

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE GOVERNING COUNCIL OF THE UNIVERSITY OF TORONTO

Applicant

and

JOHN DOE, JANE DOE, TAYLOR DOE, PERSONS UNKNOWN, ABDURRAHEEM
DESAI, AVIRAL DHAMIJA, ERIN MACKEY, HEIGO PARSA, KABIR SINGH, KALLIOPE
ANVAR MCCALL, MOHAMMAD YASSIN, SARA RASIKH, SERENE PAUL and SAIT
SIMSEK MURAT

Respondents

REPLY MOTION RECORD OF THE APPLICANT

June 6, 2024

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Court File No. CV-24-00720977-0000

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SUPPLEMENTARY AFFIDAVIT OF SANDY WELSH

I, Sandy Welsh, of the City of Toronto, in the Province of Ontario, MAKE OATH AND
SAY:

1. I am the Vice-Provost, Students of the University of Toronto. I am also a member of the team at the University of Toronto that has been working and negotiating with the U of T Occupy for Palestine group throughout April, May, and June, 2024. As such, I have direct knowledge of the matters set out herein. Where the information set out in this affidavit is not based on my direct knowledge, but is instead based on information and belief from other sources, I have stated the source of that information and believe it to be true.
2. I previously swore an Affidavit dated May 29, 2024 (my "First Affidavit").

3. In this Affidavit, I set out events that have transpired or that I have learned about since my First Affidavit was sworn early in the morning on May 29, 2024. In addition, I respond directly to some of the issues identified by the Respondents in their affidavits. Defined terms used in this Affidavit have the same meaning ascribed to them in my First Affidavit.

4. I note that there are 21 responding affidavits. There are many statements and reports in the responding affidavits with which I do not agree. I do not propose to address all of them in this Reply Affidavit. The fact that I don't address a particular fact or issue does not suggest that I agree with statements made about me, or relating to me. I have addressed much of the chronology of events in my First Affidavit and I do not propose to repeat that chronology here.

A. SPECIFIC RESPONSES TO THE RESPONDENTS' AFFIDAVITS

(i) The Encampment

5. The responding affidavits refer to many facts about the Encampment that have never been brought to my attention, nor am I aware that they have ever been brought to the attention of the University administration. For example, I have never been advised by Occupy U of T or any of their representatives that there are "clear" markers of the fire exits at the Encampment. To the contrary, as set out in my First Affidavit, my understanding was that the emergency exits the University created have been covered with tarps secured by zip-ties.

6. I was not advised of the existence of a "medic tent" at the Encampment until the formal negotiation meeting on May 18, 2024.

7. At paragraph 10 of Aviral Dhamija's affidavit it is said that "The University has recognized the encampment has remained a peaceful protest." Mr. Dhamija refers to an email from me dated May 5, 2024 to support that position (Exhibit 29 to my First Affidavit). In that email I say, "The

four UofT students' representatives will not face any disciplinary repercussions....as long as the encampment and protest remains peaceful." This was not an acknowledgement that the Encampment was always and would always remain peaceful, or that the Encampment has remained peaceful in all respects after May 5, 2024.

8. The University has on more than one occasion raised a concern about aspects of the protest at the Encampment not being peaceful. Exhibit 23 to my First Affidavit is a May 3, 2024 email from me to Occupy U of T. In that email I say:

Peaceful behaviour

From the outset, we have communicated that the University accepts people's right to freedom of assembly, freedom of expression and peaceful protest. Increasingly, we are receiving reports that suggest that the group's behaviour is no longer peaceful due to the use of hateful, exclusionary, discriminatory, or intimidating language in chants and signs connected to your protests. We have raised concerns about specific signs with the observes with the understanding that these would be shared with you; these concerns have yet to be addressed.

9. Also on May 6, 2024, I wrote to Occupy U of T and said (at Exhibit 34 to my First Affidavit):

We are aware of evidence of spray-painting inside the encampment, including on a bench, stone pathway and electrical box. This destruction of University property is a clear violation of our policies and is not a form of peaceful protest.

10. Photographs of some of the areas of spray-painting I was referring to in my email of May 6, 2024 are below:





11. I subsequently learned some of the spray-painting referenced in this email was chalk spray, not spray paint. At the time, from reviewing these photographs and based on what other members of University administration had told me when they looked into the Encampment from the outside, it looked like spray paint.

(ii) Health and Safety

12. As described in my First Affidavit, throughout the Encampment's existence, the University has been concerned about health and safety issues related to the Encampment. Front Campus was not designed to house hundreds of people for weeks and months. As described by the Respondents in their affidavits, Campus Safety is not permitted to enter the Encampment.

13. I was unaware that CUPE was playing any formal or informal health and safety role within the Encampment prior to reading the responding affidavits. I believed CUPE was simply acting as an occasional liaison with the University on some of these issues.

14. The University has many health and safety policies and procedures including the University of Toronto Health and Safety Policy which can be found at **Exhibit “1”**. The Health and Safety Policy provides, among other things:

Contractors, tenants and visitors at the University will comply with all relevant legislation, as well as University of Toronto policies and procedures.

The University is also committed to ensuring that health and safety is considered in all aspects of student life. Students are responsible for conducting themselves in a safe manner, and are required to comply with all relevant legislation, University policies and procedures.

As described in my affidavit, the Encampment does not comply with the University of Toronto’s policies and procedures.

15. I have described in detail in my First Affidavit the efforts that the University made to ensure there would be portable toilets for individuals at the Encampment to use, to address the serious sanitation issues that arose in the early days of the Encampment. I do not repeat them here. However, I do note that I do not agree that Mr. Dealy’s description of those efforts is either complete or accurate. For example:

- (a) At paragraph 26 of his affidavit, Mr. Dealy refers to CUPE 3902 purchasing disposable toilets on behalf of the students in the Encampment on May 2, 2024. He does not include any reference to my discussion with Occupy U of T on May 5, 2024, in which I informed them that they could not bring in their own portable

toilets or have an unauthorized truck drive onto Front Campus, as it is a pedestrian walkway.

- (b) At paragraph 28, Mr. Dealy states that “despite” a meeting on May 5, 2024, “toilets were not placed in the encampment”. The explanation at paragraph 28 of Mr. Dealy’s affidavit is incomplete. My First Affidavit sets out a detailed chronology of the events surrounding the delay installing the portable toilets, including in the emails at Exhibits 32 and 34.

16. As far as I am aware, at no time was the University advised that Mr. Dealy and Mr. Holloway were visiting the Encampment site “at the request of encampment leadership to provide them with health and safety guidance and advice.” The University was not asked to assist or to provide any input or assistance.

17. Mr. Holloway raises a concern in his affidavit that the University misled CUPE when they were advised that “the university is not conducting any testing pertaining to occupational health and safety in the encampment area.” That was and remains a true statement. BluMetric was not engaged to do any testing. They were engaged to conduct an evaluation of potential health and safety concerns associated with the Encampment.

(iii) Freedom of Speech and Expression at the University Since 2018

18. The Affidavit of Aviral Dhamija refers to the Province of Ontario having implemented policies to protect free speech on campuses in Ontario, and attaches a news release from Premier Doug Ford dated August 30, 2018. This description is incomplete and I offer the following additional context.

19. In 2018, the Ministry of Training, Colleges and Universities amended the regulations under the *Higher Education Quality Council of Ontario Act, 2005*, O. Reg. 336/06, to require every publicly assisted college and university to develop and publicly post its own free speech policy by January 1, 2019. On August 30, 2018, the Office of the Premier published a “Backgrounder” on “Upholding Free Speech on Ontario’s University and College Campuses” in relation to this amendment. The “Backgrounder” is referenced in the News Release attached to Mr. Dhamija’s affidavit but a copy or link is not included. The URL to the “Backgrounder” is:

<https://news.ontario.ca/en/backgrounder/49950/upholding-free-speech-on-ontarios-university-and-college-campuses>

20. The “Backgrounder” states that, starting in September 2019, each publicly-assisted college and university must prepare an annual report on its implementation of a free speech policy and a summary of its compliance, publish it online, and submit it to the Higher Education Quality Council of Ontario (“HEQCO”). The HEQCO then produces a public report assessing whether institutions are compliant with the minimum standard set by the government. Copies of the HEQCO reports from 2019 through 2023 can be found at the following URL:

<https://heqco.ca/research/freedom-of-speech/>

21. Attached as **Exhibit “2”** is a copy of the 2023 HEQCO report, which is the most recent report available online. Appendix A is a list of and link to the 2023 Freedom of Speech Annual Reports for all universities and colleges in Ontario. Appendix B is the Free Speech Annual Reporting Template for 2023. Appendix C is a list of and link to the free speech policies at all universities and colleges in Ontario.

22. As set out in my First Affidavit, the University's commitment to freedom of speech and expression long predates the 2018 amendment to the regulations under the *Higher Education Quality Council of Ontario Act, 2005*. The University's Statement on Freedom of Speech was made in May, 1992 (Exhibit 5 to my First Affidavit). The University of Toronto did not make any changes to the Statement on Freedom of Speech following the 2018 amendment.

23. Beginning in 2019 and every year since, the University has published an Annual Freedom of Speech Report and submitted it to the HEQCO pursuant to the requirements of the regulations under the *Higher Education Quality Council of Ontario Act, 2005*. Copies of these reports are attached as follows:

- (a) 2019 Annual Freedom of Speech Report – **Exhibit “3”**;
- (b) 2020 Annual Freedom of Speech Report – **Exhibit “4”**;
- (c) 2021 Annual Freedom of Speech Report – **Exhibit “5”**;
- (d) 2022 Annual Freedom of Speech Report – **Exhibit “6”**; and
- (e) 2023 Annual Freedom of Speech Report – **Exhibit “7”**.

24. Each year, the University's Annual Freedom of Speech Report reaffirms that the 1992 Statement on Freedom of Speech and Statement of Institutional Purpose serve as the cornerstone upon which the University has built and will continue to build its commitment to freedom of speech and expression. Copies of these Statements were attached to my First Affidavit. The 2019 Annual Freedom of Speech Report, the first such report published, further explained that the University's commitment to free expression has been affirmed and expanded into a policy framework composed

of several policies, including the Policy on the Disruption of Meetings (1992), the Statement on Equity, Diversity, and Excellence (2006), the Policy on the Temporary Use of Space (2010), and the Policy on Open, Accessible and Democratic Autonomous Student Organizations (2016). Copies of the Policy on the Disruption of Meetings and the Policy on the Temporary Use of Space were attached to my First Affidavit. A copy of the Statement on Equity, Diversity, and Excellence is attached as **Exhibit “8”**. A copy of the Policy on Open, Accessible and Democratic Autonomous Student Organizations is attached as **Exhibit “9”**.

25. The Statement on Equity, Diversity, and Excellence emphasizes the University’s goal of being equitable and inclusive for all members of its community:

At the University of Toronto, we strive to be an equitable and inclusive community, rich with diversity, protecting the human rights of all persons, and based upon understanding and mutual respect for the dignity and worth of every person. We seek to ensure to the greatest extent possible that all students and employees enjoy the opportunity to participate as they see fit in the full range of activities that the University offers, and to achieve their full potential as members of the University community.

26. All of the University’s policies associated with freedom of speech and expression, as well as the Annual Reports, can be found at “Policies, Statements, and Reports” tab of the following the URL: www.freespeech.utoronto.ca. This website also includes a “Frequently Asked Questions” page, the answers to which draw on the University’s Policies, Statements, and best practices. One example of a question and answer on the FAQ page is:

[Can I protest an event?](#)

Peaceful protests are a form of free expression, provided they do not disrupt an event or threaten the security or safety of participants. The University is guided by a commitment to the right of University members to communicate and to discuss and explore all ideas, and to engage in peaceful demonstrations. Indeed, peaceful protest has been a force for progressive change at the University, as it has elsewhere, for generations.

27. Another question and answer addresses responsibilities that accompany the right to free speech:

I have read that the right to free speech imposes accompanying responsibilities. What does this mean?

All members of our community are bound by Canadian and provincial law. There is also a more general sense in which the right to free speech imposes accompanying responsibilities: freedom of speech can function effectively only when it comes with the responsibility to respect the rights of others to free speech. Shouting down or silencing others suppresses speech and so stands in opposition to the principles of free expression. Standards of respect, decency, and inclusion are not in tension with academic freedoms. On the contrary, they ground and support such freedoms.

There is another sense in which the rights of free speech, freedom of research, and academic freedom entail certain responsibilities. Particularly on university campuses and at other institutions of research and education, academic and related freedoms depend upon the related notion of *academic responsibility*. Universities Canada suggests:

Evidence and truth are the guiding principles for universities and the community of scholars that make up their faculty and students. Thus, academic freedom must be based on reasoned discourse, rigorous extensive research and scholarship, and peer review.

Standards of academic rigour are set and assessed at the collegial level, among those members of our community who have expertise in a particular discipline – first and foremost, the faculty members, scholars, and students engaged in the relevant discipline. This is the essence of peer review and a cornerstone of modern scholarship. Whether a particular statement meets standards of academic rigour should be determined by an academic's peers and not an institution's administration.

28. A screenshot of the entire Frequently Asked Questions page of www.freespeech.utoronto.ca is attached as **Exhibit "10"**.

(iv) The Role of CUPE in Negotiations with Occupy U of T

29. In my First Affidavit, I described formal negotiation meetings between the University and Occupy U of T up to and including the meeting on Monday, May 27, 2024. Those negotiations have been almost exclusively with students.

30. I do not agree with any suggestion that CUPE has played a significant role in the negotiations between the University and Occupy U of T. As described at paragraph 157(b) of my First Affidavit, the representative of CUPE 3902 who attended the first negotiation meeting on May 12, 2024 advised that they were attending as "support". It appears this person is Marianna

Reis, although she never gave her name to the University negotiators at the meeting on May 12 or any other meeting thereafter.

31. The same was true of every other formal negotiation meeting between Occupy U of T and the University. The negotiations on behalf of Occupy U of T were led by the student representatives of that group, not by Ms. Reis as the CUPE representative. Ms. Reis occasionally spoke during later meetings about the issue of academic boycott, but she did not lead the meetings on behalf of Occupy U of T.

32. All my written communications took place by email with the email account students.uoft.protest@gmail.com, which I have always understood to be the student Occupy U of T group. The emails I have received from this account are always signed “UofT Occupy for Palestine”.

33. Although I have had some brief discussions with Wayne Dealy outside the fence surrounding the Encampment, he has not been a participant in any formal negotiation meetings between Occupy U of T and the University.

34. Professor Hannah-Moffat advised me, and I believe, that the University had received the May 2, 2024 CUPE statement expressing solidarity with the Encampment referred to at Exhibit “I” to Mr. Dealy’s affidavit. No disciplinary or other measures were taken against CUPE leadership or members for the statement.

35. Professor Hannah-Moffat also advised me, and I believe, that in a later meeting with CUPE leadership, including Mr. Dealy and Mr. Eriks Bredovskis, on May 24, 2024, Professor Hannah-Moffat and the University’s Senior Executive Director, Labour Relations, were told that the CUPE

3902 Executive had met to authorize and/or arrange a “special membership meeting” in order to conduct a vote on commencing and engaging in strike activity in the event that steps were taken by law enforcement in relation to the ongoing encampment on King’s College Circle. It was described as a vote to obtain a “strike mandate.” On May 27, 2024, as set out at Exhibit N of Mr. Dealy’s affidavit, the CUPE 3902 Executive wrote an open letter to President Gertler that stated, among other things: “Should the UofT administration authorize the Toronto Police Service to clear the encampment, CUPE 3902 is prepared to take further action.”

36. On May 28, 2024, our Senior Executive Director, Labour Relations wrote to CUPE 3902 to give notice that, among other things, any such strike activity would be in violation of the *Labour Relations Act* and the applicable collective agreements between parties. A copy of this letter is attached as **Exhibit “11”**.

37. At Exhibit “O” to Mr. Dealy’s affidavit is a notice for an “***Emergency** Membership Meeting” for CUPE 3902, scheduled for June 3, 2024. The agenda linked in the notice includes a motion “to use CUPE 3902’s resources to organize a political response including pickets, if police are used to clear the encampment”.

38. At approximately 11:05 am on June 5, 2024, the CUPE 3902 account on the social media platform X made a post about the outcome of the meeting held on June 3. A copy of that post is below:

CUPE 3902
@cupe3902

At CUPE3902's GMM on 6/3, you voted 98% YES to

- Endorsing 3902 Exec's solidarity statements w/ the camp + its demands.
- Using 3902's resources to organize a political response, incl. pickets, if police or other security staff incl. campus police are used to clear the encampment.

CUPE 3902
Emergency GMM Report

On Monday, June 3, 2024, CUPE 3902 held an emergency GMM to discuss important matters arising from UofT's concerning statements and actions in response to the People's Circle for Palestine encampment.

At the GMM, you voted 98% in favour of:

- ✦ Endorsing the CUPE 3902 Exec's statements of solidarity with the encampment and its demands.
- ✦ Using CUPE 3902's resources to organize a political response, including pickets, if police or other security staff, including campus police, are used to clear the encampment.

SOLIDARITY ACTIONS

Since the People's Circle for Palestine was established on campus, CUPE 3902's BDS Committee has been hard at work to support the encampment and its demands.

They've been flyering across campus, drafting departmental letters, conducting member outreach and political education, and organized a "march on the boss" style procession for student negotiators at the last meeting before the University issued notices of trespass to all encampment participants.

Are you concerned about the UofT's actions?

Go to [WeAreUofT.com](https://www.weareuoft.com) and participate in our E-Action to urge the UofT administration to support our students and workers, instead of threatening to criminalize them for protesting UofT's complicity with Israel's genocidal actions in Gaza!

11:04 AM · Jun 5, 2024 · 285 Views

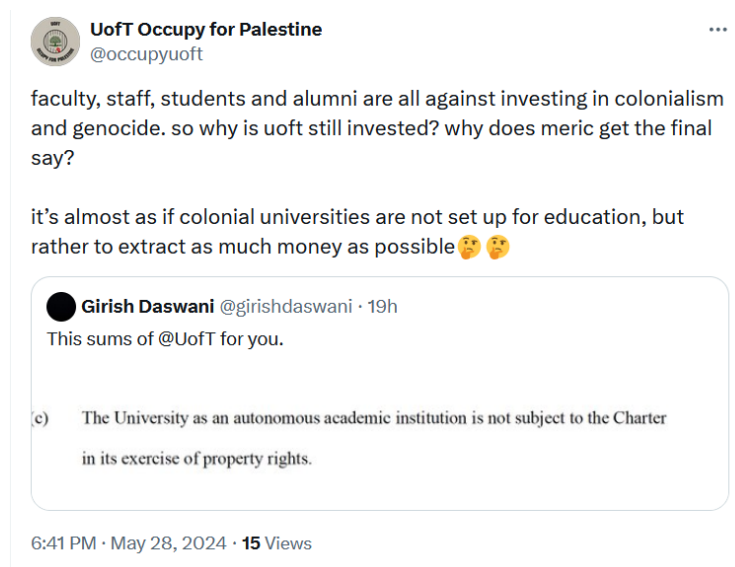
B. NEGOTIATIONS WITH OCCUPY U OF T SINCE MAY 28, 2024

39. In my First Affidavit, I described formal negotiation meetings between the University and Occupy U of T up to and including the meeting on Monday, May 27, 2024. In this section of my Affidavit, I describe negotiations with Occupy U of T and associated events that have occurred since the morning of May 28, 2024.

(i) May 28, 2024

40. The next formal negotiation meeting with Occupy U of T was originally scheduled for Wednesday, May 29, 2024 at 12:00 pm. On May 28, 2024 at 1:21 pm, I sent Occupy U of T an email thanking them for the productive dialogue on May 27 and requesting confirmation that we would be meeting on May 29 at noon. I also confirmed that the University was waiting to receive a written proposal from them.

41. At approximately 6:41 pm on May 28, 2024, @occupyuoft created a post the social media platform X that “retweeted” the post of a third party, @girishdaswani, showing a screenshot of a line from the University’s Notice of Motion. A copy of the @occupyuoft post is below:

**(ii) May 29, 2024**

42. At 8:01 am on May 29, I sent another email to Occupy U of T requesting confirmation of our meeting time, as I had received no response to my email of May 28. I re-attached the University’s proposal from the evening of May 26 and included a cover letter with further commentary to outline the ways in which the University would be able to substantially move to

meet their demands. A copy of the email chain with my emails of May 28 and 29 is attached as **Exhibit “12”**. A copy of the University’s proposal from May 26 with the cover letter is attached as **Exhibit “13”**.

43. On May 29, 2024, Occupy U of T responded to my emails to request that the next meeting be scheduled for Friday, May 31. The writer of the email stated: “We believe the most productive way for our next meeting to arrive at a fruitful result would be for us to present these materials to our community and begin more detailed discussions about your offer, rather than us rushing back to the table without necessary consultations.” (When I receive emails from Occupy U of T, the writer of the email is not specified. Each email is signed “UofT Occupy for Palestine” with no indication of who specifically wrote it.) A copy of this email is attached as **Exhibit “14”**.

44. The University agreed to this request. As a result, the next formal negotiation meeting was scheduled for midday on May 31, 2024.

(iii) May 31, 2024: Seventh Formal Negotiation Meeting

45. On May 31, 2024 at 10:33 am, I received an email from Occupy U of T enclosing two documents “to help guide today’s meeting”. The documents consisted of a cover letter and a proposal. The cover letter stated, among other things: “We are committed to coming to an agreement with the University, and believe that if we meaningfully address each other’s concerns, the encampment can still be removed before Convocations begin in June.” The proposal only addressed the issues of disclosure and University partnerships; it did not address the issue of divestment.

46. A copy of Occupy U of T’s email is attached as **Exhibit “15”**. A copy of the cover letter is attached as **Exhibit “16”**. A copy of the proposal is attached as **Exhibit “17”**.

47. On May 31 at 11:00 am, Professor Stock, Professor Hannah-Moffat and I met with representatives of Occupy U of T as scheduled. The attendees on behalf of Occupy U of T were:

- (a) Student representatives: Avi Dhamija, Mohammed Yassin, Kalliopé Anvar McCall, Nadine Shurafa, and Eman Shayed;
- (b) A representative of CUPE 3902 who is also a student at the University and who did not identify themselves;
- (c) Professor Ariel Katz; and
- (d) Sima Atri, external counsel for some of the Respondents in this Application.

48. At the outset of the meeting, we thanked Occupy U of T for their proposal and told them we would need time to caucus, as we had only received it 20 minutes prior to the meeting. The student representatives took us through their proposal. Professor Hannah-Moffat noted that the cover letter was signed by “Representatives of the Peoples’ Circle for Palestine and Occupy U of T”. The group “the Peoples’ Circle for Palestine” was new to us; we thought we had been negotiating with Occupy U of T. This issue required discussion and clarification with the student representatives.

49. The two groups agreed to break to caucus in the early afternoon. At 2:51 pm, I emailed Occupy U of T to advise that Professor Stock, Professor Hannah-Moffat and I were working to bring hard copies of our proposal with us back to the meeting and would be ready at 4:00 pm. A copy of my email is attached as **Exhibit “18”**.

50. The meeting reconvened at approximately 4:00 pm. We distributed a printed copy of the document we had worked on during the caucus. A copy of the printout we gave to Occupy U of T is attached as **Exhibit “19”**. We spent time walking through our document. One of the key issues we identified with the draft Occupy U of T had provided earlier that day was that it did not deal with divestment. We told the students that the University needed to see the whole agreement before we could reach a final agreement.

51. At approximately 5:25 pm, Ms. Atri, external counsel for certain of the Respondents in this Application, requested a 20-minute caucus with the Occupy U of T representatives. We agreed. At 5:32 pm, I sent Occupy U of T an email asking them to email me when they were ready to reconvene. A copy of my email is attached as **Exhibit “20”**.

52. Occupy U of T returned to the negotiation room just before 6:30 pm and advised they had been reviewing the University’s edited proposal. Occupy U of T accused us of not making substantial compromise on their demands for disclosure and boycotting Israeli institutions despite having had four weeks of meetings. Occupy U of T told us it was a “slap in the face” that they perceived there was no substantial movement on the part of the University. They also said they “knew” the University had “called Toronto Police Services” on them and said (verbatim), “that is pretty fucked up”. They told us they would stay at the Encampment through Convocation and accused the University of only wanting “nice photos on the lawn”. The discussion thereafter focused on Occupy U of T’s demanded revisions to our proposal. The group agreed to break for the day around 7:45 pm and reconvene for another meeting at a later date.

53. To be clear, as stated numerous times in my First Affidavit, at no point has the University called TPS on the Encampment. TPS has been contacted in connection only with specific events

at the Encampment. Nor is it the case that the University wants to use Front Campus solely for “nice photos on the lawn” during Convocation. The Encampment is excluding members of the University community from Front Campus and limiting the speech of individuals who do not agree with those within the Encampment. The University wishes to use its private property for the purposes it desires, which is for it to be available for all members of its community—not for the purposes of promoting or allowing a single viewpoint as represented by the Encampment.

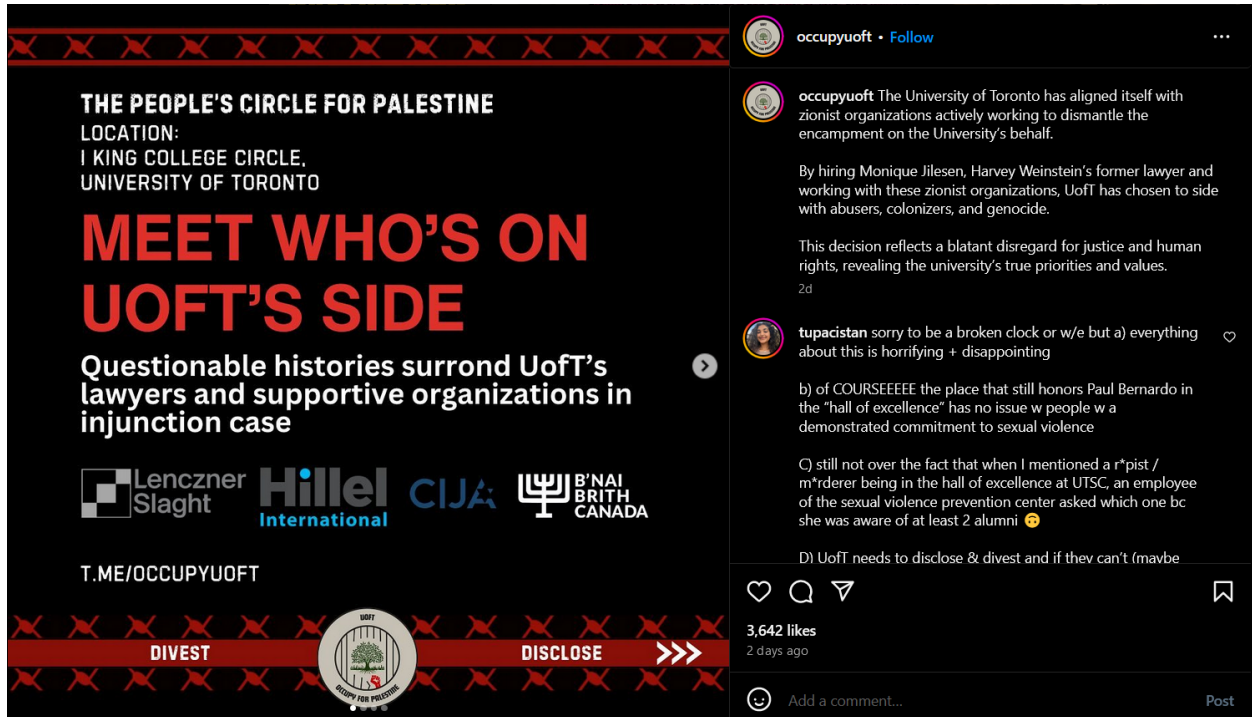
54. At approximately 7:14 pm on May 31, while the negotiation meeting above was still ongoing, Professor Young posted a Community Update on UTogether about the University’s ongoing negotiations with Occupy U of T and this Application for an injunction. A copy of this Community Update is attached as **Exhibit “21”**.

