-statement-affirming-solidarity-with-uyghur-students/.

135 Nandini Sundar, "Inside Modi's Assault on Academic Freedom," *Journal of Democracy* 37, no 1 (2026): 70-79; Katie Swyers and Judy Trinh, "Hate speech and death threats: Canadian academics harassed after criticizing Hindu nationalism in India," *CBC News,* 7 April 2022, https://www.cbc.ca/news/canada/academics-harassed-criticism-india-politics-1.6402486.

136 Anjali Baichwal, "Lyon Sach's gift strengthens ties with Engineering and Israel's Technion Institute," *Engineering Connect,* June 22, 2015, https://alumni.engineering.utoronto.ca/news/lyon-sachs-gift-strengthens-ties-with-engineering-and-israels-technion-institute/. The specification of Technion University in this donation is not surprising given the volume of Canadian philanthropy directed to that university by Canadian foundations. As reported in 2020, Technion was the top recipient of Canadian foundation philanthropy, having secured $88,654,707 that year as compared to second place University of Toronto with $58,564,282. The Charity Report, *Who Gives and Who Gets: The Beneficiaries of Private Foundation Philanthropy,* Intelligence Reports (The Charity Report, 2020), 17

137 Maya Wind, *Towers of Ivory and Steel: How Israeli Universities Deny Palestinian Freedom* (Verso Books, 2024).

138 Email from Research Alerts (rso.research@library.utoronto.ca) to University faculty members, 13 January 2026.

139 Letter of MPs Jenny Kwan and Gurbux Saini to Foreign Minister Anita Anand, 18 December 2025, https://www.jennykwanndp.ca/letter_to_minister_anand_on_canadian_delegation_denied_to_west_bank_and_mistreatment_of_parliamentarians.

140 Letter of MPs Jenny Kwan and Gurbux Saini to Foreign Minister Anita Anand.

141 See, for instance, Razack, *Casting Out;* Ahmad and Ali-Mohammad, "Racialized knowledges"; Zine, "The Canadian Islamophobia Industry".

142 The editorials appeared in the *National Post* in September 5, 6, and 7 of 2024 just as the academic year began at the University.

143 MAP DWG expresses its gratitude to Bryn MacPherson of the Office of the President for ensuring the accuracy of the notes of MAP DWG's meeting with President Gertler.

144 Email from Shannon Howes, Director, High Risk, Community Safety and Crisis & Emergency Preparedness, October 21, 2025.

145 For a similar critique of trauma-centred analyses in university contexts, see Robin D.G. Kelley, "Black Study, Black Struggle," *Boston Review,* 1 March 2016, https://www.bostonreview.net/forum/robin-kelley-black-struggle-campus-protest/.

146 Canada, "National Security Guidelines for Research Partnerships," https://science.gc.ca/site/science/en/safeguarding-your-research/guidelines-and-tools-implement-research-security/national-security-guidelines-research-partnerships.

147 Canada, "National Security Guidelines for Research Partnerships."

148 Canada, "National Security Guidelines for Research Partnerships."

149 *Foreign Influence Transparency and Accountability Act*, S.C. 2024, c. 16, s. 113.

150 See, for instance, the memo from Provost Trevor Young dated August 7, 2026, https://memos.provost.utoronto.ca/federal-foreign-influence-transparency-and-accountability-act/.

151 See, Universities Canada, "Submission to the Government of Canada on the proposed Foreign Influence Transparency and Accountability Regulations," 6 February 2026, https://univcan.ca/publication/submission-to-the-government-of-canada-on-the-proposed-foreign-influence-transparency-and-accountability-regulations/

152 *AAUP v. Rubio*, U.S. District Court, Massachusetts, Civil Action No. 25-10685-WGY, September 30, 2025, at 26, https://knightcolumbia.org/documents/ahmr9jfap2.

153 Zahra Khozema, "When speaking up for Palestine gets you put on a list," *Ricochet,* 23 September 2025, https://ricochet.media/investigative-podcast/meet-some-of-the-canadians-targeted-by-pro-israel-groups/. See also, Shiri Pasternak, "A Theory of the List: From runaway slave lists to Canary Mission, the state has long deputized citizens to enforce its will," *Boston Review,* 25 September 2025, https://www.bostonreview.net/articles/a-theory-of-the-list/.

154 Middle East Studies Association, "Exposing Canary Mission." Separate reporting drawing on Israeli charity records suggests Canary Mission is affiliated with an Israeli charity, *Megamot Shalom.* Josh Nathan-Kazis, "Documents reveal board of shadowy charity linked to Canary Mission," *Forward,* 14 October 2018, https://forward.com/news/411881/documents-reveal-men-behind-megamot-shalom-mysterious-charity-tied-to/.

155 Affidavit of Patricia Houston in *Governing Council of the University of Toronto v. John Doe et al.,* Ontario Superior Court, Court File No. CV-24-00720977-0000, ¶20-21.

156 Temerty Faculty of Medicine, "Academic Strategic Plan, 2018-2021," https://temertymedicine.utoronto.ca/academic-strategic-plan-2018-2021.

157 There is little reason to doubt that in-person education is pedagogically superior to virtual education. As such, any decision to 'pivot' from in-person education to virtual education must be taken with care. Moreover, decisions about pedagogy at TFOM pertain not only to University matriculation but also to the public interest in effective medical education. The fact that TFOM could so quickly make a robust pedagogic decision on feelings of unsafety calls into question its decision-making matrix with respect to pedagogic integrity.

158 *University of Toronto (Governing Council) v Doe et al,* 2024 ONSC 3755, ¶63.

159 The irony stems from a history of European colonial authorities characterizing and controlling against Muslim, Arab, and Palestinian speech and ideas using the medical discourse of disease management. See for example, Valeska Huber, *Channelling Mobilities: Migration and Globalisation in the Suez Canal Region and Beyond, 1869-1914* (Cambridge University Press, 2013).

160 See, for instance, Mona Atia, "In whose interest? Financial surveillance and the circuits of exception in the war on terror," *Environment and Planning : Society and Space* 25 (2007): 447-475. For sociological analysis of risk and bias, see, Anna Olofsson, Jens O. Zinn, Gabriele Griffin, Katarina Giritli Nygren, Andreas Cebulla and Kelly Hannah-Moffat, "The mutual constitution of risk and inequalities: intersectional risk theory," *Health, Risk, and Society* 16, no 5 (2014): 417-430,419.

161 National Security Intelligence Review Agency (NSIRA), *Review of the Canada Revenue Agency's Review and Analysis Division,* Review 23-08 (Government of Canada, 2025).

162 The concern pertains to more than just fabric worn around one's neck. The climate of over-policing adversely affects faculty members under the U of T-UTFA MOA. MAP DWG heard from faculty members who explained that they are hesitant to include any work they do on Palestine on their annual Progress Through the Ranks (PTRs), often only doing so after they are tenured. One faculty member reported removing any activity or leadership on issues related to Palestine when applying for full professor. Another recalled hearing from a senior leader in a Dean's office that they "don't want to hear about Palestine or Palestinian activism anymore" (MAP DWG Survey respondent).

163 What the University calls vandalism, the Criminal Code calls "mischief." See, Criminal Code, R.S.C., 1985, c. C-46, s. 430(1).

164 See, for instance, Brishti Basu, "The Campaigns Targeting Canadian Doctors Who Want To Discuss the Health Crisis in Gaza," *Press Progress,* 18 September 2025, https://pressprogress.ca/campaigns-targeting-canadian-doctors-who-want-to-discuss-gaza/.

165 The President's office issued various statements and remarks about the importance of combatting antisemitism. See online: https://president.utoronto.ca/remarks-by-president-meric-gertler-conference-on-historical-and-contemporary-antisemitism/.

https://president.utoronto.ca/reaffirming-our-commitment-to-fighting-antisemitism/.

166 School of the Environment, "About Us," https://www.environment.utoronto.ca/about-us/our-department/about-school-environment.

167 Factor-Inwentash Faculty of Social Work, "Leading Transformative Change Through Innovation, Education and Collaboration," 8, https://socialwork.utoronto.ca/wp-content/uploads/2025/09/FINAL-2025-2030-Academic-Plan-compressed.pdf.

168 Sometimes the public events centre around a book. In other instances, the topics are more general and interdisciplinary, such as the January 2026 events "Feminist City 6.0" addressing what makes a "caring city", the "2026 Economic Outlook", and the 2026 Real Estate Roundtable, featuring a panel of real estate experts.

169 MAP DWG recognizes that individual faculty can host such panels on their own under the condition of academic freedom. But this position ignores the cost(s) they pay in their individual capacity given what MAP DWG finds as foreign interference with Canada's academic freedom. Moreover, while faculty members may retain their academic freedom to host such events, so too do academic administrators such as Deans (who are faculty members in academic leadership). MAP DWG was disappointed to learn that Rotman School of Management would hide behind the shield of institutional neutrality rather than show leadership in the name of robust academic freedom, consistent with the University's mission and purpose.

170 As calls for divestment from apartheid South Africa grew louder in the 1980s, students on campuses across Europe and North America began divestment calls, including at the University of Toronto. See, for example, the list of divestment movements led by university students online here. But the University of Chicago chose not to divest out of deference to the Kalven Report's principle of neutrality. Lydialyle Gibson, "Neutral ground: Although the campus often becomes a battleground for controversial issues, the University aspires to remain impartial," *University of Chicago Magazine,* July-August 2009, https://magazine.uchicago.edu/0908/chicago_journal/neutral_ground.shtml#:~:text="The%20reality%20in%20the%20context,it%20is%20not%20a%20lobby.

171 MAP DWG appreciates that the University uses the phrases "freedom of expression" and "freedom of speech" synonymously. Nonetheless, as expressed in our recommendations, MAP DWG advises the Provost to review and revise the terminology in this and other policies to ensure clarity and precision.

172 Robert Post, "The Kalven Report, Institutional Neutrality, and Academic Freedom" in *Revisiting the Kalven Report: The University's Role in Social and Political Action,* eds. Keith E. Whittington and John Tomasi (Baltimore: Johns Hopkins Press, forthcoming), Yale Law School, Public Law Research Paper, available at SSRN: https://ssrn.com/abstract=4516235.

173 Stanley Kurtz, James Manley, and Jonathan Butcher, *Campus Free Speech: A Legislative Proposal* (Goldwater Institute, 2017), 5, https://www.goldwaterinstitute.org/campus-free-speech-a-legislative-proposal/.

174 Post, "The Kalven Report, Institutional Neutrality, and Academic Freedom," 10.

175 Ryan Quinn, "Group argues civil discourse push is conservative, pro-Israel," *Inside Higher Ed,* 1 October 2026, www.insidehighered.com; Ritesh Shah, "Is this a 1980s apartheid moment for our universities?" *University of Auckland,* 31 August 2025, https://www.auckland.ac.nz/en/news/2025/08/31/is-this-1980s-apartheid-moment-for-universities.html.

176 Post, "The Kalven Report, Institutional Neutrality, and Academic Freedom," 18.

177 *McKinney v. University of Guelph*, [1990] 3 S.C.R. at 273. The Court has recognized that in some instances, universities may be so entwined with executing a government policy that certain actions they take may be subject to *Charter* scrutiny. See, for instance, *Eldridge v. British Columbia (Attorney General),* [1997] 3 S.C.R. 624. Incidentally, there is debate as to whether Ontario's Strengthening Accountability and Student Supports Act (Law 166) requiring Ontario universities to undertake special measures to redress mental health and racism brings university compliance measures under *Charter* scrutiny. See Richard Moon, "The Ontario Government Extends Constitutional Protection to University Encampments," *Centre for Free Expression,* 21 May 2024, https://cfe.torontomu.ca/blog/2024/05/ontario-government-extends-constitutional-protection-university-encampments. For a contrasting position, see Kerry Sun, "Trespass, Campus Encampments, and the Charter," *Advocates for the Rule of Law,* July 9, 2024, https://www.ruleoflaw.ca/articles/trespass-campus-encampments-and-the-charter/#:~:text=However%2C%20this%20contention%20is%20unorthodox,for%20provincial%20offences%20and%20fines.

178 See, for instance, Richard Moon, *The Life and Death of Freedom of Expression* (University of Toronto Press, 2024), who uses the phrases interchangeably. In contrast, Pearl Eliadis, "So to Speak: Canadian free expression is not American free speech," *The Literary Review of Canada,* March 2025, https://reviewcanada.ca/magazine/2025/03/so-to-speak/, expressly disagrees with Moon.

179 *Abrams et al. v. United States*, 250 U.S. 616 (1919), at 630.