55. While our meeting with Occupy U of T was in progress, at 4:09 pm on May 31, 2024, @occupyuoft made the following post on the social media platform X:



56. Also on May 31 and while the formal negotiation meeting was still in progress, @occupyuoft made another post on the social media platform Instagram. The post accused the law

firm Lenczner Slaght LLP, which is counsel to the University in this Application, and several organizations that have been granted intervenor status in this motion, including Hillel Ontario, B'nai Brith Canada, and the Simon Wiesenthal Centre, among others, of having “questionable histories”. Screenshots of the Instagram post are included below.



occupyuoft • Follow
...

Lawyers

UofT has hired Lenczner Slaughter LLP to represent them in their case against The Peoples' Circle for Palestine. Monique Jilesen, a lawyer for Lenczner Slaughter also working for UofT in this case, **represented Harvey Weinstein when he was sued for sexual assault by a Toronto actress in 2017.**

After hiring **Jian Ghomeshi's lawyers** to investigate their own Campus "Safety," UofT continues to hire the former **counsel of sexual abusers.**

DIVEST
DISCLOSE
>>>

occupyuoft The University of Toronto has aligned itself with zionist organizations actively working to dismantle the encampment on the University's behalf.

By hiring Monique Jilesen, Harvey Weinstein's former lawyer and working with these zionist organizations, UofT has chosen to side with abusers, colonizers, and genocide.

This decision reflects a blatant disregard for justice and human rights, revealing the university's true priorities and values. 2d

tupacistan sorry to be a broken clock or w/e but a) everything about this is horrifying + disappointing

b) of COURSEEEEE the place that still honors Paul Bernardo in the "hall of excellence" has no issue w people w a demonstrated commitment to sexual violence

c) still not over the fact that when I mentioned a r*pist / m*rderer being in the hall of excellence at UTSC, an employee of the sexual violence prevention center asked which one bc she was aware of at least 2 alumni 🤔

D) UofT needs to disclose & divest and if they can't (mavbe

3,642 likes
2 days ago

Add a comment... Post

occupyuoft • Follow
...

Organizations

A number of organizations want to intervene in favour of UofT in the injunction case:

- **Centre for Israel and Jewish Affairs**
 - CIJA's Israel Office Director, David M. Weinberg has claimed bombing Gaza is akin to "mowing the lawn," likening Palestinians to "weeds" and "snakes"
- **United Jewish Appeal**
 - fundraises for Israel and has smeared people for associating with Jewish Voice for Peace
- **Hillel**
 - Zionist campus organization; in Nov. their Vancouver chapter put "I ❤️ Hamas" stickers around UBC in an attempt to frame pro-Palestine activists

DIVEST
DISCLOSE

occupyuoft The University of Toronto has aligned itself with zionist organizations actively working to dismantle the encampment on the University's behalf.

By hiring Monique Jilesen, Harvey Weinstein's former lawyer and working with these zionist organizations, UofT has chosen to side with abusers, colonizers, and genocide.

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D) UofT needs to disclose & divest and if they can't (mavbe

3,642 likes
2 days ago

Add a comment... Post

Organizations Pt. 2

- **Stand With Us Canada**
 - SWU has funded students to film and document pro-Palestine protestors at universities
- **B'nai Brith**
 - organized to oppose a motion calling on the Canadian government to condemn Islamophobia just weeks after the 2017 Quebec Mosque Attack
- **Simon Wiesenthal Centre**
 - has claimed 1967 borders would be “Auschwitz borders for Israel” and opposed the construction of a Muslim community centre in NYC because it was too close to Ground Zero
- **Allied Voices for Israel**
 - pays student journalists to write and share pro-Israel content

DIVEST  **DISCLOSE**

occupyuoft • Follow

occupyuoft The University of Toronto has aligned itself with Zionist organizations actively working to dismantle the encampment on the University's behalf.

By hiring Monique Jilesen, Harvey Weinstein's former lawyer and working with these Zionist organizations, UofT has chosen to side with abusers, colonizers, and genocide.

This decision reflects a blatant disregard for justice and human rights, revealing the university's true priorities and values.

2d

tupacistan sorry to be a broken clock or w/e but a) everything about this is horrifying + disappointing

b) of COURSEEEEE the place that still honors Paul Bernardo in the “hall of excellence” has no issue w people w a demonstrated commitment to sexual violence

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D) UofT needs to disclose & divest and if they can't (mavbe

3,642 likes
2 days ago

Add a comment... Post

(iv) June 1, 2024

57. On the morning of June 1, 2024, “On the Line Media” conducted an interview with the Respondent Sara Rasikh at the Encampment. The interview was posted to the social media platform X by Samira Mohyeddin at 10:14 am. In that interview, Ms. Rasikh stated that the University’s affidavit materials “present issues to us [Occupy U of T] for the first time. We have been asking since day one to bring any cases of any issues to us so that we can address them as they come. They have failed to do so and have instead presented us with 1,000 pages of instances which are unsubstantiated and without any particulars in them”. A video of Ms. Rasikh’s interview is attached as **Exhibit “22”**.

58. I do not agree with Ms. Rasikh’s statement. I have raised concerns about potentially harmful behaviour related to the Encampment and health and safety issues on numerous occasions in May and June throughout the negotiation process between the University and Occupy U of T.

My discussions with Occupy U of T, including during formal negotiation meetings, are described in detail in my First Affidavit.

59. On June 1, 2024 at 4:15 pm, I sent Occupy U of T an email confirming the University representatives were available to meet the next day, Sunday June 2, at 1:00 pm. I also advised that we had given a lot of thought to the students' feedback on Part III – International Partnerships in our last proposal, and would provide them with a written response the following morning.

60. At 8:01 pm on June 1, I followed up on my email of 4:15 pm to Occupy U of T and attached a cover letter and proposal for international partnerships. I also confirmed that we remained available to meet on June 2 at 1:00 pm, and requested the group's proposal on divestment. A copy of my email chain is attached as **Exhibit "23"**. A copy of the cover letter attached to my email is attached as **Exhibit "24"**. A copy of the international partnerships proposal attached to my email is attached as **Exhibit "25"**.

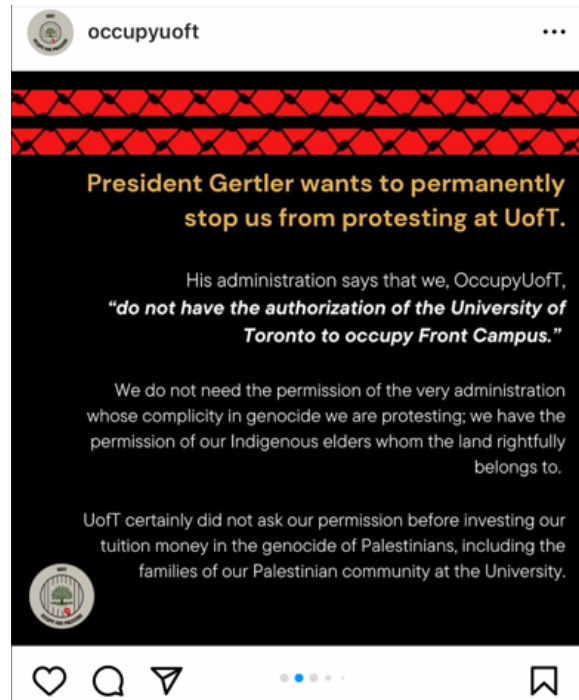
(v) June 2, 2024

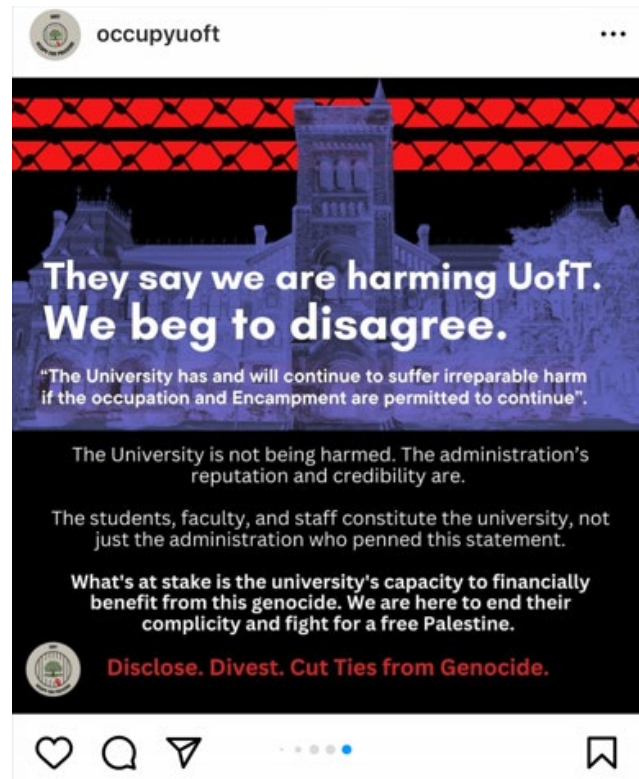
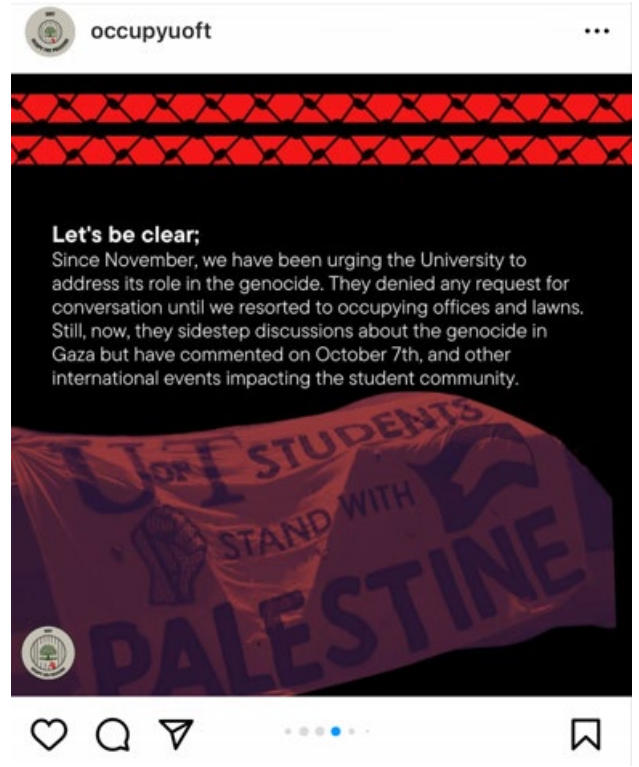
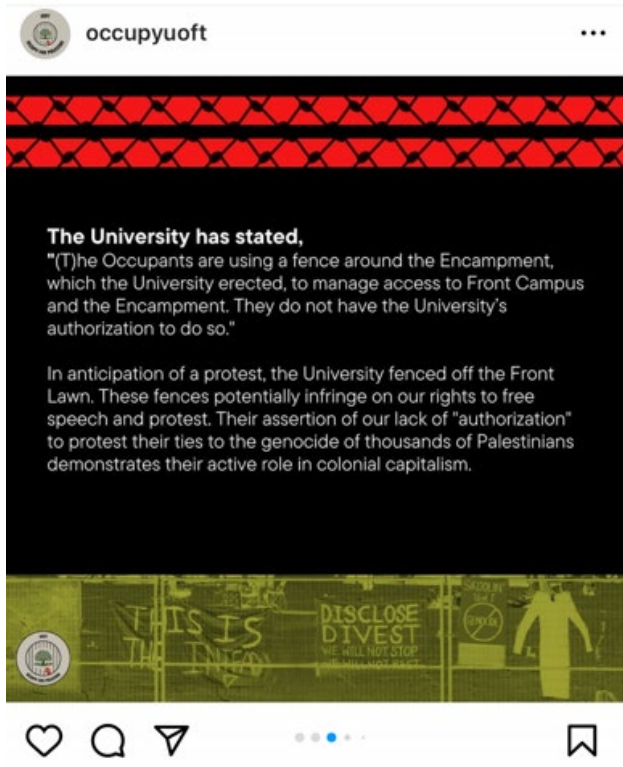
61. On June 2, 2024 at approximately 12:26 am, Occupy U of T responded to my email about international partnerships to advise that they were not available for a meeting until later in the day and suggested 6 pm. They also advised that they would share their proposal with all three sections in advance, and would provide ample time to review in advance of the meeting. At 12:40 pm, I responded to advise that the University representatives were not available that day at 6 pm, but could meet on Monday, June 3. I also asked Occupy U of T to send their proposal that day so that there was sufficient time for the University to review it in advance.

62. Also on June 2, 2024, @occupyuoft posted a series of photos on Instagram. The cover photo of the series states: "UofT sends us an injunction: MORE LIES AND GASLIGHTING."

The caption of the photo series says, among other things: “as the administration continues to drag negotiations on, we will continue to occupy their precious lawn until they meet our demands to disclose, divest, and cut ties with apartheid.”

63. Screenshots of the full Instagram post are copied below:





64. On the same day, June 2, 2024, @occupyuoft posted several threads on the social media platform X about the negotiations between Occupy U of T and the University. A screenshot of those threads, in the order in which they now appear on the @occupyuoft X timeline, is below.





65. I am also aware that at some point during the day on June 2, counter-protesters wearing Israeli flags on their backs gathered in an area adjacent to Convocation Hall and the Encampment. One of the counter-protestors was later identified as an Assistant Professor at the University and a family physician at St. Michael's Hospital. During the gathering, an individual approached the counter-protestors and began filming, which caused an encounter between this individual and some

of the counter-protestors. Samira Mohyeddin (@smohyeddin) subsequently posted the footage to the social media platform X at 12:39 am on June 3, 2024.

66. In the footage, the Assistant Professor is seen approaching the cameraperson and asking them to “please close your camera”. After the Assistant Professor made this comment, another counter-protestor stated to the Assistant Professor, with regards to the person filming, that “she’s a Nazi, she hates gays”. Shortly afterwards, the Assistant Professor stated “I hope you guys never need healthcare from U of T, that’s all I can say” to the cameraperson. The X post and video footage of this incident are attached as **Exhibit “26”**. The events in question occur in the last 30 seconds of the video.

(vi) June 3, 2024: First Day of Convocation and Eighth Formal Negotiation Meeting

67. On June 3, 2024 at 3:55 am, Occupy U of T emailed me to advise they would share their proposal “as soon as possible”. They also advised they were available for a meeting that day from 2:00 pm onward. At 8:59 am, I responded to confirm the meeting time of 2:00 pm that day. At 10:59 am, Occupy U of T sent me what they described as a “revised and red-lined proposal”. At 11:08 am, Occupy U of T emailed me again with another copy of the proposal and asked me to look at this one and ignore the one sent previously.

68. A copy of the email chain between Occupy U of T and me from June 2-3, 2024 described in paragraphs 61 and 67 above is attached as **Exhibit “27”**. A copy of the first Occupy U of T proposal sent at 10:59 am on June 3, 2024 is attached as **Exhibit “28”**. A copy of the second Occupy U of T proposal sent at 11:08 am on June 3, 2024 is attached as **Exhibit “29”**.

69. Monday, June 3, 2024 was the first day of Spring Convocation at the University of Toronto. The group receiving diplomas on June 3 was students graduating with Bachelors of Arts from the University of Toronto Mississauga. The Convocation ceremony proceeded as planned with only minor disruptions when some students paused with banners or flags about Palestine while on stage.

70. In the morning on June 3, 2024, Occupy U of T held a vigil on the north side of the area where Convocation was held to commemorate the students of Gaza who were unable to graduate this year. The vigil was not disruptive of Convocation. Items from the vigil remained outside until the evening of June 3, 2024.

71. At approximately 2:00 pm on June 3, Professor Stock, Professor Hannah-Moffat and I met with representatives of Occupy U of T as scheduled to continue negotiations. The attendees on behalf of Occupy U of T were:

- (a) Four students: Kalliopé Anvar McCall, Mohammed Yassin, Nadine Shurafa, and Avi Dhamija;
- (b) A representative of CUPE 3902 who is also a current student at the University and who did not provide their name;
- (c) Professor Ariel Katz; and
- (d) Sima Atri, external counsel for some of the Respondents in this Application.

72. We thanked the Occupy U of T representatives for sending us their proposal earlier that morning. We also told them that we had not had enough time to consult with others in the University administration on the proposal because it was sent only a few hours before the meeting.

The students explained and elaborated on aspects of the proposal. We again thanked them for their hard work on the proposal and told them there would be some difficulties with its contents, but we would take it back to the University administration. We concluded the meeting by agreeing to meet again on a date that would give the University representatives enough time to review the students' proposal and prepare the University's response. If there was anything in the students' proposal the University could not accept, we committed to being transparent with them about why that was the case.

(vii) June 4, 2024

73. On June 4, 2024 at 1:01 pm, I emailed Occupy U of T to advise that we were working on the University's response to their full proposal. I asked to schedule the next formal negotiation meeting on Thursday, June 6 in the afternoon. A copy of my email is attached as **Exhibit "30"**.

74. I understand from Campus Safety that in the evening on June 4, 2024, a University staff member with Campus Events reported an incident to Campus Safety involving the large U of T banners currently set up for Convocation outside Convocation Hall. At approximately 9:30 pm, the staff member reported that he exited Convocation Hall via the south entrance and observed three women attempting to remove a large U of T banner on the South East side of Convocation Hall. He reported that he observed one woman climbing up the cement pillar while trying to pull down on the metal wiring. The other two women were supporting the climbing female with their hands to prevent her from falling. A photograph of the pillar the woman was found trying to climb is copied below:



75. The staff member reported that when the women observed him, they immediately disengaged. The staff member contacted Campus Safety to report the incident. The women were described as short in height, average build, possibly students, with two of them wearing Keffiyehs.

76. Campus Safety advises me, and I believe, that the incident report for this incident was completed on the evening of June 5, 2024. A copy of the incident report is attached as **Exhibit “31”**.

C. ISSUES WITH PORTABLE TOILETS AT THE ENCAMPMENT

77. On May 29, 2024, I received an email from Occupy U of T demanding a “detailed weekly schedule” for servicing the portable toilets that the University voluntarily installed near the

Encampment to address the urgent health and safety concerns that arose in early May, 2024. Occupy U of T also stated that they “required” an onsite waste disposal plan. Finally, Occupy U of T requested “an end to the current policy of only allowing five people at a time in the washrooms” at Gerstein. A copy of this email is attached as **Exhibit “32”**.

78. On May 30, 2024, in response to the email of May 29 addressed to me about the portable toilets, counsel for the University of Toronto wrote to counsel for the individual Respondents in this Application to request that all correspondence about the portable toilets be directed to counsel. In this email, counsel for the University reiterated that “the portable toilets were provided to the encampment for the purposes of dealing with urgent health and safety issues arising because of the encampment” because “Front Campus is not equipped to accommodate hundreds of people staying there overnight”. A copy of this email is attached as **Exhibit “33”**.

79. I have not included any further correspondence in my affidavit about issues related to the portable toilets, as I understand these issues are now being addressed through counsel.

D. OTHER RESPONSES TO THE ENCAMPMENT SINCE MAY 28, 2024

80. On May 28, 2024, the University served its Notice of Motion and Notice of Application in this proceeding requesting an injunction to remove the Encampment. Since that date, members of the University community and the public at large have communicated their support of the injunction and opposition of the Encampment to me, President Gertler, and others in the University administration. I understand certain members of the University community have also provided information and material directly to counsel to the University. In this section of my Affidavit, I set out information that I understand was provided to the University after May 28, 2024.

(i) *May 28, 2024*

81. Harry LaForme and Karen Restoule recently published an opinion piece in the National Post titled, “We are Anishinaabe Zionists. Hateful anti-Israel camps disrespect our lands”. The article was published on May 28, 2024 and updated on May 29, 2024. Mr. LaForme is a member of the Mississaugas of the Credit First Nation (“MCFN”), a retired appellate court judge and practicing lawyer. Ms. Restoule is a member of the Dokis First Nation who received her JD degree from the University of Ottawa. She is currently a vice president with Crestview Strategy. I was not aware of this article at the time I swore my First Affidavit.

82. I am including this article as an example of yet another viewpoint about the Encampment and the difficult position the University now finds itself in as a result of being unable to control its own private property.

83. Mr. LaForme and Ms. Restoule wrote:

Five of the six universities on the MCFN Treaty Lands have pro-Palestinian encampments on them. Not one consulted the MCFN about encampments being set up on our Treaty Lands. Not one consulted the MCFN about the manner in which encampment occupiers and pro-Palestinian protesters behave on our Treaty Lands. No consultation took place about excluding Jewish and Zionist students and faculty from any part of our Treaty Lands or limiting their use and enjoyment of our Treaty Lands. Exclusion, bigotry, harassment, antisemitism, lawlessness, and hate are being permitted on and throughout our Treaty Lands. All of which is contrary to The Seven Sacred Teachings, the Rule of Law in Canada, and disregard the duty to consult and the essence of land acknowledgements.

84. They also addressed the lighting of a Sacred Fire in the encampments at the University of Toronto and other universities on MCFN Treaty Lands:

Erroneous false narratives are coming out of universities about current reconciliation efforts led by Indigenous peoples to justify divisive hateful conduct that overwhelmingly targets and isolates Jewish and Zionist

Canadians. The use of sacred ceremonies such as the lighting of a Sacred Fire, smudging, drumming, and others, by activists in encampments on university campuses are not appropriate. It is cultural appropriation and historical distortion of the worst kind.

85. Finally, Mr. LaForme and Ms. Restoule express that they, as Anishinaabe Zionists, feel unwelcome on Treaty Lands as a result of the encampments on MCFN Treaty Lands, which includes the Encampment:

We, as Anishinaabe Zionists, are made to feel unwelcome on our Treaty Lands by treaty scofflaws and encampment occupiers, who self describe as part of the current colonial regime that marginalizes and oppresses Indigenous peoples — us. Perhaps, they should begin an examination of the illogic of their own activities on our ancestral Treaty Lands.

86. A copy of this article is attached as **Exhibit “34”**. The URL to the article is:

<https://nationalpost.com/opinion/opinion-we-are-anishinaabe-zionists-hateful-anti-israel-camps-disrespect-our-lands>

87. Also on May 28, 2024, President Gertler and others were copied on an email to members of UTFA from an Associate Professor at the University. The writer stated that they found UTFA’s actions supporting the Encampment to be “a completely intolerable situation” and stated they would “be taking actions to end [their] UTFA membership in protest until a future date when [they] feel that UTFA is better representing the faculty with more political impartiality”. A copy of this email is attached as **Exhibit “35”**.

88. On May 28, 2024, President Gertler received an email from a Professor who expressed opposition to the Encampment and to a recent letter sent by the Chair of their Department which expressed the view that the Department supported the Encampment. The Professor wrote that they were “utterly opposed to the way in which the Department’s position was characterized in this

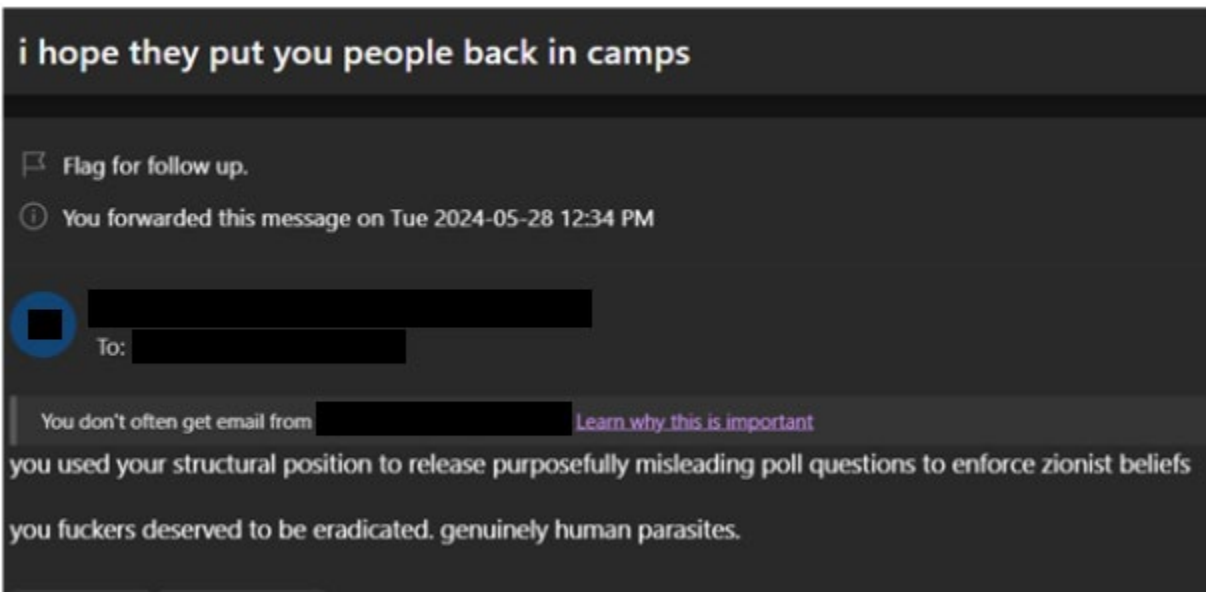
recent letter”. They also wrote that when they had approached the Encampment wearing a kippah, they were “cursed, sworn at, abused, and told to go back to where [they] came from”. The Professor expressed concern that the Encampment was creating an environment where opposition to it could not be freely stated:

I also know that other members of my Department, who see things more or less as I do, have communicated this view to me, but are afraid to open their mouths. Their state of being intimidated represents the climate of fear cultivated both by the encampers, and by their faculty supporters: no free speech is permitted, no difference of opinion is encouraged, no protest against them is allowed.

89. A copy of this email is attached as **Exhibit “36”**.

(ii) May 29, 2024

90. On May 29, 2024, I received an email that was also copied to President Gertler and Professor Hannah-Moffat from a Professor Emeritus at the University. The Professor had recently completed a poll finding about the encampments. The Professor had also given interviews on television in which they expressed support for the University’s request for an injunction against the Encampment. The Professor included a screenshot of an email they had received that day from an unknown email address. The screenshot is copied below:



91. The Professor stated that they viewed this email as a death threat, had filed a police report, and intended to request that the Toronto Hate Crimes Unit investigate the origin of the email and charge its sender. A copy of this email dated May 29, 2024 is attached as **Exhibit "37"**.

92. Also on May 29, 2024, I received an email from an Associate Professor at the University about the Encampment. The individual expressed that it had been "very painful" for them to watch support for the Encampment and stated that they were unsure how they could "continue to affiliate with the school" as a Jewish faculty member on campus. The individual also addressed the UTFa's support of the Encampment and stated:

Also, I'd like to express my opposition to UTFa's positioning on this. Members of the UTFa leadership has [sic] publicly attested to be active organizers of the encampment since the beginning. How can they claim to represent all of U of T faculty while supporting violence against some of us?