180 Drawing on Holmes J., the Supreme Court of Canada explains that "[f]reedom of expression is seen as a means of promoting a 'marketplace of ideas,' in which competing ideas vie for supremacy to the end of attaining the truth." *R. v. Keegstra,* [1990] 3 SCR 679 at 803. This does not mean every idea expressed is good or right or true. As the Supreme Court of Canada explains in *Keegstra,* the marketplace metaphor "has been criticized on the ground that there is no guarantee that the free expression of ideas will in fact lead to the truth. Indeed, as history attests, it is quite possible that dangerous, destructive and inherently untrue ideas may prevail, at least in the short run." *R. v. Keegstra* at 803.

181 *Irwin Toy Ltd. v. Quebec (Attorney General)*, [1989] 1 S.C.R. 927, 976. Importantly, this view of the marketplace assumes everyone comes to the democratic agora with the same level of resources and capacities to speak, including to speak without suffering reprisals. In Canada, this has not been the case for those speaking openly on Palestine, many of whom have suffered reprisals from employers. See, for example, Brishti Basu, "'Chilling effect': People expressing pro-Palestinian views censured, suspended from work and school," *CBC News*, 22 December 2023, https://www.cbc.ca/news/canada/chilling-effect-pro-palestinian-1.7064510.

182 See, for instance, the University's freedom of speech portal, which contributes to its compliance with Ontario's 2018 directives on freedom of speech on campus: https://freespeech.utoronto.ca/policies-and-statements/. For a list of University policies that regulate speech on campus, see https://freespeech.utoronto.ca/policies-and-statements/. The University's "User Guide on U of T Policies on Protest" is also available online, https://www.viceprovoststudents.utoronto.ca/student-policies-guidelines/user-guide-on-u-of-t-policies-on-protests/.

183 Critics of the Ontario policy are on all sides of the political spectrum. For a criticism of how the government may have violated its own freedom of speech policies with respect to speech on Palestine, see, Creso Sá, "The Ford government is ignoring its own campus free speech policy," *University Affairs,* 28 November 2023, https://universityaffairs.ca/opinion/the-ford-government-is-ignoring-its-own-campus-free-speech-policy/. For those who believe that the absence of effective enforcement of the policy means that liberal progressive voices will capture the institution, see Graeme Gordon, "Doug Ford has failed to protect free speech at Ontario universities, say academics," *The Hub,* 25 February 2026, https://thehub.ca/2026/02/25/doug-ford-has-failed-to-protect-free-speech-at-ontario-universities-say-academics/

184 MAP DWG did not undertake a full and systemic review of all University policies that may be used to restrain speech. The ones listed in Appendix E are those that were referred to repeatedly in consultations.

185 Our concern about the University's limited attention on procedural fairness, especially in collegial contexts, is not unique. MAP DWG learned that under the UTFA-U of T Memorandum of Agreement, Vice-Deans and Associate Deans (who are also faculty members) "with duties involving academic labour relations" do not enjoy membership in UTFA, including protections for their academic freedom under Article 5 of the MOA. In other words, while these academic administrators remain faculty colleagues, they are excluded from UTFA membership for as long as they hold senior administrative appointments exercising authority over faculty human resources or labour relations. For MAP DWG, this is a tacit recognition that senior administrators' relationships with faculty members and librarians are structurally adverse and not *collegial* in a horizontal sense. Hierarchy and authority, vested in some over others, is a significantly under-addressed feature of these informal call-ins. This highlights the need to provide faculty members and librarians increased procedural protections from inquiries of senior management, even when senior management perceives such inquiries to be informal and collegial. The absence of procedural safeguards in these informal call-in processes raises concerns about abuse of authority and process at the expense of research, speech, and advocacy by or on Muslims, Arabs, and Palestinians.

186 University of Toronto, *Human Resources Guideline on Workplace Harassment and Civil Conduct (Civility Guideline),* 5, https://www.hrandequity.utoronto.ca/wp-content/uploads/sites/34/2016/09/Human-Resources-Guideline-on-Workplace-Harassment-and-Civil-Conduct-Civ....pdf.

187 MAP DWG certainly appreciates the work of the Working Group on Civil Discourse, and recognizes that "civil discourse" and "civility" are two distinct concepts. Nonetheless, we also find that historically, that distinction is not substantial enough to warrant insulation from historical, sociological, or anthropological critique.

188 Joan W. Scott, "The New Thought Police," *The Nation,* 15 April 2015, https://www.thenation.com/article/archive/new-thought-police/. This article was written in response to a different example of the Palestine exception, namely the firing of Palestine studies scholar Steven Salaita by the University of Illinois for his social media speech on Israel's 2014 war in Gaza. In this article, she is commenting on Norbert Elias's *The Civilizing Process* and its study of manners in Western Europe. See also, for a Canadian analysis of legal "professionalism", Constance Backhouse, "Gender and Race in the Construction of 'Legal Professionalism," in *In Search of the Ethical Lawyer: Stories from the Canadian Legal Profession,* eds. Allan C. Hutchinson, Adam Dodek, and Alice Woolley, 126-149 (University of British Columbia Press, 2016)

189 Ontario, Legislative Assembly, Standing Committee on Social Policy, *Official Report of Debates (Hansard),* 43rd Parl, 1st Sess (April 16, 2024), https://www.ola.org/en/legislative-business/committees/social-policy/parliament-43/transcripts/committee-transcript-2024-apr-16#P96_5193. Incidentally, the Council of Ontario Universities expressed concern that Bill 166 would undermine the institutional autonomy of universities. Council of Ontario Universities, "COU response to regulatory registry proposal Bill 166—Strengthening Accountability and Student Supports Act, 2024," March 2024, https://ontariosuniversities.ca/report/cou-response-to-regulatory-registry-proposal-bill-166/. Education experts expressed concern that Bill 166 would "increase censorship and impede academics' ability to promote social justice and critical thinking on campus." Adam Davies and Zuhra Abawi, "As campus protests escalate surrounding the Israel-Gaza war, Ontario's Bill 166 is not the answer," *The Conversation,* 25 April 2024, https://theconversation.com/as-campus-protests-escalate-surrounding-the-israel-gaza-war-ontarios-bill-166-is-not-the-answer-228258.

190 Corroborating our concerns about procedural fairness broadly speaking, UTFA grievances have "identified major, serious concerns in the Administration's conducting of workplace investigations."

191 We have consistently observed that, despite the formal legal independence between the University and its partners, in some cases there are cooperative relationships between the University and third party institutions (e.g., federated colleges; hospitals) subject to a templated agreement and periodically renegotiated (see, Section VIII). In other cases, the relationship is characterized as autonomy (e.g., student unions), and anticipates actions by both parties that, due to distinct standpoints, allow for opportunities to arise from creative tensions (see, Section IX). In yet other cases, we learned the University may be unaware of or simply ignore the independence of the partner organization. For instance, when Omar Patel was targeted for his social media content, the University of Toronto Scarborough dismissed him as chaplain. We learned from Patel's employer, the Muslim Chaplaincy of Toronto (MCT)—an independent not-for-profit corporation under the laws of Ontario—that University officials did not discuss the matter with MCT leadership despite the fact that MCT was Patel's nominal employer and despite having opportunities to do so.

192 MAP DWG's review of the Massey-U of T history supports our consideration of this case as falling within our terms of reference. For instance, Massey College's website features a reproduction of Ontario Bill 115, passed by the legislative assembly in the 1960-1961 legislative season. That legislation (a) confirmed an agreement struck between the independent Massey Foundation and the University of Toronto, and (b) incorporated Massey College as an independent entity. Among Massey College's varied purposes is to "complement the functions of the University of Toronto by providing amenities and facilities for a community of scholars, both residential and non-residential" (Sec 5(b)). Section 4 of that legislation provides that the President of the University and the Dean of the School of Graduate Studies will always be *ex officio* fellows of Massey College. The head of Massey College is selected by the Fellows, but confirmed by the University of Toronto (s. 6.h.i). The legislation makes plain that junior fellows *will only ever be students registered at the University of Toronto's School of Graduate Studies*, thus signalling Massey College's contribution to the University's student ecosystem. Attached to the legislation is a Schedule that includes the agreement between the Massey Foundation and the University of Toronto. Per this scheduled agreement, the land on which the College sits originally belonged to the University of Toronto but was conveyed to the College as a life estate. For as long as Massey College continues to exist, it remains the lawful owner. But if at any time Massey College discontinues its use of the land and premises of the College, "the said lands and premises . . . shall thereupon revest in the University." Under Section 7, the University of Toronto commits to provide costs for heat, electricity, insurance, and "other such maintenance" and even "may pay and discharge from time to time any deficits arising from [Massey College's] operations." Significant for MAP DWG was the fact Massey College's separate and distinct *Code of Conduct* relies extensively on the very University policies that MAP DWG has examined in this report already.

193 Jack O. Denton, "Incident of anti-Black racism wracks elite Massey College," *The Varsity,* 2 October 2017, https://thevarsity.ca/2017/10/02/incident-of-anti-black-racism-wracks-elite-massey-college/; Jacob Lorinc and Angelyn Francis, "Being Black at Massey College: An inside look at multiple complaints about racism and the school's reckoning," *The Toronto Star,* 19 July 2020, https://www.thestar.com/news/gta/being-black-at-massey-college-an-inside-look-at-multiple-complaints-about-racism-and-the/article_4f9e14f2-117a-5ad1-8035-2949c9ec1eb8.html.

194 MAP DWG appreciates that depending on the context or case, developing a mutual learning opportunity would be inappropriate and even wrong. In cases of sexual assault or sexual harassment, for instance, such an approach would likely aggravate already existing trauma.

195 Melinda Meng, "Decolonizing Law Through Restorative Justice," *Harvard International Review,* 41, no. 4 (2020): 43-47.

196 Allison Ann Payne and Kelly Welch, "Restorative Justice in Schools: The Influence of Race on Restorative Discipline," *Youth &. Society* 47, no. 4 (2015): 539-564, 540.

197 *Sheridan College v. OPSEU/SEFPO, Local 245*, 2022 CanLii 118574 (ON LA).

198 Deepa Das Acevedo, "The Extraordinariness of Extramural Absolutism," *Inside Higher Education,* 5 November 2024, https://www.insidehighered.com/opinion/views/2024/11/05/extraordinariness-extramural-absolutism-opinion.

199 Richard Moon, "The Ontario Government extends constitutional protection to university encampments," *Centre for Free Expression,* 21 May 2024, https://cfe.torontomu.ca/blog/2024/05/ontario-government-extends-constitutional-protection-university-encampments (arguing that Ontario's Bill 166 requires universities to fulfill a governmental function, rendering them subject to the *Charter* for limited purposes); Evan Thompson and David Slater, "Canadian universities set up a secret network to crack down on student Palestine demonstrators," *The Breach,* 30 July 2026, https://breachmedia.ca/canadian-universities-set-up-a-secret-network-to-crack-down-on-student-palestine-demonstrators/ (raising concerns about the Government of Alberta's involvement in university affairs with respect to student protests and encampments).

200 Moon, "The Ontario Government extends constitutional protection to university encampments."

201 For UTM, see: https://www.utm.utoronto.ca/facilities/utm-procedure-posters-banners-and-distribution-printed-materials. For UTSC, see: https://www.utsc.utoronto.ca/facmgmt/poster.

202 For an overview of the conference, see the CoHNA website: https://cohna.org/cohna-cija-summit-rising-hinduphobia-antisemitism-canada/.

203 See, the University's 2010 *Policy on the Temporary Use of Space at the University of Toronto,* https://governingcouncil.utoronto.ca/secretariat/policies/space-university-toronto-policy-temporary-use-october-28-2010.

204 Larry Haiven, Avi Lewis, Sheryl Nestel, Shiri Pasternak, Jillian Rogin, Vannina Sztainbok, *The CIJA Report: A Pattern of Anti-Palestinian Racism and Genocide Denial at the Centre for Israel and Jewish Affairs* (Jewish Faculty Network of Canada, 2025), https://www.jewishfaculty.ca/cija-report.

205 For more on the CAUT censure, visit online: https://www.caut.ca/publication/uoft-censure-background-on-the-case/

206 See, for instance, Scott, *Knowledge, Power, and Academic Freedom,* 4, 10. See also, Madame Justice Paperny's recognition that, despite their distinctions, academic freedom and freedom of speech/expression are linked: "[a]cademic freedom and freedom of expression are inextricably linked. There is an obvious element of free expression in the protection of academic freedom." *Pridgen v. University of Calgary,* 2012 ABCA 139 at ¶115.