93. A copy of this email is attached as **Exhibit "38"**.

(iii) May 31, 2024

94. On May 31, 2024, President Gertler and others received an email from a Professor expressing outrage at what they called “the hypocrisy and double standard with which [the University] has been handling the question of violence and racism on campus in recent weeks”. The Professor referred to an incident in which a counter-protestor was seen outside the Encampment with a knife. (This incident is described in more detail in the Supplementary Affidavit of Ryan Dow.) The Professor also stated that since they had spoken to the CBC about faculty support for the Encampment, they had received “a stream of vile emails”, of which they said the University administration was aware. A copy of this email is attached as **Exhibit “39”**.

95. The University later responded to this email and offered safety planning and support in relation to the online harassment and threats this Professor had received.

(iv) June 1, 2024

96. On June 1, 2024, the University received an email from an Associate Professor terminating their affiliation with the School with which they were previously affiliated. Among other things, the writer expressed concern that the Encampment was not consistent with values of education and tolerance:

Additionally, the encampment publicly rejects values of discussion, dialogue, and respecting divergent views. They insist we all my [sic] see things their way, that they must get what they want and anyone who disagrees with them is a terrorist. This is antithetical to the values of education, tolerance and doing the hard work of crafting a better world.

97. On June 2, the Director of the relevant School offered to speak with the Associate Professor about their email. On June 3, the Associate Professor responded that they would be happy to speak but would not delay the termination of their affiliation with the School.

98. A copy of the complete email chain from June 1-3, 2024 is attached as **Exhibit “40”**.

(v) June 2, 2024

99. Mr. Dow advises me, and I believe, that on June 2, 2024 a group of “Pro-Israel” protestors climbed into the fenced-off construction area on the south end of Front Campus and attempted to set up a camp within the fenced area. Campus Safety entered the fenced area, told the protestors they were trespassing, and told them if they did not leave, they could be arrested. The counter-protestors did eventually leave the area and held a rally on the south sidewalk of Front Campus.

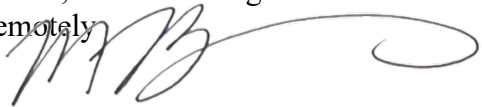
100. In the three days that have passed since this incident, the University has received hundreds of emails complaining about the University applying a “double standard” to the “pro-Israel” protestors, as the “pro-Palestinian” encampment has been left alone but the “pro-Israel” one was not permitted to stay. Attached as **Exhibit “41”** is an email dated June 5, 2024 addressed to President Gertler, Professor Hannah-Moffat, Professor Young, and many others in the University administration which complains of a “discriminatory double standard”. The University has received at least 100 emails with language similar or identical to this email in the last three days, all from different email addresses.

101. I am also aware that there has been media coverage of the attempt of “pro-Israel” protestors to create a separate encampment on Front Campus and Campus Safety’s request that they leave. On June 3, 2024, an article entitled “Only U of T encampment allowed is ‘Little Gaza’ while one supporting Israel is removed” was published in the Toronto Sun about this incident. A copy of that article is attached as **Exhibit “42”**.

E. CORRECTION TO MY FIRST AFFIDAVIT

102. I wish to make a correction to in paragraph 155 of my First Affidavit. In that paragraph, I stated that the University hired Ewa Krajewska of the law firm Henein Hutchison Robitaille LLP to conduct an investigation of the conduct of Campus Security in relation to the April 1-2 sit-in at Simcoe Hall. The University actually hired Danielle Robitaille, not Ms. Krajewska, of the same law firm.

SWORN by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely



Commissioner for Taking Affidavits
(or as may be)

}



SANDY WELSH

This is Exhibit "1" referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)



UNIVERSITY OF TORONTO

University of Toronto
Governing Council

Health and Safety Policy

February 1, 2024

To request an official copy of this policy, contact:

The Office of the Governing Council
Room 106, Simcoe Hall 27 King's College Circle
University of Toronto
Toronto, Ontario
M5S 1A1

Phone: 416-978-6576

Fax: 416-978-8182

E-mail: governing.council@utoronto.ca

Website: <http://www.governingcouncil.utoronto.ca/>

University of Toronto Health and Safety Policy

The University of Toronto is committed to the promotion of the health, safety and wellbeing of all members of the University community, to the provision of a safe and healthy work and study environment, and to the prevention of occupational injuries and illnesses.

The Governing Council, the President and all levels of management will work in consultation and cooperation with University employees, joint health and safety committees, students, contractors and visitors to ensure that the requirements of the Occupational Health and Safety Act and its regulations, other applicable legislation with supporting guidelines and procedures, and the University's Occupational Health and Safety Management System are fully implemented and integrated into all University work and study activities.

Where reasonable, the University will strive to exceed the legislated requirements by adopting the best practices available to protect the University community and to promote a positive health and safety culture. The University will work towards continuous improvement in its health and safety program.

Managers and supervisors, whether academic or administrative, will take responsibility and accountability for the health and safety of all workers (i.e., employees and certain others as set out in OHS Act – Bill 18) under their direction and those workplaces under their charge. They will advise their workers of the existence of potential or actual workplace hazards, and will ensure that they work safely and in accordance with the Occupational Health and Safety Act and its regulations, and all applicable University policies and procedures. They will take every precaution reasonable in the circumstances for the protection of their workers.

All University workers, including faculty, librarians, and non-unionized and unionized employees, have some responsibility for ensuring health and safety in the workplace. Workers will work safely and in compliance with the Occupational Health and Safety Act and its regulations, and University policies and procedures. Workers will report all unsafe and unhealthy conditions and practices in the workplace to their immediate supervisors so that they may be promptly remedied.

Contractors, tenants and visitors at the University will comply with all relevant legislation, as well as University of Toronto policies and procedures.



The University is also committed to ensuring that health and safety is considered in all aspects of student life. Students are responsible for conducting themselves in a safe manner, and are required to comply with all relevant legislation, University policies and procedures.

The University's Framework on Off-Campus Safety addresses health and safety responsibilities for faculty, staff and students engaged in field research beyond their geographical boundaries of the University.

Individuals who fail to meet their obligations concerning health and safety may, depending on the circumstances, face appropriate disciplinary action, up to and including discharge.

The Vice-President, People Strategy, Equity & Culture will provide quarterly reports on compliance with the Policy and its regulations and guidelines, as well as an annual report on health and safety.

Kelly Hannah-Moffat
Vice-President
People Strategy, Equity & Culture
February 1, 2024

This is Exhibit “2” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

Freedom of Speech on Campus Annual Report to the Ontario Government by the Higher Education Quality Council of Ontario, December 2023

Introduction

Since January 2019, the Ontario government has required that each of the province's publicly assisted colleges and universities implement a free speech policy that meets a minimum standard prescribed by the Ministry of Colleges and Universities (MCU).

Institutional policies are to be based on the [*University of Chicago's Statement on Principles of Free Expression*](#). Government asked that institutional policies include the following elements:

- a definition of freedom of speech;
- that universities and colleges should be places for open discussion and free inquiry;
- that the institution should not attempt to shield students from ideas or opinions that they disagree with or find offensive;
- that members of the institution are free to criticize and contest views expressed on campus but may not interfere with the freedom of others to express their views; and
- that speech that violates the law or constitutes harassment or threat is not allowed.

The policies are also intended to address administrative mechanisms whereby members of the college or university community can raise and resolve free speech issues. Any complaint that remains unresolved through institutional processes can be referred to the Ontario Ombudsman.

The Higher Education Quality Council of Ontario (HEQCO) is tasked by government with an ongoing role to review implementation of the free speech policies. Institutions are instructed to develop, post and submit to HEQCO an annual report on the implementation of their free speech policies by September 1 annually.

HEQCO's role in ensuring the success of the government's free speech initiative was summarized in a December 14, 2018 memo by then-Deputy Minister George Zegarac of MCU:

A recent regulatory amendment to O. Reg. 336/06 made under the *Higher Education Quality Council of Ontario Act, 2005* gives HEQCO the function to research and

evaluate how free speech is addressed at each postsecondary institution and across the postsecondary sector, as well as provide reports and recommendations to the Minister on the results of such research and evaluation.

This is HEQCO's fifth annual report and is based on the institutional implementation reports posted across the province.

Annual Implementation Reports

All publicly assisted colleges and universities posted their free speech annual reports in September 2023. Appendix A provides links to the 2023 annual reports on each institution's website.

HEQCO provided a template to support institutions in their reporting efforts (provided in Appendix B). We asked institutions whether they had amended their free speech policy and asked where members of the institutional community could direct any free speech-related questions or complaints. We also asked institutions about their respective policies on holding events with security concerns and to detail examples of events that did not proceed due to security-related issues or costs. Institutions were asked to summarize any free speech complaints and whether they were resolved. Institutions also reported on the number of non-curricular events held on campus. Finally, we invited institutions to use the annual report to provide supporting or contextual information, such as institutional history and culture, regarding free speech policy and practice.

Highlights from the institutional implementation reports are as follows:

Free Speech Policies

Free speech policies, like all institutional policies, are subject to pre-scheduled review windows, typically of between three and five years. We consider regular review to be a best practice even if no issues have been raised. In this reporting cycle, no institution reported updates to its free speech policy. Appendix C provides links to each institution's policy as posted on the institutional websites.

Events on Campus and Online

We asked institutions to give us a sense of the volume of non-curricular events (i.e., those not directly attached to an academic program) held at colleges and universities. Collectively, the institutions reported approximately 70,000 in-person and online events. We know this estimate to be conservative; many institutions lack centralized logging systems to capture such activity across their campus(es), particularly in the online space. Clearly, Ontario's postsecondary institutions host a substantial volume of events aimed at fostering dialogue and discourse for both their internal and external communities.

We asked about cancellations of events due to concerns about safety or the costs of security. While two institutions reported minor delays to events and demonstrations to plan properly and accommodate policy and procedures, no events were cancelled due to security-related financial concerns. Many institutions detailed their risk-management assessment processes to identify and address safety and security risks. We believe formal risk-assessment processes to be a best practice.

Complaints and Issues

Each institutional free speech policy has associated procedures regarding the lodging and resolution of a free speech-related complaint. Ten formal complaints were reported across the system during the 2022-23 reporting cycle. These were, to the involved institutions' knowledge and understanding, resolved internally.

The Premier's August 30, 2018 announcement stated that any complaint against an institution that remained unresolved may be reported to the Ontario Ombudsman. One institution reported knowledge of a referral to the Ombudsman during the 2022-23 reporting period that may have been related to free speech. It should be noted that under the *Ombudsman Act*, Ombudsman investigations are conducted in private (s. 18(2)). Furthermore, the Ombudsman is obligated to inform the institution only if they decide to proceed with an investigation (s. 18 (1)). On its website, the Ombudsman's office further states, "Complaints are often resolved without need to contact the relevant organization." It is therefore highly likely that an institution would not know if a complaint was lodged against it with the Ombudsman or that a complaint could be lodged with the Ombudsman that did not proceed through institutional processes.

Housekeeping Tips

We believe that ongoing review of reporting processes and templates is a best practice. We engaged with the sector in spring 2023 to review the reporting template with the dual goals of straightforwardness and consistency and will continue to do so on an annual basis.

Concluding Observation

This is HEQCO's fifth annual report of free speech policy implementation in Ontario's postsecondary education sector. It is our conclusion that the ongoing implementation of the free speech initiative across Ontario colleges and universities continues to meet government objectives.

Appendix A: 2023 Freedom of Speech Annual Reports

UNIVERSITIES	
Algoma	https://algonau.ca/wp-content/uploads/2023/09/EN_Free-Speech-Annual-Report-2023.pdf
Brock	https://brocku.ca/free-speech/wp-content/uploads/sites/195/Brock-University_Free-Speech-Annual-Report-2023.pdf
Carleton	https://carleton.ca/senate/wp-content/uploads/CU-Free-Speech-Annual-Report-2023.pdf
Guelph	https://www.uoguelph.ca/freedom-of-expression/doc/Freedom-of-Expression-Annual-Report-2023.pdf
Hearst	https://uhearst.ca/app/uploads/2023/08/Rapport-sur-la-politique-de-liberte-dexpression-de-lUniversite-de-Hearst.pdf
Lakehead	https://www.lakeheadu.ca/sites/default/files/uploads/108/documents/Free%20Speech%20Annual%20Report%202023%20-%20Lakehead%20-%20Aug.%202023.pdf
Laurentian	https://laurentian.ca/assets/files/Policies/Freedom-of-Speech-AnnualReport2023.pdf
McMaster	https://president.mcmaster.ca/app/uploads/2023/08/EN_Free-Speech-Annual-Report-2023-for-McMaster-University.pdf
Nipissing	https://www.nipissingu.ca/sites/default/files/2023-08/Free%20Speech%20Annual%20Report%20-%20HEQCO%202023.pdf
NOSM	https://www.nosm.ca/wp-content/uploads/2023/08/NOSM-U_Free-Speech-Annual-Report_August-21-2023.pdf
OCADU	https://www.ocadu.ca/sites/default/files/documents/Free%20Speech%20Annual%20Report%202023_OCAD%20U%20(230831)(final).pdf
Ottawa	https://www.uottawa.ca/about-us/sites/g/files/bhrs kd336/files/2023-08/Free%20Speech%20Annual%20Report%202023%20-%20University%20of%20Ottawa.pdf
Ontario Tech U	https://shared.ontariotechu.ca/shared/ontario-tech/documents/uoit-publications/freedom-of-expression-2023-report-signed.pdf
Queen's	https://www.queensu.ca/secretariat/sites/uslclwww/files/uploaded_files/policies/administration/EN_Free%20Speech%20Annual%20Report%202023_draft%20(004).pdf
TMU	https://www.torontomu.ca/content/dam/freedom-of-speech/Free%20Speech%20Annual%20Report%202023%20final%20(1).pdf
Toronto	https://freespeech.utoronto.ca/wp-content/uploads/University-of-Toronto-%E2%80%93-2023-Annual-Freedom-of-Speech-Report.pdf
Trent	https://www.trentu.ca/president/free-speech-policy
UOF	https://uontario.ca/fileadmin/user_upload/Rapport_2022-23_Liberte_d_expression_UOF_COQES.pdf
Waterloo	https://uwaterloo.ca/secretariat/sites/default/files/uploads/documents/university-of-waterloo-free-speech-annual-report-2023_final.pdf
Western	https://www.provost.uwo.ca/pdf/2023%20FOS%20Report%20Final.pdf
Wilfrid Laurier	https://www.wlu.ca/about/discover-laurier/freedom-of-expression/assets/resources/annual-report-on-free-speech-policy-2023.html
Windsor	https://www.uwindsor.ca/provost/sites/uwindsor.ca.provost/files/free_speech_annual_report_2023.pdf

York	https://www.yorku.ca/secretariat/wp-content/uploads/sites/107/2023/08/2023-HEQCO-Free-Speech-Report.pdf
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COLLEGES	
Algonquin	https://www.algonquincollege.com/reports/files/2023/09/Free-Speech-Annual-Report-2023.pdf
Boréal	https://collegeboreal.ca/wp-content/uploads/2023/09/rapport-annuel-sur-la-liberte-dexpression-2023_college-boreal.pdf
Cambrian	https://cambriancollege.ca/wp-content/uploads/2023/09/Cambrian-College-Free-Speech-Annual-Report-2023.pdf
Canadore	https://cdn.agilitycms.com/canadore-college/Free%20Speech%20Annual%20Report_2023.pdf
Centennial	https://centennialcollege.widen.net/s/rfwmgr2vnm/free-speech-annual-report-2023.pdf
Conestoga	https://www-assets.conestogac.on.ca/documents/www/about/college-reports/free-speech-report-2023.pdf?_gl=1*1sx66px*_gcl_au*NDcyNjU1NjU3LjE2OTA5Nzc5OTc
Confederation	https://www.confederationcollege.ca/departement/policies/procedures
Durham	https://durhamcollege.ca/about/governance/policies
Fanshawe	https://public.myfanshawe.ca/Policies/CPM%20College%20Policy%20Document%20Library/Corporate%20Operations%20Policies/Fanshawe%20Free%20Speech%202023%20Annual%20Report%20-%20Final[83].pdf
George Brown	https://www.georgebrown.ca/media/free-speech-annual-report-2023
Georgian	https://www.georgiancollege.ca/wp-content/uploads/campus-safety-services-2023-free-speech-annual-report-georgian-college-2023-08-24.pdf
Humber	https://humber.ca/legal-and-risk-management/assets/files/pdfs/general_admission_pdfs/humber-freedom-of-expression-annual-report-2022-2023.pdf
La Cité	https://www.collegelacite.ca/documents/10315/30304236/Rapport-annuel-liberte-expression-2023-09-01.pdf/d3d8d3ef-271e-a6f3-14a9-ee0aaed91a40?t=1693568265802
Lambton	https://www.lambtoncollege.ca/docs/default-source/our-college/corporate-documents/reports/about-corporate-documents-free-speech-annual-report.pdf?sfvrsn=6c2143c9_2
Loyalist	https://loyalistcollege.com/wp-content/uploads/2023/08/Loyalist-College-Free-Speech-Annual-Report-2023-Web.pdf
Mohawk	https://www.mohawkcollege.ca/about-mohawk/leadership-and-administration/policies-and-procedures/policy-statement-on-upholding
Niagara	https://www.niagaracollege.ca/wp-content/uploads/Free-Speech-Annual-Report-to-HEQCO-2023.pdf
Northern	https://www.northerncollege.ca/documents/admin/reports/2022-2023-Free-Speech-Annual-Report.pdf
Sault	https://www.saultcollege.ca/sault-college-freedom-speech-annual-report

Seneca	https://www.senecacollege.ca/about/reports/free-speech/Free-Speech-Annual-Report-2023.pdf
Sheridan	https://www.sheridancollege.ca/-/media/project/sheridan/shared/files/about/administration-and-governance/policies-and-accountability/freedom-of-speech/free-speech-report-august-2023.pdf?rev=912b0343758d4ec0acd7da2ed1bd2d63&hash=9F0938EE8467394A9D450E574CCB25C1
S. S. Fleming	https://flemingcollege.ca/PDF/Policy/Fleming-College-Free-Speech-Annual-Report.pdf
St. Clair	https://www.stclaircollege.ca/sites/default/files/inline-files/board-staff/corporate-docs/Free-Speech-Annual-Report-2023.pdf
St. Lawrence	https://364599a3-cdn.agilitycms.cloud/Attachments/6-about/reports-policies/reports-and-policies/free-speech/SLC%20Free%20Speech%20Annual%20Report%202023.pdf

Appendix B: Free Speech Annual Reporting Template 2023

As indicated in the December 14, 2018 and September 12, 2018 memos from the Ministry of Colleges and Universities, each of Ontario's publicly assisted colleges and universities is to prepare an annual report on the implementation of a free speech policy. Please use this template; you may append additional documents or institution-specific information as you see fit.

The institutional Freedom of Speech Annual Report will be a public document and should respect privacy obligations. Please report on events or incidents that took place between **August 1, 2022** and **July 31, 2023**.

The reports must be posted on the institution's website and submitted to the Higher Education Quality Council of Ontario (HEQCO) by **September 1, 2023**.

Please submit your institution's annual report and the link to its location on your website to submissions@heqco.ca. Please reach out to HEQCO at the same address with any questions.

Section A: Institutional Policy

You may append additional documentation or institution-specific information as you see fit.

Has your institution amended its free speech policy (or policy framework) since the time of your 2022 report? If so, please explain the reason for the change and provide the link to its location on your institutional website.

Where are members of the institutional community (or guests) directed when there is a free speech-related question or complaint about an institutional event? Please provide contact information.

What is your institution's policy on holding events where there are security concerns? To your knowledge, were there any instances where a non-curricular event did not proceed due to security concerns or their related costs?

Section B: Complaints

You may append additional documentation or institution-specific information as you see fit.

Between **August 1, 2022** and **July 31, 2023**, did any member of the institutional community (or guests) make an official complaint about free speech? If yes, please provide a general description that protects the privacy of complainants.

If there has been an official complaint (or more than one):

What were the issues under consideration? Please identify any points of contention (e.g., security costs, safety, student unions and/or groups, operational requirements, etc.).

How did the institution manage the free speech complaint(s)? Was the complaint addressed using the procedures set out in the policy? How were issues resolved?

Section C: Summary Data

Please provide the following summary data for free speech-related official complaints received by the institution:

Number of official complaints received under the free speech policy relating to curricular and non-curricular events.	
Number of official complaints reviewed that did not proceed.	
Number of official complaints where the institution determined that the free speech policy was not followed appropriately.	
Number of official complaints under the free speech policy that resulted in the institution applying disciplinary or other institutional measures.	
To your knowledge, were any free speech complaints forwarded to the Ontario Ombudsman?	

To the best of your ability, please provide an estimate of the number of **non-curricular events** held at the institution either online or in person between **August 1, 2022** and **July 31, 2023**. Non-curricular events include, for example, invited speakers, sporting events, rallies, student life/student affairs events, conferences, etc., as opposed to regular events held as part of an academic program or course.

Institutional Comments (if any).

Appendix C: Institutional Free Speech Policies

UNIVERSITIES	
Algoma	https://employees.algomau.ca/services/wsDocuments/4158
Brock	https://brocku.ca/policies/wp-content/uploads/sites/94/Freedom-of-Expression-Policy.pdf
Carleton	https://carleton.ca/secretariat/wp-content/uploads/Freedom-of-Speech.pdf
Guelph	https://www.uoguelph.ca/secretariat/policy/1.2
Hearst	http://www.uhearst.ca/docs/politique-sur-la-liberte-dexpression.pdf
Lakehead	https://www.lakeheadu.ca/sites/default/files/policies_procedures/Free%20Expression%20Policy.pdf
Laurentian	https://laurentian.ca/policy-freedom-of-speech
McMaster	https://president.mcmaster.ca/app/uploads/2020/09/Guidance-for-Event-Organizers_FINAL_8Jun18.pdf
Nipissing	https://nipissingu.ca/sites/default/files/2018-12/Free%20Speech%20Policy%20-%20Dec%202018.pdf
NOSM	https://www.nosm.ca/about/administrative-offices/vpadministration/statement-on-free-speech/
OCADU	https://www2.ocadu.ca/internal-update/ocad-university-freedom-of-expression-statement-and-policies
Ottawa	https://www2.uottawa.ca/about-us/policies-regulations/policy-121-statement-free-expression
Ontario Tech U	https://usgc.ontariotechu.ca/policy/freedom-of-expression-policy.php
Queen's	https://www.queensu.ca/secretariat/policies/administration-and-operations/free-expression-queens-university
TMU	https://www.torontomu.ca/freedom-of-speech/
Toronto	http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Policies/PDF/ppmay281992.pdf
Trent	https://www.trentu.ca/governance/sites/trentu.ca.governance/files/documents/Free%20Speech%20Policy%20-%20ACCESSIBLE.pdf
UOF	https://uontario.ca/fileadmin/user_upload/Politiques-Reglements-Administratifs/Politique-sur-la-liberte-dexpression.pdf
Waterloo	https://uwaterloo.ca/secretariat/policies-procedures-guidelines/policies/policy-8-freedom-speech-0
Western	https://www.uwo.ca/univsec/pdf/policies_procedures/section1/mapp154.pdf
Wilfrid Laurier	https://www.wlu.ca/about/discover-laurier/freedom-of-expression/index.html
Windsor	https://lawlibrary.uwindsor.ca/Presto/pl/OTdhY2QzODgtNjhYi00ZWY0LTg2OTUtNmU5NjEzY2JkMWYxLjk4
York	https://www.yorku.ca/secretariat/policies/policies/free-speech-statement-of-policy/

COLLEGES	
Algonquin	https://www.algonquincollege.com/policies/files/2019/12/AD07.pdf
Boréal	https://collegeboreal.ca/wp-content/uploads/2023/11/b-09-politique-maintien-du-droit-a-la-liberte-dexpression-ver221023.pdf
Cambrian	https://cambriancollege.ca/wp-content/directory/policies/Corporate%20Policies/Statement%20on%20Upholding%20Free%20Speech.pdf
Canadore	https://cdn.agilitycms.com/canadore-college/Attachments/about-us/policies/Free%20speech%20policy%20statement%202018.pdf
Centennial	https://centennialcollege.widen.net/s/b89pbmkrp8/ac100-25-free-speech-policy.pdf
Conestoga	https://www-assets.conestogac.on.ca/documents/www/about/policies/presidents-office/free-speech-policy-english-version.pdf
Confederation	https://www.confederationcollege.ca/sites/default/files/uploads/department/ch1-s1-17_free_speech_0.pdf
Durham	https://durhamcollege.ca/wp-content/uploads/322-upholding-free-speech.pdf
Fanshawe	https://www.fanshawec.ca/sites/default/files/legacy/oldfanshawe/sites/default/files/assets/policies/pdf/c305.pdf
George Brown	https://www.georgebrown.ca/media/5571/view
Georgian	https://www.georgiancollege.ca/wp-content/uploads/CS-001-Free-Speech-policy-and-procedure.pdf
Humber	https://humber.ca/legal-and-risk-management/policies/general-administration/policy-statement-on-upholding-free-speech.html
La Cité	https://www.collegelacite.ca/directives/humaines/rh-13
Lambton	https://www.lambtoncollege.ca/about-lambton-college/policies/details/4000-5-1-free-speech
Loyalist	https://www.loyalistcollege.com/policy-statement-on-upholding-free-speech/
Mohawk	https://www.mohawkcollege.ca/about-mohawk/leadership-and-administration/policies-and-procedures/policy-statement-on-upholding
Niagara	https://www.niagaracollege.ca/policies/wp-content/uploads/sites/123/2019/10/NC100-free-speech.pdf
Northern	https://www.northerncollege.ca/documents/admin/policies/Admin-A8_Free-Speech-Policy.pdf
Sault	https://www.saultcollege.ca/sites/default/files/2020-09/Statement%20of%20Commitment%20-%20Freedom%20of%20Expression.pdf
Seneca	http://www.senecacollege.ca/about/policies/free-speech-policy.html
Sheridan	https://www.sheridancollege.ca/-/media/project/sheridan/shared/files/about/administration-and-governance/policies-and-accountability/policies-procedures/free-speech-policy#:~:text=Members%20of%20the%20college%20community%20are%20free%20to%20criticize%20and,others%20to%20express%20their%20views.

057

S. S. Fleming	https://department.flemingcollege.ca/policies-procedures/college-policies/1-109-free-speech-policy/
St. Clair	https://www.stclaircollege.ca/sites/default/files/policies/scc-policy-5-22.pdf
St. Lawrence	https://364599a3-cdn.agilitycms.cloud/Attachments/6-about/reports-policies/reports-and-policies/free-speech/St%20Lawrence%20College%20Free%20Speech%20Policy.pdf

This is Exhibit “3” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)



University of Toronto – 2019 Annual Freedom of Speech Report

September 2019

Freespeech.utoronto.ca

Institutional culture

The commitment to free expression is one of the hallmarks of excellence at the University of Toronto. For over 25 years, the University of Toronto has had a formal policy framework that sets out its commitment to freedom of expression. This framework has allowed the University to foster free expression and deal effectively and expediently with issues that naturally arise at an institution unequivocally dedicated to the pursuit of truth and the advancement of knowledge, especially one of U of T's size and scope. We anticipate that this policy framework will continue to serve the University well.

Policy framework

In 1992, the Governing Council of the University of Toronto passed the University's [Statement of Institutional Purpose](#) and its [Statement on Freedom of Speech](#). These *Statements* have served as the cornerstones upon which the University of Toronto has built its commitment to free expression. In particular, the *Statement on Freedom of Speech* explicitly confirms that free expression is a core value of the University: "the essential purpose of the University is to engage in the pursuit of truth, the advancement of learning and the dissemination of knowledge. To achieve this purpose, all members of the University must have as a prerequisite freedom of speech and expression, which means the right to examine, question, investigate, speculate, and comment on any issue without reference to prescribed doctrine, as well as the right to criticize the University and society at large."