207 Scott, *Knowledge, Power, and Academic Freedom,* 10.

208 Robert C. Post, "The Unfortunate Consequences of a Misguided Free Speech Principle," *Journal of Free Speech Law* 5 (2024): 295-310, 296.

209 Matthew W. Finkin and Robert C. Post, *For the Common Good: Principles of American Academic Freedom* (New Haven: Yale University Press, 2009), 7.

210 MAP DWG notes that Universities Canada is silent on this four-pronged approach to academic freedom. While CAUT has no authority over the University, the fact that it is a federation of faculty associations such as UTFA—which represents University faculty members and librarians and upholds their academic freedom under Article 5 of the U of T-UTFA memorandum of agreement—MAP DWG finds CAUT's definitions illustrative for our purposes.

211 As an example, the MAP DWG report itself was drafted by faculty members at U of T – who are also members of UTFA – while also being reviewed by MAP DWG members who are non-academic staff and students. As such, this report constitutes, at least with respect to the faculty members on the committee, an example of intramural academic freedom.

212 Examples of such extramural speech include opinion and editorial pieces in news outlets, social media postings, blogs, and others.

213 Finkin and Post, *For the Common Good,* 54.

214 Legal academics regularly, and others less frequently, publish in student-edited law reviews sponsored by U.S. law schools. While these technically do not entail peer review – they are reviewed by students – selection of an article for publication is arduous and upon publication is subject to the review and critique of academics.

215 As Scott explains, a disciplinary field "is at once productive (it permits the organization of knowledge and it authorizes the knowledge producer) and confining (it installs explicit and tacit normative standards that, when they are understood as provisional, can serve important mediating functions)." Scott, *Knowledge, Power, and Academic Freedom*, 24.

216 MAP DWG directed a question to Jackman Faculty of Law about how they manage Governing Council members inquiries such as this, which they declined to address.

217 "Lieutenant Governor in Council" refers to "the Lieutenant Governor acting on and with the advice of the Executive Council or Cabinet" of the Government of Ontario. For more on the Lieutenant Governor of Ontario and the implications of decisions as Lieutenant Governor in Council, see the "Frequently Asked Questions" portal on the website for the Office of the Lieutenant Governor of Ontario, https://lgontario.ca/en/connect/faqs/.

218 Julia Eastman, Glen A. Jones, Olivier Begin-Caouette, Sharon X. Li, Christian Noumi, and Claude Trottier, "Provincial Oversight and University Autonomy in Canada: Findings of a Comparative Study of Canadian Universities," *Canadian Journal of Higher Education* 48, no. 3 (2018): 65-81, 78. On governing boards specifically, see the report by the Center for American Progress on the threat governing boards of universities may pose to the institutional autonomy and fundamental purpose of universities. Madison Weiss and Sara Partridge, *How University Governing Boards Can Protect the Independence of Colleges and Universities* (Center for American Progress, December 2025), https://www.americanprogress.org/article/how-university-governing-boards-can-protect-the-independence-of-colleges-and-universities/. See also, Isabelle McMullen, "The political stakes of who sits on university boards," *Brookings Institute,* 8 April 2025, https://www.brookings.edu/articles/understanding-public-college-and-university-governing-boards/.

219 Governing Council of the University of Toronto, *Policies and Procedures Governing Promotions, April 20, 1980,* s. 12(a), https://governingcouncil.utoronto.ca/secretariat/policies/promotions-policy-and-procedures-governing-april-20-1980.

220 Natasha Bakht, *In your face: Law, justice, and niqab-wearing women in Canada* (University of Toronto Press, 2020); Leila Benhadjoudja, "Racial secularism as settler colonial sovereignty in Quebec," *Islamophobia Studies Journal* 7, no. 2 (2022): 182-199.

221 We learned during our administrative review that the administration has fielded similar concerns about anti-Israeli and anti-Zionist biases and prejudices as well. Per our terms of reference, our focus is on Muslim, Arab, and Palestinian community members.

222 Coined in 2001 by U.S. Colonel Charles J. Dunlap, and later expanded into an academic paper, "lawfare" was introduced as a term of derision against legal efforts, whether in the name of international law or humanitarian law, to subject domestic national security measures to the rule of law. Charles J. Dunlap Jr., "Lawfare: A Decisive Element of 21st century conflicts?" *Joint Force Quarterly* 54 (2009): 34-39. As our legal and regulatory regimes have expanded and globalized, lawfare has found new opportunities for growth. Orde Kittrick considers "lawfare", for instance, a vital instrument for the advancement of a group's or nation's interests. Given the cost involved in a meaningful response to lawfare tactics, winning or losing in court matters less. Orde Kittrick, *Lawfare: Law as a Weapon of War* (Oxford University Press, 2016). The efforts and costs required to respond to what may be frivolous litigation is often deterrent enough. MAP DWG uses the term "lawfare" here in order to emphasize that how administrators invoke processes and procedures may have chilling effects, whether intended or not. Our aim in this section is to raise awareness of how seemingly neutral processes may be abused to the detriment of the University's institutional purpose, including its commitments to freedom of speech.

223 To presume there is no Palestine exception not only runs contrary to considerable literature on the matter, but can also be a form of anti-Palestinian discrimination and harassment as it constitutes a refusal to acknowledge the systemic repression of Palestinian voices and archives.

224 According to University policies, the video should not have presented a novel issue that required renewed administrative review and procedural oversight. Across University offices, MAP DWG finds considerable evidence that videos can and do contribute to research. The UTSC Library explains that videos "can be a highly effective way of connecting ideas and expressing concepts in an engaging way," and offers guides on how to create and produce videos for educational purposes, mindful of copyright and consent of those interviewed. In some departments, such as Studio Art, video submissions of creative work are part of any application for tenure-track positions. Tenure review policies on promotion allow for the possibility of creative work as part of a research dossier. The *Policy and Procedures Governing Promotions (April 20, 1980),* explains that scholarly activities may include "research work and certain kinds of professional or artistic activity … Creative work in professional and artistic fields may be expressed in other ways: these may include, for example, original architectural or engineering design, important artistic contributions, and original techniques in clinical or professional areas. In every case, evidence of originality and importance to the field is sought." In other words, there is nothing in existing University policies to support the explanation that the introduction of a video, despite being unusual relative to a local unit's historical practice, calls for a *de novo* review.

225 Indeed, during the course of MAP DWG consultations, the Ontario government illustrated in October 2025 how its policies can have profoundly exclusionary implications for foreign, racialized medical students, many of whom are also Muslim, Arab, and/or Palestinian. The Government attempted to preclude from the first round of the matching process internationally trained physicians who had not also studied at an Ontario high school. Lawyers Warda Shezadi Meighan (BA '06; JD '09) and Allan Rock (former Attorney General of Canada) challenged the Ontario government in court, and successfully secured a temporary injunction against the restriction. "They argued that Ontario's health minister has breached procedural fairness and natural justice in failing to notify and meaningfully consult affected parties before announcing and implementing the policy, and was in breach of the legitimate expectations of affected parties." Nicholas Keung, "Injunction sought over Ontario's international medical graduate residency rule – called 'unlawful, unreasonable, unintelligible,'" *Toronto Star,* 24 November 2025, 1. See also, Nicholas Keung, "Immigrant physicians find respite in court ruling, but future remains unclear," *Toronto Star,* 15 December 2025, A1. In other words, MAP DWG appreciates that there are various ways in which medical education and academic programming can be manipulated to the detriment of racialized communities in Canada, including Muslims, Arabs, and Palestinians.

226 On doctors subject to discipline for social media posts protesting Israel's attack on Gaza health infrastructure, see Judy Trinh, "Ontario doctors disciplined over Israel-Gaza protests," *CTV News,* 29 November 2023, https://www.ctvnews.ca/canada/article/ontario-doctors-disciplined-over-israel-gaza-protests/

227 Basu, "Chilling effect."

228 Endorsed by numerous organizations in Canada, including the University's Hearing Palestine project, see Health Workers Alliance for Palestine, "Joint Statement: Targeting of Medical Learners Applying to Residency Programs through Canadian Resident Matching Service (CaRMS)," n.d., https://healthworkersforpalestine.org/joint-statement/.

229 Affidavit of Patricia Houston in *Governing Council of the University of Toronto v. John Doe et al.,* Court File No. CV-24-00720977-0000, ¶23-24.

230 *University of Toronto (Governing Council) v. Doe et al*. 2024 ONSC 3755 at ¶63.

231 Letter from Toronto Academic Health Sciences Network on Ensuring the Safety of our Hospital Communities, 13 February 2024, https://tahsn.ca/sites/default/files/assets/files/tahsn-ensuring-safety-our-hospital-communities.pdf.

232 Desmond Brown, "Toronto police increase presence along hospital row after pro-Palestinian protest," *CBC News,* 13 February 2024, https://www.cbc.ca/news/canada/toronto/mount-sinai-hospital-protest-1.7114042.

233 Ben Cohen, "Mount Sinai Hospital climber says he'll pause his ascents, denies antisemitic motives," *The Toronto Star,* 1 March 2024, https://www.thestar.com/news/gta/mount-sinai-hospital-climber-says-hell-pause-his-ascents-denies-antisemitic-motives/article_fb583824-d5de-11ee-80c2-ff72841580f9.html. Fakiha Baig, "Pro-Palestinian groups say Trudeau, Toronto mayor spreading misinformation on protest," *City News,* 14 February 2024, https://toronto.citynews.ca/2024/02/14/toronto-pro-palestinian-groups-justin-trudeau-mount-sinai-hospital-rally/.

234 Nick Boisvert, "Supporters of U of T doctor describe allegations of antisemitism as 'disingenuous' and stifling," *CBC News,* 30 May 2021, https://www.cbc.ca/news/canada/toronto/ritika-goel-allegations-1.6042598.

235 Trevor Young, "Response to Open Letters," 7 June 2021, https://temertymedicine.utoronto.ca/news/response-open-letters.

236 "Former U of T imam says he was let go for social media post he never made, petition calls for reinstating him," *CBC News*, 7 February 2024, https://www.cbc.ca/news/canada/toronto/omar-patel-university-toronto-scarborough-instagram-1.7106658.

237 Kelsey Vlamis, "3 law students from Harvard and Columbia lost job offers over student organizations' statements over the Israel-Hamas war," *Business Insider,* 17 October 2023, https://www.businessinsider.com/3-harvard-columbia-law-students-lost-job-offers-israel-statements-2023-10.

238 Kunal Chaudhry, "Ontario government screened law students who signed pro-Palestine letter," *The Breach*, 21 December 2023, https://bccla.org/wp-content/uploads/2024/03/2023-12-19-BCCLA-LT-Ontario-MAG-and-Ontario-Court-of-Justice.pdf. See also the letter from the BC Civil Liberties Association to Ontario's Ministry of the Attorney General, Civil Law Division, 19 December 2023, https://bccla.org/wp-content/uploads/2024/03/2023-12-19-BCCLA-LT-Ontario-MAG-and-Ontario-Court-of-Justice.pdf.

239 Basu, "'Chilling effect'."

240 Brishti Basu, "'Abuse of power': Hospitals, med schools crack down on Palestine advocacy," *The Breach,* 29 February 2024, https://breachmedia.ca/abuse-of-power-Hospitals-med-schools-crack-down-on-palestine-advocacy/; idem., "'Chilling effect'."

241 MAP DWG appreciates that this vulnerability, at least in our current polarized environment, may be limited to research, speech or advocacy by or on Muslims, Arabs, and Palestinians. As the CBC reported in December 2023, "None of the lawyers who spoke with CBC News had been notified of similar cases relating to expressions of support for Israel. When it comes to pro-Israel views, Toronto-based immigration lawyer Debbie Rachlis said she is 'not aware personally of anyone who has lost their job or has been threatened by losing their job for expressing an opinion … I've certainly seen stories of people who have chosen to leave jobs where they … don't feel supported as an Israeli or as a Jewish person [or] don't feel comfortable with statements that the organization [they] work for has made." Basu, "'Chilling-effect'."

242 University of Toronto, *Policy on Appointment of Academic Administrators,* para. 49.

243 See, for instance, the University of Toronto, *Guidelines for the Assignment and Removal of Postgraduate Medical Trainees from Training Sites,* 29 March 2019.