The policies also highlight two features of free expression that are critically important in the University context. First, the *Statement of Institutional Purpose* makes clear that free speech can be uncomfortable. The right to free speech, it stipulates, is "meaningless unless it entails the right to raise deeply disturbing questions and provocative challenges to the cherished beliefs of society at large and of the university itself." Every member of the University community should be prepared to confront opinions they find erroneous, unreasonable, or even deeply offensive. Such confrontations are part of the contest of ideas that drives discovery, understanding, and knowledge.

Second, the *Statement on Freedom of Speech* argues that the right to free expression imposes an accompanying responsibility upon its adherents. It must comply with applicable laws. But more than that, the exercise of free expression "depends upon an environment of tolerance and mutual respect. Every member of the University community should be able to work, live, teach and learn in a University free from discrimination and harassment." Threats or acts of violence are absolutely intolerable – the University will act swiftly and resolutely to protect and support its community. Speech or acts that

silence or demean individuals or groups are also gravely concerning. Indeed, such behaviour stands in direct opposition to free speech and subverts the contest of ideas at the heart of the University's mission.

Over the years, the University's commitment to free expression has been affirmed and expanded, resulting in a policy framework that includes the [Policy on the Disruption of Meetings](#) (1992), the [Statement on Equity, Diversity, and Excellence](#) (2006), the [Policy on the Temporary Use of Space](#) (2010), and the [Policy on Open, Accessible and Democratic Autonomous Student Organizations](#) (2016).

The University has also been working to educate members of its community and the public about the importance of free expression to the objectives of post-secondary institutions. This has included the launch and broad promotion of an [institutional website in 2017](#), as well as discussions with internal academic administrator groups of Principals and Deans, department Chairs and Directors, student services staff, College governing bodies, and groups of student leaders. Senior administrators have also been invited to give presentations to professional organizations such as the Canadian Association of University Business Officers (CAUBO), the Council of Ontario Universities (COU), and the Council of Chairs of Ontario Universities (CCOU), outlining the University of Toronto's longstanding and widely recognized approach to these issues.

Events

Non-curricular events, ranging from symposia and conference series to events sponsored by student organizations and external groups, are part of the rich fabric of academic and campus life offered at the University of Toronto's three campuses. Between January 1 and June 30, 2019, the University hosted several thousand¹ such events.

Students, staff and faculty members worked to ensure that these many events were planned and executed in a way that allowed a full opportunity for freedom of expression. For example, administrative staff and faculty members would typically engage with the parties prior to an event in order to hear any concerns. When concerns are raised, student leaders and staff discuss event planning with organizers and/or Campus Police to evaluate any security risks; meet with event organizers to emphasize the importance of the free exchange of ideas; and take other reasonable steps to avoid disruption of events. As a result, *the University received no freedom of expression-related complaints* processed through its existing policy framework during the period at issue.

A number of administrative offices at U of T support the various policies and statements that make up the policy framework, and they respond to any complaints that might result from events or incidents, or, indeed, from individuals who feel their right to freedom of expression has been infringed, curtailed or suppressed. These offices include: the Office of the Vice-Provost, Students for complaints about events hosted by autonomous campus groups; Conference Services at UTM or UTSC for complaints about external booking requests at those campuses; Academic + Campus Events for complaints about

¹ Given that the University was not made aware that government or HEQCO would be requesting such data, it is impossible to quantify this more accurately at an institution as large, complex and decentralized as the University of Toronto. For example, non-curricular events at the three campuses can be booked through a range of mechanisms depending on the type of event, the identity of the person booking the event (i.e. a student, staff or faculty member), and the location of the event. We anticipate that more accurate figures will be provided in subsequent years.

external booking requests at the St. George Campus; the Provost's Office for complaints about academic speech or public statements of a faculty member; the Division of University Advancement for complaints from alumni and benefactors; and the various equity offices on campus for incidents involving alleged discrimination and harassment. This multi-pronged approach allows students, staff, faculty members, and members of the community at large to voice their concerns through a wide range of offices, and to expect that the appropriate office that holds accountability for their stakeholder group and/or the particular policy at issue hears their concern.

The University accepts bookings for non-curricular events from *recognized campus groups* and refuses bookings from recognized campus groups only when there are compelling grounds to anticipate a significant security or safety risk, or there is good reason to believe that unlawful activity will occur. However, it should be emphasized that the threshold for taking such action is very high. No bookings from recognized campus groups were refused on free expression or related grounds during the period covered by this report.

Similarly, the University receives numerous requests from *external groups* to stage events on our campuses. Because the University has a primary responsibility to serve its own community, as well as to be a wise steward of public funds, its policy framework also indicates that additional factors may be considered when assessing a request for space from an external group. These include whether it is appropriate to divert resources from higher-priority space requests for University events or academic activities, safety, and the fairness of covering costs associated with an external event with University funding, which is primarily derived from tuition fees and public funds. During the period covered by this report, only one booking from an external group was refused on these grounds (see below).

Complaints

As stated above, the University received no freedom of expression-related complaints processed through its policy framework between January 1, 2019 and June 30, 2019. Nevertheless, there were at times vigorous disagreements on our campuses about whether or not an event should be allowed to proceed, and concerns raised to the University administration as a result. In our view, these disagreements are to be expected and can become 'teachable moments' that support the University's educational activities in general and allow it to reaffirm and promote its values around the importance of freedom of speech in particular. When concerns are raised about an event, the University strives to allow as full an expression of views as possible, undertaking the planning activities described above.

Between January and June of 2019, such concerns or disagreements arose with respect to a very small number of the thousands of events that were hosted on our campuses. Each was handled in an appropriate manner under the University's policy framework. For example:

- In March, a student organization at UTM hosted a lecture by a [controversial scholar](#). Because of the anticipated topic of the speech and the speaker's point of view, concerns were expressed and requests received from several members of the University community and the public (including an MPP) that the University should intervene and cancel the event. Despite these expressions of concern, the event proceeded as scheduled and without disruption. University administrators worked with some concerned students to engage constructively with the speaker during the Q&A session, leading to a thoughtful public discussion.

- Due to security concerns, in January 2019, the University denied a space booking request from an external group, the Canadian Nationalist Party, whose leader has since come [under investigation](#) for hate crimes by the RCMP.

In summary, while no complaints were received, the University routinely receives expressions of concern from internal stakeholder groups and the public about prospective or past academic and non-curricular events held on our campuses. Such concerns provide valuable opportunities for the University to hear from its community and to remind its membership of the importance of engaging with a diversity of perspectives in a civil and respectful way.

Concluding statement

The University of Toronto's policy framework on freedom of expression, anchored by the University's [Statement of Institutional Purpose](#) and its [Statement on Freedom of Speech](#), has been in place for over 25 years. During this time, it has served the University well and has demonstrated its effectiveness in allowing the University to adapt to the evolving landscape of free speech and expression. As such, the University of Toronto fosters vigorous discussion through the hosting events of many kinds on its campuses, and consistently strives to do so in a way that demonstrates respect for freedom of speech and a diversity of viewpoints and perspectives.

This is Exhibit "4" referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)



University of Toronto – 2020 Annual Freedom of Speech Report

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Preamble: Institutional culture & policy framework

The commitment to free expression is one of the hallmarks of excellence at the University of Toronto. For over 25 years, the University of Toronto has had a formal policy framework that sets out its commitment to free expression. This framework has helped the University foster free expression and deal effectively and in a principled fashion with issues that naturally arise at an institution unequivocally dedicated to the pursuit of truth and the advancement of knowledge, especially one of U of T's size and scope. We anticipate that this policy framework will continue to serve the University well.

In 1992, the Governing Council of the University of Toronto passed the University's [Statement on Freedom of Speech](#) and [Statement of Institutional Purpose](#). These *Statements* have served as the cornerstones upon which the University of Toronto has built its commitment to free expression. In particular, the *Statement on Freedom of Speech* explicitly confirms that free expression is a core value of the University:

[T]he essential purpose of the University is to engage in the pursuit of truth, the advancement of learning and the dissemination of knowledge. To achieve this purpose, all members of the University must have as a prerequisite freedom of speech and expression, which means the right to examine, question, investigate, speculate, and comment on any issue without reference to prescribed doctrine, as well as the right to criticize the University and society at large.

The policies also highlight two features of free expression that are critically important in the University context. First, the *Statement of Institutional Purpose* makes clear that free speech can be uncomfortable. The right to free speech, it stipulates, is “meaningless unless it entails the right to raise deeply disturbing questions and provocative challenges to the cherished beliefs of society at large and of the university itself.” Every member of the University community should be prepared to confront opinions they find erroneous, unreasonable, or even deeply offensive. Such confrontations are part of the contest of ideas that drives discovery, understanding, and knowledge.

Second, the *Statement on Freedom of Speech* argues that the right to free expression imposes an accompanying responsibility upon its adherents. All speakers must comply with the applicable laws of Canada and Ontario. But more than that, the exercise of free expression “depends upon an environment of tolerance and mutual respect. Every member of the University community should be able to work, live, teach and learn in a University free from discrimination and harassment.” Threats or acts of violence are intolerable – the University will act swiftly and resolutely to protect and support its community. Speech or acts that silence or demean individuals or groups are also gravely concerning.

Indeed, such behaviour stands in direct opposition to free speech and subverts the contest of ideas at the heart of the University's mission.

Over the years, the University's commitment to free expression has been affirmed and expanded, resulting in a policy framework that includes the [Policy on the Disruption of Meetings](#) (1992), the [Statement on Equity, Diversity, and Excellence](#) (2006), the [Policy on the Temporary Use of Space](#) (2010), and the [Policy on Open, Accessible and Democratic Autonomous Student Organizations](#) (2016).

The University has also been working to help educate members of its community and the general public about the importance of free expression to the objectives of post-secondary institutions. This has included the launch and broad promotion of an [institutional website in 2017](#), as well as discussions with internal academic administrator groups of Principals and Deans, department Chairs and Directors, student services staff, University and College governing bodies, and groups of students and student leaders. Senior administrators have also been invited to give presentations to professional organizations such as the Ontario Council of Academic Vice-Presidents (OCAV), highlighting the University of Toronto's longstanding and widely recognized approach to these issues.

Section A: Institutional Policy

Has your institution amended its free speech policy (or policy framework) since the time of your 2019 report? If so, please explain the reason for the change and provide the link to its location on your institutional website.

No.

Where are members of the institutional community (or guests) directed when there is a free speech related question or complaint about an event on campus? Please provide contact information.

A number of administrative offices at the University of Toronto support the various policies and statements that make up the University's policy framework pertaining to free speech. Those offices respond to any concerns brought to their attention that might result from events or incidents, or, indeed, from individuals who feel their right to freedom of expression has been infringed, curtailed, or suppressed. Depending on the nature of the concerns raised, different offices may be involved.

Expressions of concern regarding external booking requests are considered by campus.

- Conference and Events Services at the University of Toronto Mississauga;
 - confserv.utm@utoronto.ca
- Conference Services at the University of Toronto Scarborough;
 - conferences@utsc.utoronto.ca
- Academic + Campus Events at the St. George Campus;
 - ace.team@utoronto.ca

More generally, expressions of concern at the institutional level are considered as follows:

- the Office of the Vice-Provost, Students for concerns raised about events hosted by autonomous student groups;
 - vp.students@utoronto.ca

- the Division of the Vice-President & Provost for concerns raised about academic speech or public statements of a faculty member;
 - provost@utoronto.ca
- the Division of University Advancement for concerns from alumni and benefactors;
 - dua.events@utoronto.ca
- the equity offices on campus for incidents involving alleged discrimination and harassment;
 - <https://hrandequity.utoronto.ca/inclusion/equity-offices/>
- the Office of the Governing Council for concerns involving the University's governance bodies or processes;
 - governing.council@utoronto.ca
- the Freedom of Information and Protection of Privacy Office for concerns involving access to information or privacy;
 - <https://governingcouncil.utoronto.ca/fipp> .

In addition, the Office of the President and all of the other senior executive offices receive expressions of concern relating to their areas of responsibility.

This multi-pronged approach allows students, staff, faculty members, and members of the community at large to direct their concerns to the office that holds accountability for their stakeholder group or the particular policy at issue.

What is your institution's policy on holding events where there are security concerns? To your knowledge, were there any instances where a non-curricular event did not proceed due to security concerns or their related costs?

The [Policy on the Temporary use of Space at The University of Toronto](#) (October 28, 2010) articulates the principles governing the temporary use of University space by internal and external groups. Among those principles, the Policy sets out the following standard regarding the fairness of costs:

External groups must at least cover the full costs associated with room bookings. Our students, through their fees, should not be subsidizing external bodies. Internal groups, on the other hand, pay only minimal fees – nothing near full costs. We normally do not charge recognized campus groups and student societies at all, except for reasonable cost recovery for additional services beyond making the space available (such as post-event cleaning).

Between August 1, 2019 and July 31, 2020, no events at the University of Toronto were cancelled due to security concerns or their related costs.

Here is an example of how the University handled an event with security concerns last year.

On October 10, 2019, an event called the 'Toronto Turkey Alliance: Trade and Research Workshop' was scheduled to take place at Hart House on the University of Toronto campus. The event included His Excellency Kerim Uras, then Ambassador of Turkey to Canada. With potentially disruptive protests outside the venue, security concerns, and RCMP and Campus Police officers on-site, the decision was taken to move the event nearby to the University of Toronto Centre for Medieval Studies, with

attendance restricted to invited participants. The day's event proceeded as planned, with academic meetings and workshops between Turkish and U of T colleagues.

Section B: Complaints

Between August 1, 2019 and July 31, 2020, did any member of the institutional community (or guests) make an official complaint about free speech on campus? If yes, please describe.

Yes. Please see below.

If there was an official complaint, what were the issues under consideration? Please identify any points of contention (e.g., security costs, safety, student unions and/or groups, operational requirements, etc.).

and

How did the institution manage the free speech complaint(s)? Was the complaint addressed using the procedures set out in the policy? How were issues resolved?

A student enrolled in a conjoint master's program offered by the University of Toronto and the Toronto School of Theology complained that the default settings in the digital learning management system used in a course violated his freedom of expression as guaranteed by the University's policies on academic freedom and freedom of speech and expression, policies the student expressly invoked. At issue was whether or not the student could use the digital learning management system to distribute materials to other students in the course. The University's Vice-President and Provost found that the *U of T Statement on Freedom of Speech* and other policies related to free expression at the University had no application in the matter, and that, even if they had, any rights under such policies had not been violated.

A student group complained that a number of students obstructed the group's ability to continue with their appropriately permitted and scheduled student activity by physically blocking access to the group's display, in contravention of the University of Toronto *Code of Student Conduct*. After an investigation under the *Code*, the Acting Vice-President & Principal of the University of Toronto Mississauga judged that no action would be taken under the *Code* because: 1) the *Code* does not prohibit dissent or peaceful protest and the University's *Statement on Freedom of Speech* protects the right for campus community members "to examine, question, investigate, speculate, and comment on any issue without reference to prescribed doctrine, as well as the right to criticize the University and society at large." 2) At the same time, the *Code* includes the offence of "disruption," which is intended to protect the legitimate activities and speech of community members from being disrupted or obstructed by others who may find the activity or speech offensive. 3) After successful intervention by the administration, the student group's activity was able to continue without substantial interference or impediment to access, as was the peaceful protest, which had been set back five feet from the group's table. Reasonable steps were taken to avert any disruption while simultaneously protecting the free expression of all involved.

Section C: Summary Data

Please provide the following summary data for free-speech-related official complaints received by the institution:

Number of official complaints received under the free speech policy relating to curricular and non-curricular events.	2
Number of official complaints reviewed that were dismissed.	2
Number of official complaints where the institution determined that the free speech policy was not followed appropriately.	0
Number of official complaints under the free speech policy that resulted in the institution applying disciplinary or other institutional measures.	0
To your knowledge, were any free speech complaints forwarded to the Ontario Ombudsman?	No

To the best of your ability, please provide an estimate of the number of non-curricular events held at the institution between August 1, 2019 and July 31, 2020. Non-curricular events include, for example, invited speakers, sporting events, rallies, conferences, etc., as opposed to regular events held as part of an academic program or course.

For the purposes of this report, the University of Toronto defines a ‘non-curricular event’ to be a sponsored or organized activity that does not lead to, or is not part of, a degree or certificate program at the University of Toronto but is held in a space that has been booked through one of the University’s tri-campus administrative offices.

Non-curricular events of this nature – ranging from symposia and conferences to meetings, lectures, and non-curricular classes sponsored by student organizations and external groups – are part of the rich fabric of experiences offered at Ontario’s universities. Between August 1, 2019 and July 31, 2020, the University of Toronto hosted **more than 13,000** such events across its three campuses.

Institutional Comment

The University of Toronto’s policy framework on freedom of expression, with the University’s [Statement of Institutional Purpose](#) and [Statement on Freedom of Speech](#) at its core, has been in place for over 25 years.

This framework is at the heart of the University of Toronto’s commitment to excellence in higher education and advanced research. Debates, unconstrained by preordained conclusions or threats of exclusion, are fundamental to the pursuit of truth, knowledge, and understanding. The interaction and competition among new, unfamiliar, and often uncomfortable ideas, perspectives, and beliefs stretch

our understanding and knowledge, sparking breakthroughs in fields from art and architecture to physics and philosophy. As our [Statement on Free Speech](#) 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.

This is Exhibit “5” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)



University of Toronto – 2021 Annual Freedom of Speech Report

freespeech.utoronto.ca

Preamble

The commitment to free expression is one of the hallmarks of excellence at the University of Toronto. For over 25 years, the University of Toronto has had a [formal policy framework](#) that sets out its commitment to free expression. This framework has helped the University foster free expression as core to its research and teaching mission. This framework also allows the institution to deal effectively and in a principled fashion with issues that naturally arise in the pursuit of truth and the advancement of knowledge, especially at an institution of U of T's size and scope. We anticipate that this policy framework will continue to serve the University well for years to come.

Institutional culture & policy framework

In 1992, the Governing Council of the University of Toronto approved the University's [Statement on Freedom of Speech](#) and [Statement of Institutional Purpose](#). These Statements have served as the cornerstones upon which the University of Toronto has built its commitment to free expression. In particular, the Statement on Freedom of Speech explicitly confirms that free expression is a core value of the University:

[T]he essential purpose of the University is to engage in the pursuit of truth, the advancement of learning and the dissemination of knowledge. To achieve this purpose, all members of the University must have as a prerequisite freedom of speech and expression, which means the right to examine, question, investigate, speculate, and comment on any issue without reference to prescribed doctrine, as well as the right to criticize the University and society at large.

The policies also highlight two features of free expression that are critically important in the University context. First, the Statement of Institutional Purpose makes clear that free speech can be uncomfortable. The right to free speech, it stipulates, is “meaningless unless it entails the right to raise deeply disturbing questions and provocative challenges to the cherished beliefs of society at large and of the university itself.” Every member of the University community should be prepared to confront opinions they find erroneous, unreasonable, or even deeply offensive. Such confrontations are part of the contest of ideas that drives discovery, understanding, and knowledge.

Second, the Statement on Freedom of Speech recognizes that the right to free expression imposes an accompanying responsibility upon its adherents. All those exercising their freedom of expression must comply with the applicable laws of Canada and Ontario. But more than that, the exercise of free expression “depends upon an environment of tolerance and mutual respect. Every member of the

University community should be able to work, live, teach and learn in a University free from discrimination and harassment.” Threats or acts of violence are intolerable – the University will act swiftly and resolutely to protect and support its community. Indeed, such behaviour stands in direct opposition to free speech and subverts the contest of ideas at the heart of the University’s mission. Over the years, the University’s commitment to free expression has been affirmed and enhanced, resulting in a policy framework that includes the [Policy on the Disruption of Meetings](#) (1992), the [Statement on Equity, Diversity, and Excellence](#) (2006), the [Policy on the Temporary Use of Space](#) (2010), and the [Policy on Open, Accessible and Democratic Autonomous Student Organizations](#) (2016).

The University has also been working to help educate members of its community and the general public about the importance of free expression to the objectives of post-secondary institutions. This has included the launch and broad promotion of an [institutional website in 2017](#), as well as discussions with internal academic administrator groups of Principals and Deans, department Chairs and Directors, student services staff, University and College governing bodies, and groups of students and student leaders. This year, senior administrators participated in free speech professional development opportunities, including webinars held by the [Academic Freedom Alliance](#) and the [National Centre for Free Speech and Civic Engagement](#). Senior administrators have also been invited to give presentations to professional organizations such as the Ontario Council of Academic Vice-Presidents (OCAV), highlighting the University of Toronto’s longstanding and widely recognized approach to these issues.

Section A: Institutional Policy

Has your institution amended its free speech policy (or policy framework) since the time of your 2020 report? If so, please explain the reason for the change and provide the link to its location on your institutional website.

No.

Where are members of the institutional community (or guests) directed when there is a free speech related question or complaint about an institutional event? Please provide contact information.

A number of administrative offices at the University of Toronto support the various policies and statements that make up the University’s policy framework pertaining to free speech. Those offices respond to any concerns brought to their attention that might result from events or incidents, or, indeed, from individuals who feel their right to freedom of expression has been infringed, curtailed, or suppressed. Depending on the nature of the concerns raised, different offices may be involved.

Expressions of concern regarding external booking requests are considered by the campus where the booking is sought:

- Conference and Events Services at the University of Toronto Mississauga;
 - confserv.utm@utoronto.ca
- Conference Services at the University of Toronto Scarborough;

- conferences@utsc.utoronto.ca
- Academic + Campus Events at the St. George Campus;
 - ace.team@utoronto.ca

More generally, expressions of concern at the institutional level are considered as follows:

- the Office of the Vice-Provost, Students for concerns raised about events hosted by autonomous student groups;
 - vp.students@utoronto.ca
- the Division of the Vice-President & Provost for concerns raised about academic speech or public statements of a faculty member;
 - provost@utoronto.ca
- the Division of University Advancement for concerns from alumni and benefactors;
 - dua.events@utoronto.ca
- the equity offices on campus for incidents involving alleged discrimination and harassment;
 - <https://hrandequity.utoronto.ca/inclusion/equity-offices/>
- the Office of the Governing Council for concerns involving the University's governance bodies or processes;
 - governing.council@utoronto.ca
- the Freedom of Information and Protection of Privacy Office for concerns involving access to information or privacy;
 - <https://governingcouncil.utoronto.ca/fipp>.

In addition, the Office of the President and all of the other senior executive offices receive expressions of concern relating to their areas of responsibility.

This multi-pronged approach allows students, staff, faculty members, and members of the community at large to direct their concerns to the office that holds accountability for their stakeholder group or the particular policy at issue.

What is your institution's policy on holding events where there are security concerns? To your knowledge, were there any instances where a non-curricular event did not proceed due to security concerns or their related costs?

The Policy on the [Temporary Use of Space at The University of Toronto](#) (2010) articulates the principles governing the temporary use of University space by internal and external groups. Among those principles, the Policy sets out the following standard regarding the fairness of costs:

External groups must at least cover the full costs associated with room bookings. Our students, through their fees, should not be subsidizing external bodies. Internal groups, on the other hand, pay only minimal fees – nothing near full costs. We normally do not

charge recognized campus groups and student societies at all, except for reasonable cost recovery for additional services beyond making the space available (such as post-event cleaning).

Between August 1, 2020 and July 31, 2021, external groups were not permitted to book space for events on our campuses due to COVID, and there were event limitations and strict safety measures in place for internal groups as well. During this time period, no events at the University of Toronto were cancelled due to security concerns or their related costs.

Section B: Complaints

Between August 1, 2020 and July 31, 2021, did any member of the institutional community (or guests) make an official complaint about free speech? If yes, please provide a general description that protects the privacy of complainants.

If there was an official complaint, what were the issues under consideration? Please identify any points of contention (e.g., security costs, safety, student unions and/or groups, operational requirements, etc.).

and

How did the institution manage the free speech complaint(s)? Was the complaint addressed using the procedures set out in the policy? How were issues resolved?

The University received one official free speech complaint between August 1, 2020 and July 31, 2021.

In March, 2021, the University received an official complaint under the terms of the [Statement on Prohibited Discrimination and Discriminatory Harassment](#) (1994). The complaint focussed on promotional material for an event that the complainant claimed constituted a form of harassment. The complainant was invited to meet with the Anti-Racism and Cultural Diversity Office and discuss the complaint, the Statement, and the University's commitment to free speech. As a result of that meeting, the complainant decided not to pursue the complaint further.

In addition, an official free speech complaint that had been included in the [University of Toronto 2020 Annual Freedom of Speech Report](#) was forwarded by a student to the Ontario Ombudsman in October 2020. The complaint was originally submitted to the Dean of Theology at the University of St. Michael's College in April 2019.

At issue in the original complaint was whether or not the student could use the digital learning management system to distribute materials to other students in their course. In October 2019, the Vice-Provost, Innovations in Undergraduate Education found that the U of T Statement on Freedom of Speech and other policies related to free expression at the University had no application in the matter, and that, even if they had, no rights under such policies had been violated. There was an appeal process in November-December 2019 and the University's Vice-President and Provost agreed with the Vice-Provost's determination.

Finally, in January 2021, the University received a Group Grievance from several members of the Faculty of Law under the terms of the [Memorandum of Agreement between the University of Toronto and the University of Toronto Faculty Association](#) (amended 2016). Part of the Grievance alleges that the University had ‘eroded’ the Grievors’ rights under the University’s Statement on Freedom of Speech. The University does not consider the Grievance an ‘official free speech complaint’. It is included in this Annual Report because it explicitly invokes the University’s Statement on Freedom of Speech as part of the Grievance. For more information, please visit: <https://hrandequity.utoronto.ca/news/hiring-process-director-ihrp/>.

Section C: Summary Data

Please provide the following summary data for free-speech-related official complaints received by the institution:

Number of official complaints received under the free speech policy relating to curricular and non-curricular events.	1
Number of official complaints reviewed that did not proceed.	1
Number of official complaints where the institution determined that the free speech policy was not followed appropriately.	0
Number of official complaints under the free speech policy that resulted in the institution applying disciplinary or other institutional measures.	0
To your knowledge, were any free speech complaints forwarded to the Ontario Ombudsman?	1

To the best of your ability, please provide an estimate of the number of non-curricular events held at the institution between August 1, 2020 and July 31, 2021. Non-curricular events include, for example, invited speakers, sporting events, rallies, student life/student affairs events, conferences, etc., as opposed to regular events held as part of an academic program or course.

The University does not track non-curricular online events. Given that most non-curricular activities were moved to an online format due to campus closures caused by the pandemic, we are unable to provide a reliable estimate for 2020-21.

Institutional Comments

The University of Toronto’s policy framework on freedom of expression, with the University’s [Statement on Freedom of Speech](#) and [Statement of Institutional Purpose](#) at its core, has been in place for over 25 years.

This framework is at the heart of the University of Toronto's commitment to excellence in higher education and advanced research. Debates, unconstrained by preordained conclusions or fear of exclusion, are fundamental to the pursuit of truth, knowledge, and understanding. The interaction and competition among new, unfamiliar, and sometimes uncomfortable ideas, perspectives, and beliefs stretch our understanding and knowledge, sparking breakthroughs in fields from art and architecture to physics and philosophy. As our Statement on Free Speech 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.