244 Maria Matthews and Ivy Bourgeault, "Saudi visa trainees called home from Canada in diplomatic dispute," *The Lancet* 392, no 10150 (September 8, 2018): 815-816. The Saudi medical fellows were allowed to remain in their placements until such time as a replacement fellowship could be secured for them. May Warren, "Saudi Arabian medical residents can stay in Canada for now, according to Hospital organization," *The Toronto Star,* 28 August 2018, https://www.thestar.com/news/canada/saudi-arabian-medical-residents-can-stay-in-canada-for-now-according-to-Hospital-organization/article_d0bc967f-5b42-5c42-b0ec-e23fcee0bd09.html. Nonetheless, the diplomatic row revealed a vulnerability in Canada's health system, including at the University of Toronto. M. Hashim Khan, Nadine Abdullah, and Matthew B. Stanbrook, "Withdrawal of Saudi trainees exposes vulnerability of Canadian health care," *Canadian Medical Association Journal* 190 no. 35 (September 4, 2018): 1030-1032.

245 This language was used in an email outlining the purpose of the call-in, raising concerns for MAP DWG about the plausible adversarial nature of these meetings, their ambiguous purpose, and ultimately the chilling effects they can create. The email was part of a submission to MAP DWG.

246 Email from CPSO Policy Manager to MAP DWG, July 3, 2025 (emphasis added).

247 See, for example, Brian W. Powers, Nancy E. Oriol, Sachin H. Jain, "Practice and Protest: Black Physicians and the Evolution of Race-Conscious Professionalism," *Journal of Health Care for the Poor and Underserved* 26, no 1 (2015): 73-81.

248 In addition, we heard from some senior administrators about licensed social workers at partner Hospitals who oversaw students' on-site practica but refused to complete the necessary evaluations for students to complete their practica. We were told that the licensed social workers deemed the students' speech on Palestine and Gaza to be antisemitic, despite the absence of any meaningful investigation or fair process and refused to complete their supervisory roles. MAP DWG's terms of reference did not allow us to investigate this particular matter. Nonetheless it raises a concern about the recourse available to University members under the U of T-Hospital affiliation agreements when jurisdiction is exercised by the Hospitals under principles and rubrics that do not necessarily include robust freedom of speech commitments.

249 Doctors against Racism and Antisemitism (DARA), "Open Statement to the University of Toronto Temerty Faculty of Medicine from Jewish Physician Faculty," 22 November 2023. The letter is openly available online, https://ima-contentfiles.s3.amazonaws.com/OpenStatementDARA.pdf and is featured on the DARA website: https://daradocs.org/wp-content/uploads/Press-Release-website-version.pdf.

250 Email from UTM Office of the Vice Principal and Dean (OVPAD) to MAP DWG, 25 February 2026.

251 Spiro Papuckoski, "Nearly 1,000 prayer or 'quiet' rooms added to federal buildings," *Toronto Sun,* 23 September 2026, https://torontosun.com/news/national/nearly-1000-prayer-quiet-rooms-added-federal-buildings.

252 Graham F. Scott, "In Transit: Commuter students find places to idle at U of T," University of Toronto Magazine, 13 September 2008, https://magazine.utoronto.ca/research-ideas/culture-society/u-of-t-commuter-students-engagement/.

253 Zainab Abdul, "Opinion: U of T should install bidets on its campuses," *The Varsity,* 9 March 2025, https://thevarsity.ca/2025/03/09/opinion-u-of-t-should-install-bidets-on-its-campuses/.

254 Email of Vice President, PSEC to Anver M. Emon, 2 October 2025.

255 The Nakba refers to the historical displacement and dispossession of Palestinians from their ancestral homes in the land now called Israel. For an overview of the Nakba and its salience in discourse on human rights and history, see the Canadian Human Rights Museum's online resources for its exhibition *Palestine Uprooted: Nakba Past and Present,* https://humanrights.ca/exhibition/palestine-uprooted-nakba-past-and-present.

256 A review of the Ontario Business Registry shows that UTMSU is independently incorporated under Ontario laws as the Erindale College Student Union, a not-for-profit corporation (Ontario Corporation No: 557493), and is listed in the Registry as active. Its most up-to-date constitution is available here; the constitution explains its purpose, which among other things, includes:

- Represent undergraduate and professional faculty students registered at the University of Toronto Mississauga

- Organize students on a democratic, co-operative basis to advance students' interests
- Foster the intellectual growth and moral awareness of the students in order to benefit them, the University of Toronto Mississauga student committee, and society
- Articulate the desires of students, to fulfill the duties to be accorded the rights of citizens in Ontario, in Canada and in the international community.

UTMSU's by-laws provide in Section 2 that all individuals who have registered at UTM and have paid membership fees to the UTMSU shall be members of the student union.

257 The Ontario Superior Court struck down Ontario's Student Choice Initiative, which would have created an opt-out option for students. Andy Takagi, "Divisional court strike down Ford government's Student Choice Initiative," *The Varsity,* 21 November 2019, https://thevarsity.ca/2019/11/21/divisional-court-strikes-down-ford-governments-student-choice-initiative/.

258 *Canadian Federation of Students v. Ontario (Colleges and Universities)*, 2021 ONCA 553, at ¶57 (emphasis added).

259 *Canadian Federation of Students v. Ontario*, at ¶61.

260 *Canadian Federation of Students v. Ontario*, at ¶57 (emphasis added).

261 University of Toronto Graduate Student Union, "Response to Decision of the Complaint and Resolution Council for Student Societies concerning the Boycott, Divestment & Sanctions Caucus dated February 4, 2021," 22 March 2021, 22.

262 Justin Patrick, "Op-ed: the CRCSS at U of T is problematic," *The Varsity,* 13 November 2022, https://thevarsity.ca/2022/11/13/op-ed-the-crcss-at-u-of-t-is-problematic/.

263 Lidia Likhodi, "York University faculty strike enters second week," *The Varsity,* 12 March 2018, https://thevarsity.ca/2018/03/12/york-university-faculty-strike-enters-second-week/.

264 University of Toronto Graduate Student Union, "Response to Decision of the Complaint and Resolution Council for Student Societies concerning the Boycott, Divestment & Sanctions Caucus dated February 4, 2021," 22 March 2021, 33-34.

265 Letter of Marshall Schnapp, Chair of University Complaint and Resolution Council for Student Societies to Lwanga Musisi, University Governance Commissioner, UTGSU, 4 February 2021, at 5 (emphasis added).

266 U of T News Team, "U of T provost withholds fees from Graduate Students' Union after it fails to act on student panel ruling," *U of T News,* 8 March 2022, https://www.utoronto.ca/news/u-t-s-provost-withholds-fees-graduate-students-union-after-it-fails-act-student-panel-ruling.