This is Exhibit “6” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

University of Toronto – 2022 Annual Freedom of Speech Report

freespeech.utoronto.ca

Preamble

The commitment to free expression is one of the hallmarks of excellence at the University of Toronto. For over 25 years, the University of Toronto has had a [formal policy framework](#) that sets out its commitment to free expression. This framework has helped the University promote and protect free expression while reaffirming the importance of free expression to the core research and teaching missions of the University. This framework also allows the institution to deal effectively and in a principled fashion with issues and disagreements that naturally arise in the pursuit of truth and the advancement of knowledge, especially at an institution of U of T's size and scope. We anticipate that this policy framework will continue to serve the University well for years to come.

Institutional culture & policy framework

In 1992, the Governing Council of the University of Toronto approved the University's [Statement on Freedom of Speech](#) and [Statement of Institutional Purpose](#).¹ These Statements have served as the cornerstones upon which the University of Toronto has built its commitment to free expression. In particular, the Statement on Freedom of Speech explicitly confirms that free expression is a core value of the University:

[T]he essential purpose of the University is to engage in the pursuit of truth, the advancement of learning and the dissemination of knowledge. To achieve this purpose, all members of the University must have as a prerequisite freedom of speech and expression, which means the right to examine, question, investigate, speculate, and comment on any issue without reference to prescribed doctrine, as well as the right to criticize the University and society at large.

The policies also highlight two features of free expression that are critically important in the University context. First, the Statement of Institutional Purpose makes clear that free speech can be uncomfortable. The right to free speech, it stipulates, is “meaningless unless it entails the right to raise deeply disturbing questions and provocative challenges to the cherished beliefs of society at large and of the university itself.” Every member of the University community should be prepared to confront opinions they find erroneous, unreasonable, or even deeply offensive. Such confrontations are part of the contest of ideas that drives discovery, understanding, and knowledge.

¹ It is worth noting that the University of Toronto's *Statement on Freedom of Speech* and *Statement of Institutional Purpose* predate the University of Chicago's “Report of the Committee on Freedom of Expression” – singled out by the Province as an example Ontario's universities should follow – by more than two decades.

Second, the Statement on Freedom of Speech recognizes that the right to free expression imposes an accompanying responsibility upon its adherents. All those exercising their freedom of expression must comply with the applicable laws of Canada and Ontario. But more than that, the exercise of free expression “depends upon an environment of tolerance and mutual respect. Every member of the University community should be able to work, live, teach and learn in a University free from discrimination and harassment.” Threats or acts of violence are intolerable – the University will act swiftly and resolutely to protect and support its community. Indeed, such behaviour stands in direct opposition to free speech and subverts the contest of ideas at the heart of the University’s mission. Over the years, the University’s commitment to free expression has been affirmed and enhanced, resulting in a policy framework that includes the [Policy on the Disruption of Meetings](#) (1992), the [Statement on Equity, Diversity, and Excellence](#) (2006), the [Policy on the Temporary Use of Space](#) (2010), and the [Policy on Open, Accessible and Democratic Autonomous Student Organizations](#) (2016).

The University has also been working to help educate members of its community and the general public about the importance of free expression to the objectives of post-secondary institutions. This has included the launch and broad promotion of an [institutional website in 2017](#), as well as discussions with internal academic administrator groups of Principals and Deans, department Chairs and Directors, student services staff, University and College governing bodies, and groups of students and student leaders. This year, senior administrators participated in free speech professional development opportunities, including webinars held by the [Academic Freedom Alliance](#) and the [National Centre for Free Speech and Civic Engagement](#). Senior administrators have also been invited to give presentations to professional organizations such as the Ontario Council of Academic Vice-Presidents (OCAV), highlighting the University of Toronto’s longstanding and widely recognized approach to these issues.

Section A: Institutional Policy

Has your institution amended its free speech policy (or policy framework) since the time of your 2021 report? If so, please explain the reason for the change and provide the link to its location on your institutional website.

No.

Where are members of the institutional community (or guests) directed when there is a free speech related question or complaint about an institutional event? Please provide contact information.

A number of administrative offices at the University of Toronto support the various policies and statements that make up the University’s policy framework pertaining to free speech. Those offices respond to any concerns brought to their attention that might result from events or incidents, or from individuals who feel their right to freedom of expression has been infringed, curtailed, or suppressed. Depending on the nature of the concerns raised, different offices may be involved.

Expressions of concern regarding external booking requests are considered by the campus where the booking is sought:

- Conference and Events Services at the University of Toronto Mississauga;
 - confserv.utm@utoronto.ca
- Conference Services at the University of Toronto Scarborough;
 - conferences@utsc.utoronto.ca
- Academic + Campus Events at the St. George Campus;
 - ace.team@utoronto.ca

More generally, expressions of concern at the institutional level are considered as follows:

- the Office of the Vice-Provost, Students for concerns raised about events hosted by autonomous student groups;
 - vp.students@utoronto.ca
- the Division of the Vice-President & Provost for concerns raised about academic speech or public statements of a faculty member;
 - provost@utoronto.ca
- the Division of University Advancement for concerns from alumni and benefactors;
 - dua.events@utoronto.ca
- the equity offices on campus for incidents involving alleged discrimination and harassment;
 - <https://hrandequity.utoronto.ca/inclusion/equity-offices/>
- the Office of the Governing Council for concerns involving the University's governance bodies or processes;
 - governing.council@utoronto.ca
- the Freedom of Information and Protection of Privacy Office for concerns involving access to information or privacy;
 - <https://governingcouncil.utoronto.ca/fipp>.

In addition, the Office of the President and all other senior executive offices receive expressions of concern relating to their areas of responsibility.

This multi-pronged approach allows students, staff, faculty members, and members of the community at large to direct their concerns to the office that holds accountability for their stakeholder group or the particular policy at issue. It also provides the community with multiple channels through which members can engage with the University.

What is your institution's policy on holding events where there are security concerns? To your knowledge, were there any instances where a non-curricular event did not proceed due to security concerns or their related costs?

The Policy on the [Temporary Use of Space at The University of Toronto](#) (2010) articulates the principles governing the temporary use of University space by internal and external groups. Among those principles, the Policy sets out the following standard regarding the fairness of costs:

External groups must at least cover the full costs associated with room bookings. Our students, through their fees, should not be subsidizing external bodies. Internal groups, on the other hand, pay only minimal fees – nothing near full costs. We normally do not charge recognized campus groups and student societies at all, except for reasonable cost recovery for additional services beyond making the space available (such as post-event cleaning).

Between August 1, 2021 and July 31, 2022, non-curricular event space on our campuses was considerably restricted as institutional, provincial, and other measures responding to the COVID 19 pandemic were implemented. These measures included closures, limitations, and strict safety protocols. During this time period, no events at the University of Toronto were cancelled due to security concerns or their related costs.

Section B: Complaints

Between August 1, 2021 and July 31, 2022, did any member of the institutional community (or guests) make an official complaint about free speech? If yes, please provide a general description that protects the privacy of complainants.

If there has been an official complaint (or more than one):

What were the issues under consideration? Please identify any points of contention (e.g., security costs, safety, student unions and/or groups, operational requirements, etc.).

and

How did the institution manage the free speech complaint(s)? Was the complaint addressed using the procedures set out in the policy? How were issues resolved?

The University received one official free speech complaint between August 1, 2021 and July 31, 2022.

In January 2022, the University's Anti-Racism and Cultural Diversity Office received an official complaint expressly invoking the Office's "mission statement". The complaint was brought by the University's Association of Palestinian Students and called on the University to postpone a non-curricular lecture on Antisemitism to be delivered by a guest speaker. The complaint alleged that the guest speaker had given lectures in the past that the complainants found offensive. They asked that the University postpone the scheduled event and find a new speaker. The complainants were invited to meet with the Anti-Racism and Cultural Diversity Office and discuss the complaint and the University's commitment to free speech. The event proceeded as planned.

In addition, in September 2021, the University received a letter and petition from a number of individuals concerning a global, virtual academic conference titled 'Dismantling Global Hindutva' (DHG). The letter and the petition were part of an international effort directed at the institutions and individuals named in conference materials. The petitioners alleged that the University was among approximately 45 co-sponsoring institutions and claimed that the conference was promoting offensive,

'Anti-Hindu' ideas. The petitioners requested "the removal of [the University's] name and logo from the DGH website, promotional materials, and social media posts." In response, the petitioners received a letter from the University noting that several University of Toronto faculty members would be engaged in the conference in their academic capacity. The letter went on to reaffirm the University's commitment to the "principles of human rights, equity and inclusion particularly as they underpin the promotion of free flow of debate involving a range of diverse ideas and beliefs." It also noted that "Freedom of speech, academic freedom and the value of human rights are at the heart of the university's mission." The letter concluded: "U of T remains committed to the lawful freedom of speech in order to pursue truth, advance learning and disseminate knowledge." The University does not consider this episode to be an official free speech complaint.

Section C: Summary Data

Please provide the following summary data for free-speech-related official complaints received by the institution:

Number of official complaints received under the free speech policy relating to curricular and non-curricular events.	1
Number of official complaints reviewed that did not proceed.	1
Number of official complaints where the institution determined that the free speech policy was not followed appropriately.	0
Number of official complaints under the free speech policy that resulted in the institution applying disciplinary or other institutional measures.	0
To your knowledge, were any free speech complaints forwarded to the Ontario Ombudsman?	0

To the best of your ability, please provide an estimate of the number of non-curricular events held at the institution between August 1, 2021 and July 31, 2022. Non-curricular events include, for example, invited speakers, sporting events, rallies, student life/student affairs events, conferences, etc., as opposed to regular events held as part of an academic program or course.

***We acknowledge the difficulty of tracking events held remotely due to campus closures caused by the pandemic and recognize that institutions may be unable to provide a complete response to this question for 2021-22.**

The University does not track non-curricular online events. Given that many non-curricular activities were conducted in an online format due to measures implemented in response to the pandemic, we are unable to provide a complete estimate for 2021-22. Nevertheless, and recognizing that some of

these events may have moved online, we estimate that 2,500 non-curricular events were held at the University of Toronto (including all three campuses) between August 1, 2021 and July 31, 2022.

Institutional Comments

The University of Toronto's policy framework on freedom of expression, with the University's [Statement on Freedom of Speech](#) and [Statement of Institutional Purpose](#) at its core, has been in place for over 25 years.

This framework is at the heart of the University of Toronto's commitment to excellence in higher education and advanced research. Debates, unconstrained by preordained conclusions or fear of exclusion, are fundamental to the pursuit of truth, knowledge, and understanding. The interaction and competition among new, unfamiliar, and sometimes uncomfortable ideas, perspectives, and beliefs stretch our understanding and knowledge, sparking breakthroughs in fields from art and architecture to physics and philosophy. As our [Statement on Freedom of Speech](#) 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.

At the same time, the University continues to emphasize that freedom of speech can function effectively only when it comes with the responsibility to respect the rights of others to free speech. Shouting down or silencing others suppresses speech and so stands in opposition to the principles of free expression. Standards of respect, decency, and inclusion are not in tension with academic freedoms. On the contrary, they ground and support such freedoms.

This is Exhibit “7” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)



University of Toronto – 2023 Annual Freedom of Speech Report

freespeech.utoronto.ca

Preamble

The commitment to free expression¹ continues to be one of the hallmarks of excellence at the University of Toronto. For more than 30 years, the University of Toronto has had a [formal policy framework](#) that sets out its commitment to free expression. That framework explains the vital importance of free expression at the University of Toronto (and at other institutions of higher education and advanced research) and it enumerates the community’s relevant rights and responsibilities. This framework has helped the University promote and protect free expression while also allowing the institution to deal effectively and in a principled fashion with issues and disagreements that naturally arise in the pursuit of truth and the advancement of knowledge. The University anticipates that this policy framework will continue to serve the institution well for years to come.

Institutional culture & policy framework

In 1992, the Governing Council of the University of Toronto approved the University’s [Statement on Freedom of Speech](#) and [Statement of Institutional Purpose](#).² These Statements have served as the cornerstones upon which the University of Toronto has built its commitment to free expression. In particular, the *Statement on Freedom of Speech* explicitly confirms that free expression is a core value of the University:

[T]he essential purpose of the University is to engage in the pursuit of truth, the advancement of learning and the dissemination of knowledge. To achieve this purpose, all members of the University must have as a prerequisite freedom of speech and expression, which means the right to examine, question, investigate, speculate, and comment on any issue without reference to prescribed doctrine, as well as the right to criticize the University and society at large.

The policies also highlight two features of free expression that are critically important in the University context. First, the *Statement of Institutional Purpose* makes clear that free speech can be uncomfortable. The right to free speech, it stipulates, is “meaningless unless it entails the right to raise deeply disturbing questions and provocative challenges to the cherished beliefs of society at large and of the university itself.” Every member of the University community should be prepared to confront opinions they find erroneous, unreasonable, or

¹ In the University’s policies and statements, and throughout this Report, “freedom of speech” and “freedom of expression” (and their cognates) are used interchangeably.

² It is worth noting that the University of Toronto’s *Statement on Freedom of Speech* and *Statement of Institutional Purpose* predate the University of Chicago’s “Report of the Committee on Freedom of Expression” – singled out by the Province as an example Ontario’s universities should follow – by more than two decades.

even deeply offensive. Such confrontations are part of the contest of ideas that drives discovery, understanding, and knowledge.

Second, the *Statement on Freedom of Speech* recognizes that the right to free expression imposes an accompanying responsibility. All those exercising their right to free expression must comply with the applicable laws of Canada and Ontario. But more than that, the exercise of free expression “depends upon an environment of tolerance and mutual respect. Every member of the University community should be able to work, live, teach and learn in a University free from discrimination and harassment.” Threats or acts of violence are intolerable. Indeed, such behaviour stands in direct opposition to free speech and subverts the contest of ideas at the heart of the University’s mission. Free speech can function effectively only when one accepts the responsibility to respect and safeguard the rights of others to free speech.

Over the years, the University’s commitment to free expression has been affirmed and enhanced, resulting in a policy framework that includes the [Policy on the Disruption of Meetings](#) (1992), the [Statement on Equity, Diversity, and Excellence](#) (2006), the [Policy on the Temporary Use of Space](#) (2010), and the [Policy on Open, Accessible and Democratic Autonomous Student Organizations](#) (2016).

The University has also been working to help educate members of its community and the general public about the importance of free expression to the objectives of post-secondary institutions. This has included the launch and broad promotion of an [institutional website in 2017](#), as well as discussions with internal academic administrator groups of Principals and Deans, department Chairs and Directors, student services staff, University and College governing bodies, and groups of students and student leaders. Administrators, as well as faculty members, librarians, and students, are encouraged to avail themselves of opportunities for professional development and education in areas related to free expression. In fact, senior administrators and academics have often been invited to give presentations to professional organizations or lead educational sessions about free expression, highlighting the University of Toronto’s longstanding and widely recognized leadership on these issues.

Section A: Institutional Policy

Has your institution amended its free speech policy (or policy framework) since the time of your 2022 report? If so, please explain the reason for the change and provide the link to its location on your institutional website.

No.

Where are members of the institutional community (or guests) directed when there is a free-speech-related question or complaint about an institutional event? Please provide contact information.

Several administrative offices at the University of Toronto support the various policies and statements that make up the University's policy framework pertaining to free speech. Those offices respond to any concerns brought to their attention that might result from events or incidents, or from individuals who feel their right to free expression has been infringed, curtailed, or suppressed. Depending on the nature of the concerns raised, different offices may be involved.

Expressions of concern regarding external booking requests are considered by the campus where the booking is sought:

- Conference and Events Services at the University of Toronto Mississauga;
 - confserv.utm@utoronto.ca
- Conference Services at the University of Toronto Scarborough;
 - conferences@utsc.utoronto.ca
- Academic + Campus Events at the University of Toronto St. George;
 - ace.team@utoronto.ca

More generally, expressions of concern at the institutional level are considered as follows:

- the Office of the Vice-Provost, Students, for concerns raised about events hosted by autonomous student groups;
 - vp.students@utoronto.ca
- the Division of the Vice-President & Provost for concerns raised about academic speech or public statements of a faculty member;
 - provost@utoronto.ca
- the Division of University Advancement for concerns from alumni and benefactors;
 - dua.events@utoronto.ca
- the equity offices on each campus for incidents involving alleged discrimination and harassment;
 - <https://hrandequity.utoronto.ca/inclusion/equity-offices/>
- the Office of the Governing Council for concerns involving the University's governance bodies or processes;
 - governing.council@utoronto.ca
- the Freedom of Information and Protection of Privacy Office for concerns involving access to information or privacy;
 - <https://governingcouncil.utoronto.ca/fipp>.

In addition, the Office of the President and all other senior executive offices are available to receive expressions of concern relating to their areas of responsibility.

This multi-pronged approach allows students, staff, faculty members, librarians, and members of the community at large to direct their concerns to the office that holds accountability for their stakeholder group or the particular policy at issue. It also provides the community with multiple channels through which members can engage with the University, effectively lowering barriers to accessing the administration, while simultaneously increasing institutional capacity, responsiveness, and visibility.

What is your institution's policy on holding events where there are security concerns? To your knowledge, were there any instances where a non-curricular event did not proceed due to security concerns or their related costs?

The *Policy on the [Temporary Use of Space at The University of Toronto](#)* (2010) articulates the principles governing the temporary use of University space by internal and external groups. Among those principles, the Policy sets out the following standard regarding the fairness of costs:

External groups must at least cover the full costs associated with room bookings. Our students, through their fees, should not be subsidizing external bodies. Internal groups, on the other hand, pay only minimal fees – nothing near full costs. We normally do not charge recognized campus groups and student societies at all, except for reasonable cost recovery for additional services beyond making the space available (such as post-event cleaning).

During the period covered by this report, no non-curricular events at the University of Toronto were cancelled or failed to proceed due to security concerns or related costs.

Section B: Complaints

Between August 1, 2022 and July 31, 2023, did any member of the institutional community (or guests) make an official complaint about free speech? If yes, please provide a general description that protects the privacy of complainants.

If there has been an official complaint (or more than one):

What were the issues under consideration? Please identify any points of contention (e.g., security costs, safety, student unions and/or groups, operational requirements, etc.).

and

How did the institution manage the free speech complaint(s)? Was the complaint addressed using the procedures set out in the policy? How were issues resolved?

The University received one official free speech complaint between August 1, 2022 and July 31, 2023.

The University of Toronto Scarborough (UTSC) Muslim Students' Association (MSA) held an event in March 2023, called "Feminism vs. Red Pill: Two Conflicting Ideologies. What does Islam say?" Before the event took place, the UTSC Women and Trans Centre raised concerns about two of the participants invited to speak. The Assistant Dean in the Office of Student Experience and Wellbeing [OSEW] spoke to both parties, calling attention to the University's policies on free expression and related matters. The event proceeded as planned.

During the event, an individual associated with a student group called Project START (Sexual Trauma & Assault Resource Team) disrupted the proceedings. UTSC's Campus Safety office intervened with a warning, the disruptive individual left, and the event continued and concluded successfully.

After the event, the UTSC MSA made an official complaint to UTSC's OSEW and Office of Student Life. Members of those offices, along with UTSC's Vice Principal Academic & Dean, addressed the complaint. OSEW made the point that voices raised in opposition, even disruptive ones, are often a consequence of hosting controversial topics. The principles of free expression apply to all sides in a debate and, while disrupting an event violates both the spirit – and, in some places, the letter – of the University's policy framework, the policies in this case worked to protect all participants' speech while ensuring that the event could take place and conclude successfully. After further review, the disruptive individual was not sanctioned. The UTSC MSA was satisfied that the matter had been referred to the Vice-Principal, Academic & Dean for consideration. The UTSC MSA made no further application once the matter was settled.

The University of Toronto considers this episode to be a successful example of how the University's policy framework protects and promotes free expression on its campuses.

Section C: Summary Data

Please provide the following summary data for free-speech-related official complaints received by the institution:

Number of official complaints received under the free speech policy relating to curricular and non-curricular events.	1
Number of official complaints reviewed that did not proceed.	0
Number of official complaints where the institution determined that the free speech policy was not followed appropriately.	0
Number of official complaints under the free speech policy that resulted in the institution applying disciplinary or other institutional measures.	0
To your knowledge, were any free speech complaints forwarded to the Ontario Ombudsman?	No

To the best of your ability, please provide an estimate of the number of non-curricular events held at the institution either online or in person between August 1, 2022 and July 31, 2023. Non-curricular events include, for example, invited speakers, sporting events, rallies, student life/student affairs events, conferences, etc., as opposed to regular events held as part of an academic program or course.

The University of Toronto estimates that 20,000 non-curricular events were held at the University of Toronto (including all three campuses) between August 1, 2022 and July 31, 2023. The University does not track non-curricular online events.

Institutional Comments

From August 1, 2022 to July 31, 2023, the University of Toronto received one official free speech complaint, against a backdrop of some 20,000 events (an average of more than 50 events a day across seven colleges and 18 Faculties on three campuses). This result speaks first to the efficacy of the University's policy framework on freedom of expression. More importantly, it reflects the nature of a diverse academic community accustomed to encountering new and challenging ideas and beliefs – struggling with and learning from those encounters even when they prove disturbing, provocative, or offensive. Debates, unconstrained by preordained conclusions or fear of exclusion, are fundamental to the pursuit of truth, knowledge, and understanding. These are among the University's core values.

This is Exhibit “8” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)



UNIVERSITY OF TORONTO

University of Toronto
Governing Council

Statement on Equity, Diversity, and Excellence

December 14, 2006

To request an official copy of this policy, contact:

The Office of the Governing Council
Room 106, Simcoe Hall
27 King's College Circle
University of Toronto
Toronto, Ontario
M5S 1A1

Phone: 416-978-6576

Fax: 416-978-8182

E-mail: governing.council@utoronto.ca

Website: <http://www.governingcouncil.utoronto.ca/>

Statement on Equity, Diversity, and Excellence

The purposes of this statement are to express the University's values regarding equity and diversity, and relate these to the institution's unwavering commitment to excellence in the pursuit of our academic mission.

Equity and Human Rights

At the University of Toronto, we strive to be an equitable and inclusive community, rich with diversity, protecting the human rights of all persons, and based upon understanding and mutual respect for the dignity and worth of every person. We seek to ensure to the greatest extent possible that all students and employees enjoy the opportunity to participate as they see fit in the full range of activities that the University offers, and to achieve their full potential as members of the University community.

Our support for equity is grounded in an institution-wide commitment to achieving a working, teaching, and learning environment that is free of discrimination and harassment as defined in the *Ontario Human Rights Code*. In striving to become an equitable community, we will also work to eliminate, reduce or mitigate the adverse effects of any barriers to full participation in University life that we find, including physical, environmental, attitudinal, communication or technological.

Diversity and Inclusiveness

Our teaching, scholarship and other activities take place in the context of a highly diverse society. Reflecting this diversity in our own community is uniquely valuable to the University as it contributes to the diversification of ideas and perspectives and thereby enriches our scholarship, teaching and other activities. We will proactively seek to increase diversity among our community members, and it is our aim to have a student body and teaching and administrative staffs that mirror the diversity of the pool of potential qualified applicants for those positions.

Excellence

We 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. An equitable and inclusive working and learning environment creates the conditions for our diverse staff and student body to maximize their creativity and their contributions, thereby supporting excellence in all dimensions of the institution.

Excellence at the University of Toronto is predicated on core freedoms that are at the heart of every university's mission --- freedom of speech and expression, academic freedom and freedom of research.

Responsibility

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.

The University is committed to its internal policies on issues related to equity, and also operates in compliance with all legislation that bears on equity and human rights.¹

¹The applicable policies and legislation include: Statement of Institutional Purpose, Code of Behaviour on Academic Matters, Policies and Procedures: Sexual Harrassment, Employment Equity Policy, Statement of Commitment Regarding Persons with Disabilities, Statement on Protection of Freedom of Speech, the Ontario Human Rights Code, and any current or future guideline or procedure dealing with equity issues. Links to websites for the existing documents are listen in an Appendix to this Statement.

Appendix

Statement of Institutional Purpose:

<https://governingcouncil.utoronto.ca/secretariat/policies/institutional-purpose-statement-october-15-1992>

Code of Behaviour on Academic Matters:

<https://governingcouncil.utoronto.ca/secretariat/policies/code-behaviour-academic-matters-july-1-2019>

Policies and Procedures: Sexual Harassment:

<https://governingcouncil.utoronto.ca/secretariat/policies/sexual-harassment-policy-and-procedures-november-25-1997>

Employment Equity Policy:

<https://governingcouncil.utoronto.ca/secretariat/policies/employment-equity-policy-march-28-1991>

Statement of Commitment Regarding Persons with Disabilities:

<https://governingcouncil.utoronto.ca/secretariat/policies/disabilities-statement-commitment-regarding-persons-november-1-2004>

Statement on Protection of Freedom of Speech:

<https://governingcouncil.utoronto.ca/secretariat/policies/freedom-speech-statement-protection-may-28-1992>

Ontario *Human Rights Code*:

http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/90h19_e.htm

This is Exhibit "9" referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)



UNIVERSITY OF TORONTO

University of Toronto
Governing Council

Policy on Open, Accessible and Democratic Autonomous Student Organizations

Approved June 23, 2016

Effective July 1, 2016

To request an official copy of this policy, contact:

The Office of the Governing Council
Room 106, Simcoe Hall
27 King's College Circle
University of Toronto
Toronto, Ontario
M5S 1A1

Phone: 416-978-6576
Fax: 416-978-8182
E-mail: governing.council@utoronto.ca
Website: <http://governingcouncil.utoronto.ca>

Policy on Open, Accessible and Democratic Autonomous Student Organizations

Preamble

The University of Toronto has long held that Student Societies and recognized Campus Groups are autonomous organizations. Students' membership in Student Societies is automatically determined by registration and the University collects a compulsory non-academic fee from them on behalf of their societies. Student Societies are required under the *Policy for Compulsory Non-Academic Incidental Fees* to operate in an "open, accessible and democratic" manner. The *Policy on the Recognition of Campus Groups* sets out the principles for recognition of Campus Groups entitled to use the name "University of Toronto" as well as the responsibilities of those groups in attaining and maintaining that recognition, including principles that encompass openness, transparency and democracy. This *Policy on Open, Accessible and Democratic Autonomous Student Organizations* is intended to provide guidance on what constitutes "open, accessible and democratic" in relation to both Student Societies and Campus Groups, (for the purpose of this Policy, together referred to as "Student Organizations"); and to assist in the resolution of disputes within and among Student Societies.

Purpose

The *Policy on Open, Accessible and Democratic Autonomous Student Organizations* ("this Policy") is in response to student requests for greater clarity on the terms "open, accessible and democratic", as used in the *Policy for Compulsory Non-Academic Incidental Fees* and the creation of an effective dispute resolution mechanism for members of a Student Society when it is asserted that a complaint has not been satisfactorily resolved by the Student Society. Complaints can include a broad range of concerns from individual members regarding the operations of Student Societies, elections, as well as issues between Student Societies. The *Policy for Compulsory Non-Academic Incidental Fees* shall continue to apply, including its Procedures to Address Allegations of Irregularities. Societies themselves have the internal structures and skills to resolve complaints made by their members. However, a process is required to respond to certain complaints that cannot be resolved at the society level and which can inform the decisions of the Vice-President and Provost in carrying out responsibilities under the *Policy for Compulsory Non-Academic Incidental Fees* which may lead to a decision to withhold fees.

This Policy includes two sections. *Section A* describes principles which are indicative of open, accessible and democratic functioning of Student Organizations and applies to all such organizations at the University of Toronto. For the purposes of *this Policy*, "Student Organization" shall mean any group

approved under the auspices of the *Policy on the Recognition of Campus Groups*¹ and any group for which the University collects fees under the *Policy for Compulsory Non-Academic Incidental Fees*².

Section B outlines a complaint and resolution mechanism for complaints involving Student Societies. The definition of “Student Society” used in *this Policy* shall be the same definition used in the *Policy for Compulsory Non-Academic Incidental Fees*. The principles of open, accessible and democratic functioning, outlined in *Section A*, shall inform and guide the complaint and resolution process outlined in *Section B*.

This Policy is intended to work in concert with the *Policy on the Recognition of Campus Groups* and the *Policy for Compulsory Non-Academic Incidental Fees*.

Policy

The University of Toronto holds freedom of thought, inquiry and speech as among its highest ideals, and such freedoms apply to its student body. The University affirms the value of autonomous Student Organizations operating independently and without interference from the University in their day-to-day operations. However, autonomy must be exercised in a manner that is compliant with the law and University policy. Further, all Student Organizations must conduct themselves in an open, accessible and democratic manner.

A. Open, Accessible and Democratic

This section applies to Student Societies as defined by the *Policy for Compulsory Non-Academic Incidental Fees* and Campus Groups as defined by the *Policy for the Recognition of Campus Groups*.

Openness, accessibility and democracy are broadly accepted ideals applicable to many community- based organizations. There is no single definition of what constitutes an open organization, an accessible one, or a democratic one. The terms are inter-related, take on meaning depending on the context, and may vary by the size, scope and mandate of an organization. They may evolve as organizations and the expectations of their members change. For a Student Organization to be considered open, accessible and democratic, the following attributes tend to apply.

The criteria listed below are not absolute, since they are meant to describe general standards in accordance with which Student Organizations, ranging in size and budget from very small to the very

¹ Campus Groups are voluntary organizations formed by members of the University community. See: *Policy on the Recognition of Campus Groups*, Revised May 25, 1993

² “A Student Society is an organization on whose behalf the University collects a compulsory non-academic incidental fee, 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. In the case of a residence student society, membership is determined by residency in a particular University residence.” *Policy for Compulsory Non-Academic Incidental Fees*, September 23, 2003

largest, should act. *This Policy* acknowledges that unique, autonomous organizations will choose various means to act in an open, accessible and democratic way, and that differences in the application of these principles are to be expected.

Open Student Organizations are characterized by many of the following:

- Widely-available information on the organization's operations, membership, and mandate
- Transparency about rules of operations
- Willingness to freely share information about the organization with members
- Clear and transparent membership criteria
- Commitment to ensuring that meetings, events and activities of the organization are communicated to the membership in such a way that members are able to participate fully in such meetings, events and activities
- Commitment to ensuring that members' voices and perspectives whether expressed individually or by a group, can be heard and, if appropriate, acted upon

Accessible Student Organizations are characterized by many of the following:

- Willingness and desire to integrate new members into the group
- In the case of voluntary groups, an environment that seeks out and welcomes new members, with clearly articulated and publicly available criteria regarding how to join
- Commitment to encourage and facilitate participation in the full scope of the organization's activities
- Transparency about what the activities are
- Openness to scrutiny
- Commitment to diversity and equity
- Commitment to clarity in communications
- Commitment to allowing a diversity of perspectives to be heard
- Fair processes for members to initiate change

Democratic Student Organizations are characterized by many of the following:

- Openness to the participation of members in all activities
- Effective and clearly identified channels of communication between members and the executive
- Transparency and accountability to the membership, especially in budgeting and expenditures
- Transparent management
- Commitment to consider and respect the range of members' views whether majority or minority in nature
- Ensuring that those affected by decisions have a voice in processes leading to decisions
- Ways for dissent, and for complaints, to be considered and resolved, and, where appropriate, processed at successively higher levels within the organization
- Ability of all members to stand for executive positions
- Impartial and fair elections processes that allow members to participate easily as both voters and candidates, including the provision of an arms-length Chief Returning Officer for elections

B. Complaint and Resolution Process

The complaint and resolution process shall only apply to Student Societies as defined by *the Policy for Compulsory Non-Academic Incidental Fees*.

A dispute resolution process, including a review or appeal of disputes can assist in maintaining the elements of openness, accessibility and democracy within an organization. Part of openness, accessibility and democracy is to have good internal processes that deal effectively and fairly with disputes and complaints, and to ensure that these are well understood and open in a fair and reasonable way to all who are affected. On occasion, a dispute may not be resolved internally and a process of review or appeal that goes beyond the specific Student Society may be required for resolution to be achieved.

Therefore, there is a requirement for a University-wide complaint and resolution process applicable to Student Societies.

The society's internal complaint and resolution process, referred to in the *Policy for Compulsory Non-Academic Incidental Fees*, must be exhausted before proceeding to the Complaint and Resolution Process outlined in *this Policy*. Further, the University acknowledges that the societies themselves have a role in the establishment of a complaint and resolution process when disputes are between societies. Therefore, where agreements between Student Societies include a complaints resolution mechanism for inter-Student Society disputes, such mechanism should first be exhausted before the matter is reviewed by the *University Complaint and Resolution Council for Student Societies*.

University Complaint and Resolution Council for Student Societies (CRCSS)

The *CRCSS* will be established with jurisdiction and authority to consider complaints that a Student Society is not operating in an open, accessible and democratic fashion and/or following the terms of its constitution.

B.I. CRCSS Procedures

1. The complainant shall outline the nature of the complaint and confirm that the society's complaint procedure has been exhausted, in writing to the Chair.
2. The Chair shall confirm that the society's own internal complaint mechanism has been exhausted before a complaint may be referred to the *CRCSS*.
3. Where an agreement between two or more Student Societies contains a mechanism for resolution of disputes among them, such complaint mechanism must be exhausted before such a complaint may be referred to the *CRCSS*.
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* 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.

6. The responding society will be provided with a copy of the complaint and will have an opportunity to submit a written response to the allegations in the complaint to the *CRCSS*.
7. The *CRCSS* Panel shall review the information provided, request additional information and/or conduct interviews.
8. The *CRCSS* Panel shall determine the outcome based on the information gathered. The deliberations of the *CRCSS* Panel will be conducted in private and will be confidential.
9. The complaint shall be considered by the *CRCSS* Panel in a timely manner.
10. The *CRCSS* Panel may consider, but is not bound by, previous decisions.
11. The *CRCSS* Panel will make its recommendations in writing with reasons which will be provided to the complainant, the responding society, and to the Vice-President and Provost.

B.II. *CRCSS* Chair

The *CRCSS* Chair will be a University of Toronto faculty, staff or alumni member appointed by the University Affairs Board on the recommendation of the University Affairs Board Striking Committee with experience in dispute resolution.

The Chair of the *CRCSS* shall be appointed for a term of two years and may be re-appointed. The term shall begin on July 1.

B.III. *CRCSS* Panel

1. The *CRCSS* Panel will be determined on a complaint-by-complaint basis. The Panel will be composed of five (5) voting members, including the *CRCSS* Chair and four (4) students. One (1) non-voting member will also be appointed by the Vice-President and Provost to provide secretariat support and advice on relevant University policies and procedures.
2. The *CRCSS* Panel student members will be drawn from a pool of students consisting of an appointee from each Student Society. The student appointees will act independently and possess skills to assess the merits of the appeals in an unbiased fashion. Student appointees must be registered in a program leading to a University of Toronto degree and may not be an Executive of a Student Society or a staff member of a Student Society.
3. The names and contact information for student appointees to the *CRCSS* pool of students shall be provided to the Office of the Vice-President and Provost by June 1st of each year. Student appointees shall be appointed for a one year term and may be re-appointed. Appointments shall begin on July 1.
4. Selection of Panel

The Chair will select the students for each Panel. No student will be selected for the Panel who was appointed to the pool by the society against which the complaint is directed. The Panel will include one (1) student appointee of a Representative Student Committee, and

three (3) additional student appointees. The Chair will consider the type of complaint; and the size, location, constituency and type of organization when selecting the members.

- a. The *CRCSS* Panel shall avoid any conflict of interest or reasonable apprehension of bias and ensure that none of its members considering a complaint has any significant direct prior or present involvement in the issue that is the subject matter of the complaint being considered.
- b. Members of the *CRCSS* Panel shall disclose any conflicts of interest in advance of considering any complaint.
- c. Should the Student Societies fail to provide appointees for the pool, and consequently there are not sufficient student appointees to fulfill the requirements for student members of a panel as set out above, the Chair may appoint current or former student members of the University Affairs Board and/or Campus Affairs Committees to the panel.

B.IV. *CRCSS* Panel Decisions

1. Wherever possible and appropriate, the *CRCSS* Panel, *by a majority and with the Chair's agreement*, will consider informal resolution including mediation.
2. Should the *CRCSS* Panel be unable to come to a decision by consensus, the decision shall be made by a simple majority.
3. The *CRCSS* Panel has the power, in its discretion, to determine that no further action is required; to pursue informal resolution among the parties; to issue a reprimand where it determines that a Student Society has not operated in an open, accessible and democratic fashion or followed its constitution; to recommend to a society that changes to its by-laws, constitution, or operational processes be made; to recommend that actions be taken by the Student Society to enhance openness, accessibility and democratic operation; and/or to recommend to the Vice-President and Provost that fees be withheld pursuant to the *Policy for Compulsory Non-Academic Incidental Fees*. The authority to withhold fees remains the Vice-President and Provost's.
4. Summaries of the *CRCSS* Panel's decisions will be posted on-line. Copies of the decisions and related materials will be maintained by the Office of the Vice-Provost, Students.

The Vice-President and Provost will consider the recommendations of the *CRCSS* Panel in the determination of whether or not to withhold fees. However, should there be a compelling reason to do so, the Vice-President and Provost may take immediate action under the *Policy for Compulsory Non-Academic Incidental Fees* without the recommendation of the *CRCSS*.

Approved by the Governing Council on June 23, 2016.

Effective July 1, 2016.

Glossary

Student Society: As defined in the *Policy for Compulsory Non-Academic Incidental Fees*, an organization for which membership is compulsory, and based on registration and status. The University collects compulsory fees from the members on the society's behalf.

Relevant Policy: *Policy for Compulsory Non-Academic Incidental Fees, September 23, 2003*

A Student Society is an organization on whose behalf the University collects a compulsory non-academic incidental fee, 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. In the case of a residence Student Society, membership is determined by residency in a particular University residence.

Representative Student Committees: Student Societies with special status, derived from the authority that exists in the *University of Toronto Act* for the University to recognize a representative committee of the students, to act as the voice of the students in dealing with the University.

Currently there are four (4) representative student committees: Students' Administrative Council acting as the University of Toronto Students' Union (UTSU), Association of Part-time Students (APUS), Scarborough Students' Union (SCSU), and University of Toronto Graduate Students' Union (UTGSU).

Relevant Policy: 1947 University of Toronto Act, Section 34 (1):

The Board may make provision for enabling the students of the University, University College and the federated universities and federated colleges to appoint a representative committee of themselves to be chosen in such manner as shall be approved by the Board, which shall be the recognized official medium of communication on behalf of such students between them and the Board.

Campus Groups: Voluntary organizations formed by members of the University community. Membership in campus groups is open to all members of the University community.

Relevant Policy: *Policy on the Recognition of Campus Groups, Revised May 25, 1993*

Student Organizations: For the purposes of *this Policy*, "Student Organization" refers to Student Societies and Campus Groups as defined above.

Relevant Policies: *Policy on the Recognition of Campus Groups* and the *Policy for Compulsory Non-Academic Incidental Fees*.

This is Exhibit “10” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)



Frequently Asked Questions (FAQ)

The answers to these frequently asked questions draw on the University's Policies, Statements, and best practises. You can **click on the questions below to view responses**. We hope these responses offer approachable, easy-to-understand answers to what are sometimes complex questions. Nevertheless, it is important to emphasize that these FAQs are not intended to replace or reinterpret the University's Policies and Statements. For a rigorous, comprehensive treatment of these issues, it will be important to refer back to the original Policies and Statements themselves.

What is free speech?

Academic freedom, freedom of speech and freedom of association are among the most important values held in the University of Toronto. The University's *Statement on Freedom of Speech* (1992) defines freedom of speech and expression as "the right to examine, question, investigate, speculate, and comment on any issue without reference to prescribed doctrine, as well as the right to criticize the University and society at large."

The *Statement* continues: "The right to free speech extends to individuals cooperating in groups. All members [of the University community] have the freedom to communicate in any reasonable way, to hold and advertise meetings, to debate and to engage in peaceful assemblies and demonstrations, to organize groups for any lawful activities and to make

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reasonable use of University facilities, in accordance with its policies as they are defined from time to time and subject to the University's rights and responsibilities.”

In the University's policies and statements, and throughout this website, “freedom of speech” and “freedom of expression” are used interchangeably.

Why is freedom of expression important?

Freedom of expression is vital at an institution like the University of Toronto. Debates, unconstrained by preordained conclusions or threats of exclusion, are fundamental to the pursuit of truth, knowledge, and understanding. As our *Statement on Free Speech*

(<http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+A+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.

Outstanding research, scholarship, teaching, learning, and innovation thrive only by examining and testing a variety of ideas, discarding those that fail and improving those that work. The interaction and competition among new or unfamiliar ideas, perspectives, and beliefs stretch our understanding and knowledge, sparking breakthroughs in fields from art and architecture to physics and philosophy.

Are there limits to free speech at the University of Toronto?

Yes. Canadian laws – including the *Criminal Code of Canada* and the *Ontario Human Rights Code* – not the University of Toronto, set legal boundaries on speech. Various statutes of Canada and Ontario, as well as the common law, place limitations on some forms of speech. This is true whether the speaker is on a street corner or a campus corner.

The University's *Statement on Freedom of Speech* describes how the university might limit or guide the right to free speech, for example, when speech is used as a direct attack to prevent the lawful exercise of speech by other University members or invited guests, or to interfere with the conduct of authorized University business. The purpose of the University depends upon an environment of tolerance and mutual respect. Every member should be able to work, live, teach and learn in a University free from discrimination and harassment. 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, gender identity, gender expression, age, marital status, or disability.

Nevertheless, particularly in cases of dispute and controversy, as the *Statement* says, “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. ... [T]he values of mutual respect and civility may, on occasion, be superseded by the need to protect lawful freedom of speech.” “However,” the statement continues, “members should not weigh lightly the shock, hurt, anger or even the silencing effect that may be caused by use of such speech.”

I have read that the right to free speech imposes accompanying responsibilities. What does this mean?

All members of our community are bound by Canadian and provincial law. There is also a more general sense in which the right to free speech imposes accompanying responsibilities: freedom of speech can function effectively only when it comes with the responsibility to respect the rights of others to free speech. Shouting down or silencing others suppresses speech and so stands in opposition to the principles of free expression. Standards of respect, decency, and inclusion are not in tension with academic freedoms. On the contrary, they ground and support such freedoms.

There is another sense in which the rights of free speech, freedom of research, and academic freedom entail certain responsibilities. Particularly on university campuses and at other institutions of research and education, academic and related freedoms depend upon the related notion of *academic responsibility*. Universities Canada (<https://www.univcan.ca/media-room/media-releases/statement-on-academic-freedom/>) suggests:

Evidence and truth are the guiding principles for universities and the community of scholars that make up their faculty and students. Thus, academic freedom must be based on reasoned discourse, rigorous extensive research and scholarship, and peer review.

Standards of academic rigour are set and assessed at the collegial level, among those members of our community who have expertise in a particular discipline – first and foremost, the faculty members, scholars, and students engaged in the relevant discipline. This is the essence of peer review and a cornerstone of modern scholarship. Whether a particular statement meets standards of academic rigour should be determined by an academic's peers and not an institution's administration.

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Is the right to free speech at odds with the principles of equity, diversity, and inclusion?

As the University's statements have noted over the years, the right to free speech occasionally comes into tension with other fundamental values. But 'tension' does not mean 'opposition'. As the University's statements have also noted over the years, the principles of equity, diversity, and inclusion are not obstacles to free speech and the pursuit of truth. On the contrary, the University has argued that these principles, along with respect and civility, operate in concert with free expression to foster excellence. An important foundation for the University of Toronto's widely celebrated excellence is our academic community's remarkable diversity – ethnic, racial, cultural, linguistic, religious, socio-economic, and intellectual. The interaction and competition among so many different ideas stretch and test our beliefs and spark new insights, leading to discovery, understanding, and advances in the human condition.

In this context, it is useful to remember why free expression is so important, especially at an institution like the University of Toronto. Debates are fundamental to the pursuit of knowledge, and social, artistic, scientific, and political progress. Outstanding scholarship, teaching, and learning thrive only by examining a variety of ideas, discarding those that fail and improving those that work. The free expression and exchange of a multiplicity of diverse ideas is a vital condition for the University's success. As our *Statement of Institutional Purpose*

(<http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+A> notes, rights of freedom of speech, academic freedom and freedom of research “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.”

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Yet, while every member of our academic community enjoys the same rights to free expression, there are times when not every member of our academic community feels equally able to act on those rights. In this regard, the lived experience of individuals in our community is especially meaningful. Some groups have felt marginalized, oppressed, sidelined, intimidated, or targeted with malicious, cruel, or stigmatizing speech. Our *Statement on Free Speech* (<http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+A>) warns: ‘members should not weigh lightly the shock, hurt, anger or even the silencing effect that may be caused by use of such speech.’

Weighing one’s speech is thus not simply a moral consideration; it is also part of our collective recognition that excellence is achieved together. Speech or acts that diminish an individual or a particular group diminish us all, by subverting the contest of ideas at the heart of the University’s mission. The University’s policies make clear that we must support and encourage free expression, particularly in those quarters where such expression may be more difficult, by providing opportunities for all members of our community to express themselves, engage with each other, and respect our differences.

Can the University cancel an event on one of its campuses if the administration or members of the University community disagree with opinions being expressed at the event?

No. Part of the role the University plays in our society is to provide a venue for discourse and debate. The University’s *Statement of Free Speech* (<http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+A>) is clear: “To achieve this purpose, all members of the University must have as a prerequisite freedom of speech and expression, which means the right to examine, question, investigate, speculate, and comment on any issue

without reference to prescribed doctrine, as well as the right to criticize the University and society at large.” Disagreeing with points of view, often strenuously, is common on university campuses.

Furthermore, the University’s *Policy on the Temporary use of Space* (<http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+A> notes:

The lands and buildings of the University of Toronto are private property. The University reserves the right to control access to its campuses, and to the use of its space and facilities. All users of University space are required to comply with all applicable University policies, federal and provincial statutes and municipal by-laws relating to private property, the rights of individuals and the University.

Any use of University space must abide by principles that reflect the University’s purpose, mission and values. One core value is a commitment to freedom of expression and open dialogue. Another value upholds the importance of respect and civility, even — especially — on those issues on which strong opinions are held. Without such an environment, free expression becomes increasingly difficult, debates degenerate, and intellectual advances are held hostage by those who can yell the loudest or intimidate most effectively.

Our community’s physical safety is an over-riding imperative when controversy arises and debates become heated. While the University has — extremely rarely — denied, cancelled, or rescheduled bookings, the bar to do so is set very high and has nothing to do with whether the administration agrees or disagrees with the event’s proposed content. In such cases, the boundaries set by legislation and the physical safety of our community are the institution’s motivating considerations. The University does not permit

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actions by any groups that cause (or are assessed to have the reasonable potential to cause) threats to the physical safety of members of the University community.

Where can I find the University's relevant policies regarding freedom of expression?

The University's Policies and Statements that have been passed by the Governing Council can all be found on the Governing Council's website (<http://www.governingcouncil.utoronto.ca> (<http://www.governingcouncil.utoronto.ca>)). This website, under the *Policies and Statements* (<https://freespeech.utoronto.ca/policies-and-statements/>) tab, also collects together a number of the University's relevant policies and statements regarding freedom of expression.

If an event occurs on one of the University's campuses, does that mean the administration endorses what is said at the event?

No. Community leaders, alumni, and occasionally our current faculty, students and staff sometimes conclude that events being held on campus are endorsed or arranged by the University administration. This is incorrect. Many events on our campuses are hosted by internal or external groups having first arranged space rental or booking with the relevant facility in the usual fashion. The University itself does not sponsor, organize, or endorse events arranged by internal or external groups.

The University itself does not hold opinions on social, scientific, political or other issues apart from those directly pertaining to higher education and academic research. The University's faculty, staff, students, and alumni may hold such opinions. The role of the University's administration is not to adjudicate among different opinions or judgements. Rather, the administration's role is to help realize the mission of the University, and foster open inquiry in its many forms.

What authority does the University have over groups that are not affiliated with the University? Can such groups host events on the University's campuses?

With respect to the assignment of space, the University's first priority must be for room bookings that contribute directly to our academic mission of teaching and scholarship. At the same time, the University of Toronto plays a role in the community by opening our auditoria and rooms on occasion to external groups on appropriate terms in accordance with University policy and procedure. External groups are expected at least to cover the costs associated with the room booking, such that they are not being subsidized by student fees. The University itself does not sponsor, organize, or endorse events arranged by external or internal groups.

What is the University doing to protect those members of its community who feel threatened by what they consider hateful, harassing, or threatening speech?

If a member of our community believes that another member's speech compromises or threatens their personal safety, they may bring these concerns to their Dean's Office, Equity Offices, or Community Safety Office. All such concerns would be closely examined, with respect to fairness and due process.

In urgent or acute cases, members of our community should contact Campus Police:

On St. George

- Urgent: 416-978-2222
- Dispatch: 416-978-2323
- <http://campuspolice.utoronto.ca> (<http://campuspolice.utoronto.ca>)

At UTM

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- Urgent: 911
- Dispatch: 905-569-4333
- <https://www.utm.utoronto.ca/campus-police/campus-police-services>
(<https://www.utm.utoronto.ca/campus-police/campus-police-services>)

At UTSC

- Urgent: 416-978-2222
- Dispatch: 416-287-7398
- <http://www.utsc.utoronto.ca/police/welcome>
(<http://www.utsc.utoronto.ca/police/welcome>)

Moreover, U of T has policies and procedures that address discrimination, workplace harassment, and health and safety concerns. We also have a variety of safety programs to support students, faculty and staff, including those offered by the Community Safety Office

(<http://www.communitysafety.utoronto.ca/cso-home.htm>), the Sexual Violence Prevention and Support Centre

(<https://www.thesvpcentre.utoronto.ca>), and the Campus Police on each campus. Any member of our community who feels physically unsafe or threatened is encouraged to seek out these resources.

Can I protest an event?

Peaceful protests are a form of free expression, provided they do not disrupt an event or threaten the security or safety of participants. The University is guided by a commitment to the right of University members to communicate and to discuss and explore all ideas, and to engage in peaceful demonstrations. Indeed, peaceful protest has been a force for progressive change at the University, as it has elsewhere, for generations.

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The Government of Ontario recently issued a guidance on free speech at colleges and universities (<https://news.ontario.ca/opo/en/2018/08/upholding-free-speech-on-ontarios-university-and-college-campuses.html>). Is U of T in compliance?

The Ontario Government's recent guidance on free speech (<https://news.ontario.ca/opo/en/2018/08/upholding-free-speech-on-ontarios-university-and-college-campuses.html>) "requires every publicly assisted college and university to develop and publicly post its own free speech policy by January 1, 2019 that meets a minimum standard specified by the government."

The University of Toronto's policy framework covering freedom of speech, freedom of research, academic freedom and related matters is fully consistent with the Government's guidance. It includes: a definition of free speech; a commitment to the principles of free expression; respect for the laws of Canada and Ontario; a requirement that student and other groups, like all members of the University community, comply with the University's policies; and confirmation of disciplinary and complaint mechanisms that exist at the University for students, staff, faculty, and other members of the community. The University has been asked by the provincial government to encourage its officially recognized student societies to align their various policies with the relevant aspects of the University's free speech policy environment, as detailed in this website.

U of T Home (<http://utoronto.ca>)

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This is Exhibit “11” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)



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UNIVERSITY OF
TORONTO

People Strategy,
Equity & Culture

May 28, 2024

Delivered by Email

Eriks Bredovskis
President, CUPE Local 3902
Email: president@cupe3902.org

Wayne Dealy
Executive Director, CUPE Local 3902
Email: ed@cupe3902.org

Dear Eriks and Wayne:

I am writing to follow up on the meeting that you asked Professor Kelly Hannah-Moffat, Vice-President, PSEC, to attend with you on Friday, May 24, 2024, at 11:45 a.m., which I also attended via Teams.

At that meeting, Professor Hannah-Moffat and I were advised that the CUPE 3902 Executive had met to authorize and/or arrange a "special membership meeting" in order to conduct a vote on commencing and engaging in strike activity in the event that steps were taken by law enforcement in relation to the ongoing encampment on King's College Circle. It was described as a vote to obtain a "strike mandate".

The message that was delivered during that meeting, on behalf of CUPE 3902, amounted to a threat to call or authorize, or to counsel, procure, support or encourage, what would plainly be an unlawful strike. Such a message, in and of itself, is unlawful under the relevant provisions of the collective agreements between the University and CUPE Local 3902 (Units 1, 3, 5, 6 and 7 – collectively, the "Collective Agreements") and Ontario's *Labour Relations Act, 1995* (the "Act").

It is my understanding that the CUPE 3902 Executive intends to hold the special membership meeting at some point over the next few days or week. Accordingly, ahead of that meeting, I am writing to ensure that you understand the University of Toronto's position and the significance of CUPE 3902's decision in this regard.

Each of the Collective Agreements contains "no strike" provisions, pursuant to which CUPE 3902 and its Executive, as well as the employees who are represented CUPE 3902, have expressly undertaken that there will be no strike, as that term is defined in the Act, during the term of the Collective Agreements. The Act defines the term "strike" as follows:

... "strike" includes a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or limit output...

Unlawful strikes are prohibited by both the "no strike" provisions of the Collective Agreements and the applicable sections of the Act. In this regard, the Act specifically provides that:

LABOUR RELATIONS

439 University Avenue, Toronto, ON M5G 1Y8 Canada
Tel + 1 416-978-6503 | labour.relations@utoronto.ca | www.people.utoronto.ca



- it is unlawful where a collective agreement is in operation for employees bound by the agreement to strike;
- it is unlawful for any employee to threaten an unlawful strike;
- it is unlawful for any trade union to call or authorize or threaten to call or authorize an unlawful strike and that it is unlawful for any officer, official or agent of a trade union to counsel, procure, support or encourage an unlawful strike or to threaten an unlawful strike; and
- it is unlawful for any person to do any act if the person knows or ought reasonably to know that, as a probable and reasonable consequence of the act, another person or persons will engage in an unlawful strike.

CUPE 3902, the members of the CUPE 3902 Executive, and any employees who engage in unlawful strike activity, may be liable for breaching the Act and the Collective Agreements, including damages, fines and/or other sanctions related thereto. Further, employees engaging in any activities related to threatening and/or engaging in unlawful strike activity may also face disciplinary consequences, up to and including termination of employment for cause.

This letter will serve as notice to the CUPE 3902 Executive of the following:

- The CUPE 3902 Executive has engaged in unfair labour practices in connection with calling or authorizing, or threatening to call or authorize, an unlawful strike and/or counseling, procuring, supporting or encouraging an unlawful strike. The CUPE 3902 Executive should immediately take all necessary steps to ensure that no member of the CUPE 3902 Executive and no employees represented by CUPE 3902 take any further steps or actions of any nature or kind whatsoever in any way related to potential or actual unlawful strike activity, including without limiting the generality of the forgoing, scheduling, facilitating and/or conducting any kind of strike vote by employees represented by CUPE 3902.
- If the members of the CUPE 3902 Executive fail to immediately take all necessary steps in this regard, as noted above, the University will hold all members of the Executive, individually and collectively, as well as CUPE 3902, liable for further and continuing unlawful conduct and any costs or damages related thereto.
- If the members of CUPE 3902 or its Executive continue to engage in unlawful conduct related to calling or authorizing, or threatening to call or authorize, an unlawful strike and/or counselling, procuring, supporting or encouraging an unlawful strike or a threatened unlawful strike, the University will consider pursuing any and all legal remedies available to it under the Collective Agreements, the Act or any other forum, including with respect to individual members.