267 Note that the UPP provides a defined benefit pensions that does not increase pension amounts if returns exceed the amount required to fund the defined pension benefits.

268 For the full text of the resolution, see https://www.utfa.org/content/general-meeting.

269 Rubin Beshi and Georgia Kelly, "Understanding UTAM's investment in light of O4P's divestment report," *The Varsity,* 19 June 2024, https://thevarsity.ca/2024/06/19/understanding-utams-investments-in-light-of-o4ps-divestment-report/.

270 Beshi and Kelly, "Understanding UTAM's investment."

271 John G. Simon, Charles W. Powers, and Jon P. Gunnemann, *The Ethical Investor: Universities and Corporate Responsibility* (Yale University Press, 1972), 171-172.

272 Simon, Powers, and Gunnemann, *The Ethical Investor*, 11.

273 Howard Hunter, "[Review] The Ethical Investor by John G. Simon, Charles W. Powers and Jon P. Gunnemann," *Journal of Public Law* 21, no 2 (1972): 407-413.

274 Simon, Powers, and Gunnemann, *The Ethical Investor*, 7.

275 Simon, Powers, and Gunnemann, *The Ethical Investor,* 8.

276 UTAM, *Responsible Investing Report: The Broader Perspective (2017),* 14, https://www.utam.utoronto.ca/wp-content/uploads/2019/05/UTAM-Responsible-Investing-Report-2017-Accessible.pdf.

277 UTAM, *Responsible Investing Report: A Closer Look* (2018), 10, https://www.utam.utoronto.ca/wp-content/uploads/2019/05/UTAM017-Interactive_V3_Singles.pdf.

278 UTAM, *Responsible Investing Report: Guiding Principles* (2019-2020), 9, https://www.utam.utoronto.ca/wp-content/uploads/2020/10/UTAM_Responsible_Investing_Report_2019-2020_spreads.pdf.

279 UTAM, *Responsible Investing Report: Now* (2020), 10, https://www.utam.utoronto.ca/wp-content/uploads/2022/01/UTAM-Responsible-Investing-Report-2020-v2.pdf.

280 UTAM, *Responsible Investing Report: Advancing Sustainability* (2021), 8, https://www.utam.utoronto.ca/wp-content/uploads/2022/10/UTAM-Responsible-Investing-Report-2021.pdf.

281 *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (Advisory Opinion), [2024] ICJ, ¶278 (emphasis added), https://www.icj-cij.org/index.php/node/204160.

282 See Global Affairs Canada, "Joint Statement of the Foreign Ministers of Canada, Denmark, Finland, France, Iceland, Ireland, Norway, Poland, Portugal, Spain, Sweden and the UK on the Two-state Solution," https://www.canada.ca/en/global-affairs/news/2026/09/joint-statement-of-the-foreign-ministers-of-canada-denmark-finland-france-iceland-ireland-norway-poland-portugal-spain-sweden-and-the-uk-on-the-two.html.

283 "Luxembourg ends Israel Bonds approvals, leaving future EU bond issuance uncertain," *Jerusalem Post,* 25 August 2026, https://www.jpost.com/international/article-906497.

284 Council of Ethics, Norwegian Government Pension Fund Global, "Caterpillar Inc.," 25 August 2025, https://etikkradet.no/caterpillar-inc-2/.

285 Shannon Rohan, Jennifer Story, Kevin Thomas, and Michael Veniez, *Considering Social Risk Factors in Institutional Investment Portfolios: A Primer for Universities,* 7, https://share.ca/wp-content/uploads/2026/01/1.UBCIM-Social-Risks-Primer_FV_29-10-14_ONLINE_V02.pdf.

286 Rohan at el, *Considering Social Risk Factors,* 8.

287 See *Nevsun Resources Ltd. V. Araya* 2020, [2020] 1 SCR 166, https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/18169/index.do.

288 See, for instance, Masha Gessen, "Did a University of Toronto Donor Block the Hiring of a Scholar for Her Writing on Palestine?" *The New Yorker,* 8 May 2021, https://www.newyorker.com/news/our-columnists/did-a-university-of-toronto-donor-block-the-hiring-of-a-scholar-for-her-writing-on-palestine; Emon and Schneiderman, "The Storm over Academic Freedom."

289 On the responsibility of Deans, see the University's *Policy on Appointment of Academic Administrators,* part III, section A(49-54), https://governingcouncil.utoronto.ca/secretariat/policies/academic-administrators-policy-appointment-october-30-2003.

290 Urooba Shaikh, "UofT's Muslim Law Students' Association flags Islamophobic content in EDI course," *The Varsity* 10 March 2025, https://thevarsity.ca/2025/03/10/u-of-ts-muslim-law-students-association-flags-islamophobic-content-in-edi-course/.

291 For an analysis of this stereotype and its contribution to the securitization of Muslims, see Nadia Marzouki, *Islam, an American Religion,* trans. C. Jon Delogu (Columbia University Press, 2017); Anver M. Emon, *Religious Pluralism and Islamic: Dhimmis and Others in the Empire of Law,* Oxford Islamic Legal Studies Series (Oxford University Press, 2012). On the political implications of such claims of tolerance or intolerance, see Wendy Brown, *Regulating Aversion: tolerance in the age of identity and empire* (Princeton University Press, 2006).

292 Razack, *Casting Out*.

293 Brishti Basu, "'Abuse of Power': Hospitals, med schools crack down on Palestine advocacy," *The Breach,* 29 February 2024, https://breachmedia.ca/abuse-of-power-hospitals-med-schools-crack-down-on-palestine-advocacy/.

294 See, for instance, Muzna Erum, "U of T removes Imam after allegation of anti-Israel post, sparking student outrage," *The Varsity,* 26 February 2024, https://thevarsity.ca/2024/02/26/u-of-t-removes-imam-after-allegation-of-anti-israel-post-sparking-student-outrage/

295 Note that Ontario has recently amended OSHA to extend "workplace harassment" to include virtual environments and communications.

296 Ontario, "News Release: Ontario Protecting Free Speech on Campuses," November 4, 2019, https://news.ontario.ca/en/release/54447/ontario-protecting-free-speech-on-campuses (emphasis added).

297 University of Toronto, "Statement on Freedom of Speech," 28 May 1992, https://governingcouncil.utoronto.ca/secretariat/policies/freedom-speech-statement-may-28-1992

298 See also, Section III for pertinent recommendations related to online harassment and academic freedom.