I urge CUPE 3902 to reconsider its plans in this regard, and to act in a manner that is both lawful and consistent with its longstanding, constructive and productive working relationship with the University.

Sincerely,

Alex Brat
Senior Executive Director, Labour Relations
University of Toronto

This is Exhibit “12” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

121

Archived: Friday, May 31, 2024 11:35:06 AM

From: [VProvost Students](#)

Sent: Wed, 29 May 2024 12:01:03

To: students.uoft.protest@gmail.com

Subject: Meeting today

Importance: Normal

Sensitivity: None

Attachments:

[May 29 Cover letter.pdf](#) [Proposed Final Agreement 830pm May 26.docx](#)

Dear U of T Occupy for Palestine,

We want to continue our fruitful discussions. In order to structure our conversations, we reattach our proposal from Sunday night and offer additional commentary in a separate letter. We include this commentary to outline the ways in which the University would be able to substantially move to meet your demands.

As discussed on Monday, we confirm meeting today at 12 noon in Myhal and are eager to continue to engage in conversation.

Kelly, Sandy and Markus

From: VProvost Students <vp.students@utoronto.ca>

Sent: Tuesday, May 28, 2024 1:21 PM

To: students.uoft.protest@gmail.com <students.uoft.protest@gmail.com>

Subject: Meeting Tomorrow

Dear U of T Occupy for Palestine

Thanks for another productive discussion yesterday. Please confirm that tomorrow at 12pm still works for you. We look forward to continuing our dialogue and receiving your new written proposal. We will send the room information tomorrow.

Kelly, Markus and Sandy

This is Exhibit “13” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

May 29, 2024

Dear U of T Occupy for Palestine,

To assist us in having productive discussions, we are re-sending our proposal from Sunday night and offer the additional commentary below.

We want to emphasize that we respect your activism and your commitment. Relating to the issues you raised, we have responded with creative efforts to address your concerns while staying true to the University's core values. We believe that our proposal is strong and that your agreement to it will lead to significant and meaningful change.

The principles of academic freedom and free expression, which must include making space in our community for a diversity of viewpoints, are values that cannot be compromised. Likewise, a process with a predetermined outcome, especially one that would lead to major changes, is at odds with the key principles of open and free enquiry as well as deliberation and consultation with multiple stakeholders, which are foundational for the University.

Disclosure

Given there is no Governing Council policy that directly speaks to this issue, we have indicated over the course of our discussions that there is flexibility in this area. Therefore, we have proposed:

- Immediate identification of direct investments in any companies that provide or produce military goods and services, and disclosure of those direct investments on the UTAM website, and
- The immediate formation of an expert working group to make recommendations on an expedited timeline for enabling the University to increase transparency in the reporting of its investments (direct and indirect).

Divestment

The Governing Council *Policy on Social and Political Issues with Respect to University Divestment* mandates the process required for divestment at the University of Toronto. In particular, the Policy outlines the need for a full and transparent process to give the entire U of T community a voice in such important decisions, not just those with a particular viewpoint. As the Policy states, "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."

While we cannot commit ahead of time to divesting from any particular country or industry, we have proposed to you that the University undertake a full, fair, genuine, and transparent process that allows your group to share its position as part of the process, and that we will expedite steps wherever we can. More specifically, in response to your advocacy and our good-faith discussion, we have proposed to:

- Compress the timeline substantially in light of the urgency that you have so passionately described;
- Provide your group with administrative help to develop the required brief, including advice and clarifications about the required and recommended content (based in large part on the material you have already developed in relation to your demands and accompanying report); and
- Invite nominations and submissions from your group.

The Policy states that individuals appointed to the advisory committee must not have a conflict of interest, a concept that we have discussed in our meetings. In the governance context, this is necessary to ensure that advisory committee members uphold a fiduciary duty to the University, minimizing potential bias stemming from any personal positions that might be predetermined or inflexible with regard to the particular matter under consideration (as well as not receiving any personal gain from the outcome). This would apply to people of *all* viewpoints being considered.

We acknowledge your concern about the President having some discretion throughout the divestment process. As we have discussed, this discretion is not unfettered. All officers of the University are bound by the institution's stated principles and policies, as well as the oversight of the Governing Council (which includes elected student governors). More specifically, the Policy itself sets out the principles on which any decision must be based. This is why transparency and community consultation are so important in considering an important institutional decision such as divestment. There are individuals in our community who bring different perspectives on this issue, and their voices must also be heard for the outcome – including any exercise of Presidential discretion – to be legitimate.

What we have written above and shared in our meetings is the University's established position. There is nothing further we can do on divestment that would sidestep the Policy and related process. We hope that you and your constituents will consider all the other gains you have made through our negotiations, so they will not be lost over this point.

International Partnerships

In addition to the President's April 8th letter to your group, which lays out the University's long-standing position on international partnerships, we want to return to a policy that your group drew to our attention for fruitful discussion. U of T's *Statement on Research Partnerships* notes that because of the importance the University attaches to academic freedom

“no policy or practice within the University limits research partnerships conducted within legal limits. If a research proposal passes the required reviews, the University does not and will not limit approved research based on its potential or actual applications.”

We have listened carefully to your arguments, including those about U of T's partnerships with specific universities in Israel. We have taken the forward-looking step of committing to review our institutional international partnerships through a new advisory committee, which would also review the policies that govern partnerships to ensure consistency with our values – foremost among them, academic freedom and the pursuit of knowledge.

We understand the tremendous toll that the current war in Gaza is having on Palestinian universities, scholars, students, and their families. In order to provide opportunities for more Palestinian scholars and students to engage with U of T, we shared with you the work that has already been undertaken to invest in a new Centre or Institute of Palestinian Studies, and we are pleased that the Dean of the Faculty of Arts & Science has been consulting on this. We are also in conversation with the Dean of the Temerty Faculty of Medicine about new partnerships between the Faculty and U of T's affiliated teaching hospitals in order to meet the needs of Palestinian children who desperately need medical attention.

Presidential Statement

As indicated in our meeting, President Gertler would be willing to either release a statement or include language in the preamble to our agreement that reflects the urgency of the current moment and war in Gaza. This language would reaffirm the University's values, policies, and ethical obligations, including environmental, social, and governance (ESG) principles and those of responsible investing. The statement would also reaffirm the President's concerns about the extraordinary suffering of the Palestinian people in the ongoing war between Israel and Hamas.

Right to Protest

We have taken seriously your points about preserving students' right to protest, and we were heartened to hear that your representatives do not necessarily endorse the blockades of University buildings featured on your Instagram account.

The University fully respects your fundamental right to protest, yet cannot support an encampment that excludes people from using a shared space on campus based on their political beliefs. Such activity is antithetical to a university environment, and is in fundamental contradiction to U of T's commitment to inclusivity and freedom of expression. Excluding members of the U of T community based on their views is also in violation of the 2018 provincial policy directive on free speech, which is the subject of required annual reporting by our institution.

We acknowledge that participating in the encampment has been a peaceful, positive and even transformative experience for some members of our community. We hope that you in turn acknowledge that other members experience the presence of the encampment, and their exclusion from King's College Circle, quite differently and negatively.

Your demands about divestment, disclosure, and international partnerships reflect important issues impacting our world. We acknowledge your activism, and we care deeply about our students' sense of wellbeing. We have not yet heard back from you, and we remain available for discussions today. We have confirmed the same meeting rooms at Myhal for noon. We remain committed to you, our students, and to finding a peaceful and lasting resolution to the encampment.

Sincerely,

Kelly, Sandy, Markus

May 26, 2024; 8:30pm

Proposed Final Agreement

Preamble

The University of Toronto affirms its commitment to academic freedom, human rights, and international cooperation.

The University:

1. Recognizes the profound loss of life and injury of innocent civilians because of the war, particularly among children in Gaza, who have been killed, injured, or displaced multiple times, and those children who were taken hostage and died or remain as prisoners.
2. Recognizes the physical destruction and closure of all the universities in Gaza as well as the hardship, displacement, and dislocation of Palestinian faculty and students; commits to providing enhanced support through the UofT Scholars at Risk program.
3. Affirms the importance of protecting academic freedom and academic opportunities for Palestinian scholars. The University will continue to work with academic units to create academic programming on Palestinian Studies with the goal of creating an interdisciplinary Centre or Institute and commits to further progress on the working group on anti-Palestinian discrimination.
4. Reaffirms the University's commitment to the principles contained in the International Co-operation Policy (1982), Procedures for the Human Rights Review on International Projects (1993), Statement on Research Partnerships (2007), and Policy on Social and Political Issues with Respect to University Divestment (2008), and reiterate that the University and its individual faculty, staff, and students are governed by these policies and principles.
5. Affirms that the University will continue to be a signatory to the United Nations-supported Principles of Responsible Investing, and will uphold these principles, which include human rights as part of the integration of environmental, social and governance considerations.
6. Affirms the principles of the Policy on Social and Political Issues with Respect to University Divestment, including a commitment to the Yale University concept of social injury and actions taken by the Canadian government or other national or international bodies.

Part A:

Subject to all participants in the encampment complying with the terms described below, the **University of Toronto:**

I. Divestment

The University

- A. Will immediately review and determine whether the University has any direct investments in any companies that provide military goods and services.
- B. Commits to engaging the Procedures under the Policy on Social and Political Issues with Respect to University Divestment as expeditiously as possible. The scope of the committee's work will be informed by the submitted Brief, within the principles and requirements of the Policy on Social and Political Issues with Respect to University Divestment.
 - a. Within 3 weeks of receipt of the Brief and Petition, the President will:
 - i. review the Brief and Petition to ensure they are properly constituted; and
 - ii. if properly constituted, prepare a list of proposed Advisory Committee members.
 1. Student representatives of U of T Occupy for Palestine may put forward individuals for consideration; such nominations must be accompanied by a summary of the qualifications of each individual to serve on the Advisory Committee, with reference to the Policy. The President will give the nominations due consideration but retains discretion regarding membership of the Advisory Committee to be brought forward to the Executive Committee of Governing Council.
 - b. The President's proposed list of Advisory Committee members will be reviewed at the next scheduled meeting of the Executive Committee following completion of items 3(a) and (b). If these items are not completed sufficiently in advance of the June 27, 2024 Executive Committee meeting, a request will be made to the Chair to call a Special Meeting of the Executive Committee at the earliest possible opportunity.
 - c. The Advisory Committee will be instructed to complete its work as expeditiously as possible, and by no later than October 31, 2024. This date may be extended if membership on the Advisory Committee is not approved before July 31, 2024.
 - d. Student representatives of U of T Occupy for Palestine will have the opportunity to make written or oral submissions to the Advisory Committee, in line with the University's normal practice. The Advisory Committee will also engage in further consultations with experts, members of the University community, and others, as it deems necessary.

- e. As part of their work, the Advisory Committee will conduct one or more Town Halls with community stakeholders, including students. Reports will be generated arising from these Town Halls that will inform the work of the Advisory Committee.
- f. Upon receipt of the recommendations of the Advisory Committee, the President will consider the recommendations and make a final decision within four weeks.

II. Disclosure

- A. Is committed to increasing disclosure and transparency with respect to its investments. To that end:
 - a. Upon receipt of findings under 1.A, if the University has direct investments in companies that provide military goods and services, those will be immediately disclosed on the UTAM website.
 - b. For direct or indirect investments, the University will strike an expert working group to consider options for disclosure that enhance transparency and make recommendations to the Board of UTAM, in light of the University's commitment to financial transparency and accountability.
 - i. The working group will review existing investment contracts and engage in consultation with UTAM, members of the university community, and others, as deemed necessary by the working group, with the intention of increasing transparency.
 - ii. U of T Occupy for Palestine will have an opportunity to make a written submission to the working group regarding the issue of transparency and disclosure.
 - iii. The working group will be comprised of individuals with relevant legal and technical expertise.
 - iv. Student representatives of U of T Occupy for Palestine may put forward nominations for membership in the working group; such nominations must be accompanied by a summary of the qualifications of each individual being nominated. The President will give the nominations due consideration but retains discretion regarding membership on the working group.
 - v. The working group will be instructed to make best efforts to deliver its recommendations by no later than mid-July.
 - vi. Upon receipt of the recommendations of the working group, the President will respond to the working group's recommendations within 3 weeks of receipt.

III. Review of Institutional Partnerships

- A. Convene a Presidential International Advisory Committee to review the university's current international partnership policies and its ongoing international engagement practices. The University commits to convening the first meeting of the Committee by no later than the end of June, 2024.

- a. The Presidential International Advisory Committee will also review institutional partnerships to ensure they are consistent with the University's International Cooperation Policy (1982) and Statement on Research Partnerships (2007).
- b. Recommendations will go to Vice-President, International and Vice-President, Research & Innovation, and Strategic Initiatives
- c. If there are partnerships that are inconsistent with the University's policies (and the principles contained therein), these partnerships will not be renewed.

IV. Commitments

- A. Will not pursue action relating to the encampment under the Code of Student Conduct against any individual student involved in the encampment who complies with the terms set out in Part B, below, except that individual instances of hate speech or threats (as defined in Part B, sections 1, of the Code of Student Conduct) may be investigated and pursued under the appropriate policies.
- B. Will not pursue disciplinary measures relating to participation in the encampment under University policies against any individual faculty member, librarian, or administrative staff, except that individual instances of hate speech or threats (as defined in Canadian law) may be investigated and pursued under the appropriate policies. We expect that faculty members, librarians and administrative staff will comply with the law.
- C. These commitments apply only to conduct that took place up to and including the effective date of this agreement.

Part B:

As agreed to by student representatives of U of T Occupy for Palestine, **all participants in the encampment:**

- 1. Will end the encampment on the St. George campus no later than 8:00 am on Monday, May 27, 2024.
 - a. All participants will leave the encampment.
 - b. All tents, structures, and personal and group belongings will be removed by the above date and time, and the Front Campus will be cleared of all trash.
- 2. Will not resume any encampment activity at the University of Toronto at any site or on any campus.
- 3. Will not block access to Convocation Hall or organize or participate in any disruptions during the Convocation ceremonies.
- 4. This agreement is effective: _____ May, 2024

For the **University of Toronto**

Representatives of U of T Occupy for Palestine,
on behalf of all **participants in the encampment**

Name

Name

Date

Date

Name

Date

Name

Date

Name

Date

This is Exhibit "14" referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

132

Archived: Monday, June 3, 2024 10:28:55 AM

From: [student group](#)

Mail received time: Wed, 29 May 2024 13:22:59

Sent: Wed, 29 May 2024 13:22:45

To: [VProvost Students](#)

Subject: Re: Meeting today

Importance: Normal

Sensitivity: None

Hello,

Firstly, our apologies for the significant delay in our response to yesterday's email. Our team is still actively working with counsel and reviewing the evidence submitted for the injunction and the sources provided. As we've mentioned to you before, we're now working on multiple fronts as a result of this injunction and threats from the side of the some members of administration, President Gertler, and outside agitators. In addition, the case conference, which was initially supposed to be private, was publicized, so we are trying to get through the materials referenced as we are receiving several questions from the press and other parties. Our counsel has also only just received the affidavit from Sandy and is about to review it shortly.

We appreciate the summary you have provided us in the Cover Letter. We believe that the most productive way for our next meeting to arrive at a fruitful result would be for us to present these materials to our community and begin more detailed discussions about your offer, rather than us rushing back to the table without necessary consultations. To that end, we'd need a little bit more time before the next meeting, we can make most times on Friday work and propose earlier in the day, perhaps 11 a.m? If there are any significant updates in the scope of your offer before that point, we would appreciate some acknowledgement or documentation, and we will do our best to make an earlier time work.

Again, our apologies for the delayed response. See you Friday,
UofT Occupy for Palestine

On Wed, May 29, 2024 at 8:01 'a0AM VProvost Students <vp.students@utoronto.ca> wrote:

Dear U of T Occupy for Palestine,

We want to continue our fruitful discussions. In order to structure our conversations, we reattach our proposal from Sunday night and offer additional commentary in a separate letter. We include this commentary to outline the ways in which the University would be able to substantially move to meet your demands.

As discussed on Monday, we confirm meeting today at 12 noon in Myhal and are eager to continue to engage in conversation.

Kelly, Sandy and Markus

From: VProvost Students <vp.students@utoronto.ca>

Sent: Tuesday, May 28, 2024 1:21 PM

To: students.uoft.protest@gmail.com <students.uoft.protest@gmail.com>

Subject: Meeting Tomorrow

Dear U ofT Occupy for Palestine

Thanks for another productive discussion yesterday. Please confirm that tomorrow at 12pm still works for you. We look forward to continuing our dialogue and receiving your new written proposal. We will send the room information tomorrow.

Kelly, Markus and Sandy

This is Exhibit “15” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

135

Archived: Tuesday, June 4, 2024 12:46:10 PM

From: [student group](#)

Mail received time: Fri, 31 May 2024 14:34:20

Sent: Fri, 31 May 2024 14:33:03

To: [VProvost Students](#)

Subject: Today's Meeting

Importance: Normal

Sensitivity: None

Attachments:

[Cover_Letter_-_Disclose_Partnerships_-_May_31_.pdf](#)  [proposal_-_Disclose_Partnerships_-_May_31_-3.pdf](#) 

Hello,

Please find attached two documents to help guide today's meeting. Looking forward to a productive discussion.

UofT Occupy for Palestine

This is Exhibit “16” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

May 31, 2024

Kelly, Sandy, and Markus

We come to the negotiating table as representatives of thousands of individuals in the University community who have mobilised in the context of the genocide in Gaza round our demands. We are committed to coming to an agreement with the University, and believe that if we meaningfully address each other's concerns, the encampment can still be removed before Convocations begin in June.

We look forward to having a productive conversation this morning and to that end, we offer red lines to your May 26 proposal. We suggest focussing on the specific topics of Disclosure and International Partnerships today, as we propose edits that address the University's concerns as they are stated in your May 29th cover letter.

As to Disclosure: We understand that the university is committed to full disclosure and transparency. We appreciate the immediate commitment to disclosure of public investments and include a number of other important categories to immediately disclose in line with the university's commitment to not invest in injurious investments.

To further demonstrate this commitment, we propose that the university immediately commit to no longer engage in investment practices that require non-disclosure.

Additionally, as we understand that the University may be currently bound by contractual terms that make this outcome difficult in the immediate. To this end, we suggest a process that explores how to disclose existing investment.

As to International Partnerships: We understand that the University is committed to ensuring its partnerships are consistent with University policies. We also appreciate that the university feels uncomfortable accepting Occupy U of T's review of its policies. To that end, we suggest a neutral third party with the expertise to review the university's partnerships, especially as they relate to the University's human rights commitments. We propose that any partnerships that are inconsistent with university policies immediately be suspended and not renewed until they become consistent.

Sincerely,

Representatives of the Peoples' Circle for Palestine and Occupy U of T

This is Exhibit “17” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

Editing 31 May, 9am

Proposed Final Agreement

...

II. Disclosure

- A. Is committed to increasing disclosure and transparency with respect to its investments. To that end:
- a. ~~Upon receipt of findings under 1.A, if the University has direct investments in companies that provide military goods and services, that operate in the Occupied Palestinian Territory, or that appear on the UN Blacklist published by the Human Rights Office of the High Commissioner, those investments will be immediately disclosed on the UTAM website.~~
 - b. For direct or indirect investments, the University will ~~hire a mutually agreed to expert third party strike an expert working group to consider how to achieve options for full disclosure that enhance transparency. and make The third party's recommendations to~~ **will be adopted by** the Board of UTAM, in light of the University's commitment to financial transparency and accountability.
 - i) ~~The third party working group will review existing investment contracts and engage in consultation with UTAM, members of the university community, and others, as deemed necessary by the third party working group, with the intention of increasing transparency and disclosed by the end of 2024.~~
 - ii) ~~U of T Occupy for Palestine will have an opportunity to make a written submission to the working group regarding the issue of transparency and disclosure.~~
 - iii) ~~The working group will be comprised of individuals with relevant legal and technical expertise.~~
 - iv) ~~Student representatives of U of T Occupy for Palestine may put forward nominations for membership in the working group, such nominations must be accompanied by a summary of the qualifications of each individual being nominated. The President will give the nominations due consideration but retains discretion regarding membership on the working group.~~
 - v) ~~The working group will be instructed to make best efforts to deliver its recommendations by no later than mid July.~~
 - vi) ~~Upon receipt of the recommendations of the working group, the President will respond to the working group's recommendations within 3 week of receipt.~~
 - c. **The University will immediately commit to ending the practice of including confidentiality agreements in all future contracts.**

- d. Moving forward, the University will aggregate and publish all disclosed investments in a semi-annual Holdings Report on UTAM's website.

III. Review of Institutional Partnerships

- A. Convene members of the International Human Rights Program (IHRP) into a Committee to review the university's current international partnership policies and its ongoing international engagement practices. The University commits to convening the first meeting of the Committee by no later than the end of June 7, 2024.
 - a. The IHRP-~~Presidential International Advisory~~ Committee will also review institutional partnerships to ensure they are consistent with the University's International Cooperation Policy (1982) and Statement on Research Partnerships (2007).
 - b. Recommendations will go to Vice-President, International and Vice-President, Research & Innovation, and Strategic Initiatives to be accepted by the University.
 - c. If there are partnerships that are inconsistent with the University's policies (and the principles contained therein), these partnerships will ~~not be renewed~~ be immediately suspended with a commitment not to renew them until the relevant human rights, academic freedoms, or other concerning institutional values are revised to be in line with the University's stated values.

...

This is Exhibit “18” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

142

Archived: Tuesday, June 4, 2024 12:52:08 PM

From: [VProvost Students](#)

Sent: Fri, 31 May 2024 18:50:30

To: [student group](#)

Subject: 4 pm return

Importance: Normal

Sensitivity: None

Dear U of T Occupy for Palestine,

We are working to bring hard copies to our meeting this afternoon; we will need a bit more time to get the copies here.

We will be ready at 4 pm. We hope that works for you.

Thanks,

Kelly, Sandy and Markus

This is Exhibit “19” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

Editing 31 May, 9am–3:55pm

Proposed Final Agreement

...

II. Disclosure

- A. Is committed to increasing disclosure and transparency with respect to its investments. To that end:
- a. If the University has direct investments in companies that provide military goods and services, ~~it will immediately disclose those investments. that operate in the Occupied Palestinian Territory, or that appear on the UN Blacklist published by the Human Rights Office of the High Commissioner, will be immediately disclosed on the UTAM website.~~
 - b. [Thank you for this creative idea – we have questions. This requires further discussion] For direct or indirect investments, the University will hire a mutually agreed to expert third party to consider how to achieve full disclosure that enhances transparency. The third party's recommendations will be adopted by the Board of UTAM, in light of the University's commitment to financial transparency and accountability.
 - i. The third party will review existing investment contracts and engage in consultation with UTAM, members of the university community, and others, as deemed necessary by the third party working group, with the intention of increasing transparency and disclosed by the end of 2024.
 - ~~c. The University will immediately commit to ending the practice of including confidentiality agreements in all future contracts.~~
 - d. Moving forward, the University will aggregate and publish all disclosed investments in an semi-annual Holdings Report on UTAM's website.

III. Review of Institutional Partnerships

- A. Convene an Advisory Panel of faculty and students that will consult widely with the U of T community, including interested and qualified bodies on campus, ~~members of the International Human Rights Program (IHRP) into a Committee~~ to review the University's current international partnership policies and its ongoing international engagement practices. The University commits to convening the first meeting of the Panel Committee by ~~no later than~~ June 30, 2024.
- a. The ~~Panel IHRP~~ will also review institutional partnerships to ensure they are consistent with the University's International Cooperation Policy (1982) and Statement on Research Partnerships (2007).
 - b. Recommendations for policy change will go to the Vice-President, International and Vice-President, Research & Innovation, and Strategic Initiatives to review and implement necessary changes, subject to approval by the Governing Council and its ~~bodies be accepted by the University.~~

- c. Partnerships that are inconsistent with the University's policies (and the principles contained therein), ~~these partnerships will not be renewed~~ may be subject to ~~immediately suspended~~ or ~~with a commitment not to renew them~~ until they comply the relevant human rights, academic freedoms, or other concerning institutional values are revised to be in line with the University's stated values.

...

This is Exhibit “20” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

147

Archived: Tuesday, June 4, 2024 3:40:25 PM

From: [VProvost Students](#)

Sent: Fri, 31 May 2024 21:32:09

To: [student group](#)

Subject: Please email when ready to reconvene

Importance: Normal

Sensitivity: None

Dear U of T Occupy for Palestine,

We are in our caucus room; please email when you are ready to reconvene.

Best,

Kelly, Sandy and Markus

This is Exhibit “21” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

UTogether

Your guide to the U of T community

Messages to the University community

[UTogether home](#) / Messages to the University community

Please see below for the latest community updates from U of T leadership. [Supports and resources for students, faculty, staff and librarians can be found here.](#)

May 31, 2024 (7:14 p.m. ET): An update on the encampment at the St. George Campus

Today the University's negotiating team met again with students representing encampment participants in an effort to reach a resolution through dialogue. Today's meeting was in place of the meeting originally scheduled on Wednesday May 29 that had been postponed.

At the same time, we continue to pursue legal means to bring the unauthorized encampment to an end. The University's injunction application will be heard June 19-20, which gives all parties time to prepare.

U of T filed updated materials today with respect to the injunction application.

The University wishes to correct any possible misunderstanding with respect to the trespass notice issued on May 24, which referred to possible penalties up to and including termination of employment for faculty who do not comply with the notice.

While expecting that faculty will comply with the trespass notice, the University wishes to clarify that faculty members who do not comply with the notice will not be terminated.

The University expects faculty to adhere to the law, but it regards their academic freedom and their right to freedom of expression as separate matters untouched by the unfolding of encampment events on campus.

Next week the University begins celebrating Convocation. Ceremonies run from June 3-21 in Convocation Hall, and we look forward to welcoming graduates and their loved ones. For more information, please visit the [Convocation Hub](#).

Sincerely,

Trevor Young
Vice-President & Provost

May 28, 2024 (11:25 a.m. ET): Notice of Motion and Application

May 28, 2024 (8:45 a.m. ET): An update from the President regarding the encampment at the St. George Campus

May 27, 2024 (8:15 a.m. ET): An update from the President regarding the encampment at the St. George Campus

May 24, 2024 (4:05 p.m. ET): Notice of trespass to participants in the encampment at St. George campus

May 23, 2024 (3:50 p.m. ET): A message from the President regarding the encampment on the St. George campus

May 16, 2024 (1:45 p.m. ET): Update on the encampment at St. George campus

May 13, 2024 (10:00 a.m. ET): Update on the encampment at St. George campus

Updated May 9, 2024 (10:00 a.m. ET): FAQs about the encampment at St. George campus

May 8, 2024 (6:00 p.m. ET): Update on the encampment at St. George campus

May 7, 2024 (5:00 p.m. ET): Health, safety and security

May 6, 2024 (9:45 a.m. ET): Update on the encampment at St. George campus

May 3, 2024 (6:27 p.m. ET): Update on the encampment at St. George campus

May 2, 2024 (9:30 p.m. ET): Communication to protest organizers

May 2, 2024: A message from the Vice-Provost, Students regarding the protest on St. George campus

- May 2, 2024: Communication on protests and civil disobedience ▼

- April 28, 2024: On freedom of expression and protest ▼

- April 26, 2024: Memo on institutional, divisional, and departmental statements ▼

- April 21, 2024: On a possible TTC strike ▼

- October 18, 2023: On the conflict in the Middle East ▼

- October 10, 2023: On earthquakes in Afghanistan ▼

- October 9, 2023: On the war in the Middle East ▼

- September 12, 2023: On the earthquake in Morocco and flooding in Libya ▼

- Updated June 8, 2023: On conflict in Sudan ▼

- May 3, 2024 (2:30 p.m. ET): Communication to protestors ▼

DEFY
GRAVITY

- | | | | |
|---|---|---|---|
| <ul style="list-style-type: none"> Future students Current students Alumni Faculty and Staff Donors Convocation | <ul style="list-style-type: none"> News & Media About U of T Give to U of T Academics Programs of study Research & innovation University life Libraries A to Z directory | <ul style="list-style-type: none"> Contact Careers Accessibility Privacy Site feedback Site map | <ul style="list-style-type: none"> ● Campus status St. George campus Mississauga campus Scarborough campus Campus maps Campus safety |
|---|---|---|---|

Statement of Land Acknowledgement

We wish to acknowledge this land on which the University of Toronto operates. For thousands of years it has been the traditional land of the Huron-Wendat, the Seneca, and the Mississaugas of the Credit. Today, this meeting place is still the home to many Indigenous people from across Turtle Island and we are grateful to have the opportunity to work on this land. [Read about U of T's Statement of Land Acknowledgement.](#)



This is Exhibit “22” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

See Native Exhibit

This is Exhibit “23” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

154

Archived: Tuesday, June 4, 2024 3:40:36 PM

From: [VProvost Students](#)

Sent: Sun, 2 Jun 2024 00:00:54

To: [student group](#)

Subject: Re: Meeting Tomorrow

Importance: Normal

Sensitivity: None

Attachments:

[June 1 Cover Letter .pdf](#) [International Partnership Proposal 1June2024 730PM.docx](#)

Dear U of T Occupy for Palestine,

Thank you for meeting with us about international partnerships.

We took your comments seriously about adding more accountability to the process being proposed, and the fact that you are interested in the partnerships themselves, not the policies.

We have attached a cover letter with context and rationale for our proposal (also attached). Please note that we did not do track changes to the proposal; we included the previous proposal text at the end of the international proposal document.

As our earlier email noted, we are available to meet tomorrow at 1pm and are hoping to receive your proposal on divestment. Please confirm your availability.

Sincerely,

Kelly, Sandy and Markus

From: VProvost Students

Sent: Saturday, June 1, 2024 4:15 PM

To: student group <students.uoft.protest@gmail.com>

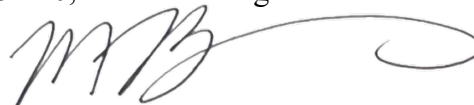
Subject: Meeting Tomorrow

Dear U of T Occupy for Palestine,

I am writing to confirm that we are available to meet tomorrow (Sunday, June 2) at 1pm . We have given a lot of thought to your feedback regarding Part III - International Partnerships and will provide a written response tomorrow morning. We are still working out details regarding disclosure (due to the weekend and not everyone we needed to speak to being available). In the meantime, we would appreciate if you can provide your proposal regarding divestment in advance of our meeting so we can move forward with discussing that piece, as well as the partnerships, tomorrow.

Sincerely,

This is Exhibit "24" referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

June 1, 2024

Dear U of T Occupy for Palestine,

We wanted to provide some context and rationale for our proposal on International Partnerships.

There is a [list](#) of all international partnership agreements signed by U of T available to those with a UTORID. Some of the MOUs are there as PDFs as well. This is a testament to the University's transparency.

There is also a [resource](#) that we released last year, with questions for all U of T researchers to ask themselves and their international collaborators before engaging in joint research projects with colleagues or institutions abroad.

Academic freedom

Academic freedom is the bedrock principle on which the University of Toronto's collective mission rests. That principle is enhanced by academic collaboration that ensures the free circulation of ideas and people on a global scale.

Academic boycotts are at odds with this foundational principle and the University's long-standing commitment to it. This commitment has also long been tied to attention to human rights. The first principle of the University's 1982 *International Cooperation Policy* captures this connection as follows:

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.

U of T charted new ground in adopting procedures in 1993 to maximize the potential for the promotion and protection of human rights through the University's international activities, including institutional partnerships.

The purpose of these procedures is to ensure that the academic objectives of proposals are given appropriate weight, and that the academic freedom of investigators is fully respected, while also attending to the human rights implications of our partnership activities.

Human Rights Committee

The 1993 Procedures created a Human Rights Review Committee, tasked with advising on the human rights implications of a given proposal. To date, this Committee has been convened on an *ad hoc* basis, whenever a particular situation requires the Committee's advice.

U of T, under the auspices of the 1993 Procedures, will convene the Human Rights Committee to review our existing international institutional partnerships within no more than one year, and to review as necessary, proposed new institutional-level agreements.

The Human Rights Committee will use the criteria itemized in the last paragraph of the 1993 Procedures says:

In formulating its advice, the Committee will use the [Universal Declaration of Human Rights](#) as a reference point, while attempting to take due account of the breadth and complexity of human rights issues and consider ways to contribute to and further strengthen the promotion and protection of human rights in the country of the project. It will also give due weight to the academic goals of the proposal. [After receiving the Committee's recommendations, the] Vice-President's decision will be made not only the Committee's advice relating to the human rights implications of the activity, but also on academic, business, public relations and a range of other relevant considerations, in accordance with applicable university policies.

We look forward to our continuing discussion of this proposal.

Sincerely,

Kelly, Sandy and Markus

This is Exhibit “25” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

Proposal International Partnerships

III. Human Rights Committee to Review U of T's Institutional International Partnerships

- A. Convene an eight-member Human Rights Committee, under the 1993 [Procedures for the Human Rights Review of International Projects, Agreements, and Other International Activity](#), co-chaired by two leading University of Toronto faculty members with expertise on human rights and academic freedom, to review the University's current and new institutional international partnerships.
 - a. The Human Rights Committee will review institutional partnerships to ensure they are consistent with the University's [International Cooperation Policy](#) (1982), the Procedures (1993), and [Statement on Research Partnerships](#) (2007).
 - b. Recommendations will go to the Vice-President, International and the Vice-President, Research, Innovation & Strategic Initiatives. Should the recommendations not be implemented, the VPI and the VPRISI will provide a response with reasons to the Human Rights Committee.
 - c. If there is an institutional partnership that appears to be inconsistent with the University's policies in part a. (and the principles contained therein), it will be reviewed with the relevant parties to ensure that there is an accurate understanding of the issue/s and a path to addressing them.
 - d. If the issue/s remain, the partnership may be suspended or not renewed until the relevant human rights, academic freedom, or other concerns are revised to be in line with the University's stated policies above.
- B. Timelines
 - a. The University commits to naming the committee co-chairs no later than 30 days after the encampment ends.

Version discussed on Friday, May 30, 2024



III. **Review of Institutional Partnerships**

- A. Convene an Advisory Panel of faculty and students that will consult widely with the U of T community, including interested and qualified bodies on campus, ~~members of the International Human Rights Program (IHRP) into a Committee~~ to review the University's current international partnership policies and its ongoing international engagement practices. The University commits to convening the first meeting of the ~~Panel Committee~~ by ~~no later than~~ June 30, 2024.
- a. The ~~Panel IHRP~~ will ~~also~~ review institutional partnerships to ensure they are consistent with the University's International Cooperation Policy (1982) and Statement on Research Partnerships (2007).
 - b. Recommendations for policy change will go to the Vice-President, International and Vice-President, Research & Innovation, and Strategic Initiatives to review and implement necessary changes, subject to approval by the Governing Council and its bodies ~~be accepted by the University~~.
 - c. Partnerships that are inconsistent with the University's policies (and the principles contained therein), ~~these partnerships will not be renewed~~ may be subject to ~~immediately suspended~~ or with a commitment not to ~~renewed them~~ until they comply the relevant human rights, academic freedoms, or other concerning institutional values are revised to be in line with the University's stated values.

This is Exhibit “26” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.


Commissioner for Taking Affidavits (or as may be)

 **Samira Mohyeddin** سميرا 
@SMohyeddin

To celebrate the start of 🌈 Pride month, pro-Israeli agitators came down to @UofT & @occupyuoft today to harass & verbally assault queer people & women. C word after C word. These are some seriously vile & unhinged people.

“She’ll never be hired, we’ll make sure.”

 MG 



12:39 AM · Jun 3, 2024 · 96.6K Views

See Native Exhibit

This is Exhibit “27” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

From: [student group](#)
Mail received time: Mon, 3 Jun 2024 15:09:08
Sent: Mon, 3 Jun 2024 15:08:03
To: [VProvost Students](#)
Subject: Re: Meeting Tomorrow
Importance: Normal
Sensitivity: None
Attachments: [FINAL Proposal June 3 2024.docx.pdf](#)
Archived: Tuesday, June 4, 2024 3:40:56 PM

Apologies. Please take a look at this proposal and ignore the one above.

UofT Occupy for Palestine

On Mon, Jun 3, 2024 at 10:59 AM student group
 <https://urldefense.proofpoint.com/v2/url?u=http-3A_students.uoft.protest-40gmail.com&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpnVfiiMM&r=Rc2WFcbIgYjJbBIBgF6P68TwNXXS-R6inuD---PTkdYs&m=UAb0zNUgownA0lVjpd3ofShEOukayMPHrRqWpHk9pM9jrNu4gx5uTBh8dTf7nn4&s=ezaEv28HX3Afn8k8DIERE7xHvLgbZAUvtvuU9e7AL7A&e=>> wrote:

>
 > Good Morning,
 >
 > We've attached a revised and red-lined proposal to this email.
 > However, because of previous document inconsistencies (as well as not
 > receiving your blue-lined copy from the last meeting over email),
 > there may be certain inconsistencies between this document and our
 > last discussions. Our team is coming prepared with a short rundown of
 > exactly which big-picture changes we've made, how they reflect and
 > accommodate your positions, and how we believe this proposal is the
 > first step in the right direction for us as stakeholders in this
 > University.
 >
 > We're looking forward to a positive and fruitful discussion today!

> UofT Occupy for Palestine

> On Mon, Jun 3, 2024 at 8:59 AM VProvost Students
 > <https://urldefense.proofpoint.com/v2/url?u=http-3A_vp.students-40utoronto.ca&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpnVfiiMM&r=Rc2WFcbIgYjJbBIBgF6P68TwNXXS-R6inuD---PTkdYs&m=UAb0zNUgownA0lVjpd3ofShEOukayMPHrRqWpHk9pM9jrNu4gx5uTBh8dTf7nn4&s=lmUYaSy3c5p-joEUnSHyTar7hjF2Susd-gwEKZs_frc&e=>> wrote:

>>
 >> Dear U of T Occupy for Palestine,
 >>
 >> Thank you for your email. We are able to meet at 2pm today and will be in touch later today with the room & building for our meeting.
 >>
 >> We look forward to receiving your proposal.
 >>
 >> Sincerely,

>>

>> Kelly, Sandy and Markus

>>

>>

>>

>>

>> From: student group <https://urldefense.proofpoint.com/v2/url?u=http-3A_students.uoft.protest-40gmail.com&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpnVfiiMM&r=Rc2WFcbIgYjJbBIBgF6P68TwNXS-R6inuD---PTkdYs&m=UAb0zNUgownA0lVlJpd3ofShEOukayMPHrRqWpHk9pM9jrNu4gx5uTBh8dTf7nn4&s=ezaEv28HX3Afn8k8DIERE7xHvLgbZAUvtvuU9e7AL7A&e=>>

>> Sent: Monday, June 3, 2024 3:55 AM

>> To: VProvost Students <https://urldefense.proofpoint.com/v2/url?u=http-3A_vp.students-40utoronto.ca&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpnVfiiMM&r=Rc2WFcbIgYjJbBIBgF6P68TwNXS-R6inuD---PTkdYs&m=UAb0zNUgownA0lVlJpd3ofShEOukayMPHrRqWpHk9pM9jrNu4gx5uTBh8dTf7nn4&s=lmUYaSy3c5p-joEUnSHyTar7hjF2Susd-gwEKZs_frc&e=>>

>> Subject: Re: Meeting Tomorrow

>>

>> Hello,

>>

>> Our apologies for the delay in sharing our proposal. We hope to arrive
>> at tomorrow's meeting with a comprehensive total proposal that
>> recognises our mutual positions and presents a meaningful (and
>> reasonable) path forward. We're waiting on counsel from a few relevant
>> experts and will share it with you as soon as possible. Our
>> representatives will be available for tomorrow's meeting at 2 p.m.
>> This will give your team ample time to prepare preliminary remarks, at
>> which point we can discuss.

>>

>> Let us know where you'd like to meet.

>> UofT Occupy for Palestine

>>

>> On Sun, Jun 2, 2024 at 12:40 PM VProvost Students

>> <https://urldefense.proofpoint.com/v2/url?u=http-3A_vp.students-40utoronto.ca&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpnVfiiMM&r=Rc2WFcbIgYjJbBIBgF6P68TwNXS-R6inuD---PTkdYs&m=UAb0zNUgownA0lVlJpd3ofShEOukayMPHrRqWpHk9pM9jrNu4gx5uTBh8dTf7nn4&s=lmUYaSy3c5p-joEUnSHyTar7hjF2Susd-gwEKZs_frc&e=>> wrote:

>>>

>>> Dear U of T Occupy for Palestine,

>>>

>>> We are not available to meet today at 6 pm due to schedules. We are available Monday afternoon, anytime from 1pm on.

>>>

>>> We look forward to receiving your proposal noted in your email below. To have a productive meeting tomorrow, we ask that your proposal is shared today as it will allow us time to review prior to our meeting.

>>>

>>> Please let us know when you are available on Monday to meet.

>>>

>>> Sincerely,

>>>

>>> Kelly, Sandy and Markus

>>>

>>> From: student group <https://urldefense.proofpoint.com/v2/url?u=http-3A_students.uoft.protest-40gmail.com&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpnVfiiMM&r=Rc2WFcbIgYjJbBIBgF6P68TwNXS-R6inuD---PTkdYs&m=UAb0zNUgownA0lVlJpd3ofShEOukayMPHrRqWpHk9pM9jrNu4gx5uTBh8dTf7nn4&s=lmUYaSy3c5p-joEUnSHyTar7hjF2Susd-gwEKZs_frc&e=>>

PTkdYs&m=UAb0zNUgownA01VIjpd3ofShEOukayMPHrRqWpHk9pM9jrNu4gx5uTBh8dTf7nn4&s=ezaEv28HX3Afn8k8DIERE7xHvLgbZAUvtvuU9e7AL7A&e=>

>>> Sent: Sunday, June 2, 2024 12:26 AM

>>> To: VProvost Students <https://urldefense.proofpoint.com/v2/url?u=http-3A_vp.students-40utoronto.ca&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=Rc2WFcbIgYjJbBIBgF6P68TwNXS-R6inuD---PTkdYs&m=UAb0zNUgownA01VIjpd3ofShEOukayMPHrRqWpHk9pM9jrNu4gx5uTBh8dTf7nn4&s=lmUYaSy3c5p-joEUnSHyTar7hjF2Susd-gwEKZs_frc&e=>>

>>> Subject: Re: Meeting Tomorrow

>>>

>>> Hello,

>>>

>>> Thank you for sharing these documents, we look forward to reviewing them in close detail. Unfortunately, due to prior commitments our team isn't able to meet until a little bit later tomorrow. We will be sharing our proposal with all three sections soon and will provide ample time to review such that the meeting tomorrow can start off on the right note. Starting around 6pm would be perfect!

>>>

>>> Let us know if that works,

>>> UofT Occupy for Palestine

>>>

>>>

>>> On Sat, Jun 1, 2024 at 8:00 PM VProvost Students <https://urldefense.proofpoint.com/v2/url?u=http-3A_vp.students-40utoronto.ca&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=Rc2WFcbIgYjJbBIBgF6P68TwNXS-R6inuD---PTkdYs&m=UAb0zNUgownA01VIjpd3ofShEOukayMPHrRqWpHk9pM9jrNu4gx5uTBh8dTf7nn4&s=lmUYaSy3c5p-joEUnSHyTar7hjF2Susd-gwEKZs_frc&e=>> wrote:

>>>

>>> Dear U of T Occupy for Palestine,

>>>

>>> Thank you for meeting with us about international partnerships.

>>>

>>> We took your comments seriously about adding more accountability to the process being proposed, and the fact that you are interested in the partnerships themselves, not the policies.

>>>

>>> We have attached a cover letter with context and rationale for our proposal (also attached). Please note that we did not do track changes to the proposal; we included the previous proposal text at the end of the international proposal document.

>>>

>>> As our earlier email noted, we are available to meet tomorrow at 1pm and are hoping to receive your proposal on divestment. Please confirm your availability.

>>>

>>> Sincerely,

>>>

>>> Kelly, Sandy and Markus

>>>

>>>

>>>

>>>

>>>

>>>

>>> _____
>>> From: VProvost Students

>>> Sent: Saturday, June 1, 2024 4:15 PM

>>> To: student group <https://urldefense.proofpoint.com/v2/url?u=http-3A_students.uoft.protest-40gmail.com&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=Rc2WFcbIgYjJbBIBgF6P68TwNXS-R6inuD---PTkdYs&m=UAb0zNUgownA01VIjpd3ofShEOukayMPHrRqWpHk9pM9jrNu4gx5uTBh8dTf7nn4>

[&s=ezaEv28HX3Afn8k8DIERE7xHvLgbZAUvtvuU9e7AL7A&e=>](#)

>>> Subject: Meeting Tomorrow

>>>

>>> Dear U of T Occupy for Palestine,

>>>

>>> I am writing to confirm that we are available to meet tomorrow (Sunday, June 2) at 1pm . We have given a lot of thought to your feedback regarding Part III - International Partnerships and will provide a written response tomorrow morning. We are still working out details regarding disclosure (due to the weekend and not everyone we needed to speak to being available). In the meantime, we would appreciate if you can provide your proposal regarding divestment in advance of our meeting so we can move forward with discussing that piece, as well as the partnerships, tomorrow.

>>>

>>> Sincerely,

>>>

>>> Sandy, Kelly and Markus

This is Exhibit “28” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

June 3 - 10:30am

Preamble

The University affirms its commitment to academic freedom, human rights, and international cooperation.

The University:

- A. Recognizes the profound loss of life and injury of innocent civilians, **particularly among Palestinian children in Gaza**, ~~because of the war, particularly among children in Gaza,~~ who have been killed, injured, or displaced multiple times **due to Israel's ongoing genocidal campaign in Gaza, Palestine**, and those **children** who were taken hostage and died or remain as prisoners.
- B. Recognizes the physical destruction and closure of all the universities in Gaza as well as the hardship, displacement, and dislocation of Palestinian faculty and students; commits to providing enhanced support through the UofT Scholars at Risk program
- C. Affirms the importance of protecting academic freedom and academic opportunities for Palestinian scholars. The University will continue to work with academic units to create academic programming on Palestinian Studies with the goal of creating an interdisciplinary Centre or Institute—tentatively named the Institute for **Palestine Studies**—and commits to further progress on the working group on anti-Palestinian discrimination.
- D. Reaffirms the University's commitment to the principles contained in the International Co-operation Policy (1982), Procedures for the Human Rights Review on International Projects (1993), Statement on Research Partnerships (2007), and Policy on Social and Political Issues with Respect to University Divestment (2008), and reiterate that the University and its individual faculty, staff, and students are governed by these policies and principles.
- E. Affirms that the University will continue to be a signatory to the United Nations-supported Principles of Responsible Investing, and will uphold these principles, which include human rights as part of the integration of environmental, social and governance considerations.
- F. Affirms the principles of the Policy on Social and Political Issues with Respect to University Divestment, including a commitment to the Yale University concept of social injury, and actions taken by the Canadian government or other national or international bodies.
- G. **Recognizes that given current events, such as the International Criminal Court's issuance of an arrest warrant for the Prime Minister of Israel on the charge of war crimes, now is an appropriate time to take stock of the university's partnerships and investments in military activities around the world, including the Israeli military, and their adherence to the policies noted above. This includes a review of investments in listed in the UN**

database of businesses enabling, facilitating and profiting from the construction and growth of settlements in the Occupied Palestinian Territories.¹

H. Respects the fundamental right to protest for all students, faculty, staff, and alumni at this University and recognizes the actions of Occupy UofT and all encampment participants at the People's Circle for Palestine (Encampment at King's College Circle) as a legitimate exercise of that right.

I. Divestment

- A. Will immediately review and **divest** ~~determine whether the University's has any~~ direct investments in any **armaments** companies ~~that provide military goods and services.~~
- B. Commits to divesting the university's endowment, capital assets, and other financial holdings from all indirect investments in armaments companies:
 - a. For investment contracts with external managers bound by expiry clauses and/or requiring regular renewal, the University commits to not renewing said agreements and moving the relevant holdings to pooled funds that meet the above criteria.
 - b. For all other investment contracts with external managers, the University, in consultation with the Investment Committee, commits to selecting new external managers and moving the relevant holdings to pooled funds that meet the above criteria by April 30, 2025.
- B. Will immediately direct UTAM to select future external investment managers that invest in funds that don't require indirect investments in armaments companies.
- C. Commits to engaging ~~the Procedures under~~ the Policy on Social and Political Issues with Respect to University Divestment as expeditiously as possible. The scope of the committee's work will be informed by the submitted Brief ~~within the principles and requirements of the Policy on Social and Political Issues with Respect to University Divestment~~ **and relate to current investments in companies on the UN Blacklist and/or from companies currently profiting off the war in Gaza.**

¹United Nations Human Rights Office of the High Commissioner, Update of Database, 30 June 2023: <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session31/database-hrc3136/23-06-30-Update-israeli-settlement-opt-database-hrc3136.pdf>.

- a. Occupy U of T will provide a Brief and petition of support for the brief within fourteen days of signing this agreement.
- b. Within 3 weeks of receipt of the Brief and Petition, the President will:
 - i) Review the Brief and Petition to ensure they are properly constituted; and
 - ii) The University will publish a public statement that it is immediately commencing its process to review its current and ongoing investments in companies on the UN Blacklist and/or from companies currently profiting off the war in Gaza to ensure they align with its Policy on Social and Political Issues with Respect to University Divestment, in response to Occupy U of T's submitted brief and petition.
- c. The University will constitute an Advisory Committee to review the Brief.
 - i) Student representatives of U of T Occupy for Palestine may put forward individuals for consideration; such nominations must be accompanied by a summary of the qualifications of each individual to serve on the Advisory Committee, with reference to the Policy.
 - ii) The President will give the nominations due consideration but retains discretion regarding membership of the Advisory Committee to be brought forward to the Executive Committee of Governing Council. 50% of the Advisory Committee should be constituted by nominations selected from the list put forward by U of T Occupy for Palestine.
- d. The President's proposed list of Advisory Committee members will be reviewed at the next scheduled meeting of the Executive Committee following completion of items 3(a) and (b). If these items are not completed sufficiently in advance of the June 27, 2024 Executive

Committee meeting, a request will be made to the Chair to call a Special Meeting of the Executive Committee at the earliest possible opportunity.

- e. The scope of the committee's work will be informed by the submitted Brief, within the principles and requirements of the Policy on Social and Political Issues with Respect to University Divestment.
- f. The Advisory Committee will be instructed to complete its work as expeditiously as possible, and by no later than ~~October 31, 2024~~ **August 26, 2024**. ~~This date may be extended if membership on the Advisory Committee is not approved before July 31, 2024.~~
- ~~g. Student representatives of U of T Occupy for Palestine will have the opportunity to make written or oral submissions to the Advisory Committee, in line with the University's normal practice. The Advisory Committee will also engage in further consultations with experts, members of the University community, and others, as it deems necessary.~~
- ~~h. As part of their work, the Advisory Committee will conduct one or more Town Halls with community stakeholders, including students. Reports will be generated arising from these Town Halls that will inform the work of the Advisory Committee.~~
- i. Upon receipt of the recommendations of the Advisory Committee, the President will consider the recommendations and make a final decision within **5 business days** ~~four weeks~~ **that are consistent with the principles in the Policy, namely that the University's investments are prudent, and not in violation of the Yale principles of social injury. If the recommendations are rejected, the President must provide written reasons and an alternative path to address the concerns raised by the Committee.**

II. Disclosure:

Is committed to increasing disclosure and transparency with respect to its investments. **The scope of disclosure is taken to mean the names, tickers, volume of shares owned/ value of**

investments, and date(s) of purchase (either through investment in a pooled fund or direct purchase), in addition to any other relevant information that can be determined by the third party's recommendations.

To that end:

- A. ~~Upon receipt of findings under 1.A,~~ If the University has direct investments in companies that provide military goods and services, ~~that operate in the Occupied Palestinian Territory, or that appear on the UN Blacklist published by the Human Rights Office of the High Commissioner,~~ those investments will be immediately disclosed on the UTAM website.
- B. The University will aggregate and publish all investments currently disclosed (such as through SEC 13-F filings) in an ~~semi-~~annual Holdings Report on UTAM's website.
- C. For direct ~~and or~~ indirect investments, the University will hire a mutually agreed to expert third party ~~strike an expert working group~~ to consider ~~how to achieve options for~~ full disclosure that enhance transparency. ~~and make~~ The third party's recommendations ~~to~~ will be adopted by the Board of UTAM, in light of the University's commitment to financial transparency and accountability.
 - a. The ~~third party working group~~ will review existing investment contracts and engage in consultation with UTAM, members of the university community, and others, as deemed necessary by the ~~third party working group,~~ with the intention of increasing transparency ~~and disclosed by the end of 2024.~~
 - ~~b. U of T Occupy for Palestine will have an opportunity to make a written submission to the working group regarding the issue of transparency and disclosure.~~
 - ~~c. The working group will be comprised of individuals with relevant legal and technical expertise.~~
 - ~~d. Student representatives of U of T Occupy for Palestine may put forward nominations for membership in the working group; such nominations must be accompanied by a summary of the qualifications of each individual being nominated. The President will give the nominations due consideration but retains discretion regarding membership on the working group.~~

- e. The ~~third party working group~~ will be instructed to ~~make best efforts to~~ deliver its recommendations by no later than mid July.
 - f. Upon receipt of the recommendations of the working group, the President will respond to the ~~third party working group's~~ recommendations within 3 weeks of receipt.
- D. The University will immediately commit to ~~ending the practice of including confidentiality agreements in all future contracts~~ including requirements for disclosure of relevant information in all investment manager contracts and donor agreements moving forward.
- E. ~~Moving forward, the University will aggregate and publish all disclosed investments in a semi-annual Holdings Report on UTAM's website.~~

III. Human Rights Committee to Review U of T's Institutional International Partnerships

- A. Convene an eight-member Human Rights Committee, under the 1993 [Procedures for the Human Rights Review of International Projects, Agreements, and Other International Activity](#), co-chaired by two leading University of Toronto faculty members with expertise on human rights ~~in Palestine and Israel~~ and ~~academic freedom~~, to review the University's current and new institutional international partnerships.
1. ~~One of these chairs will be selected from a list of three leading University of Toronto faculty members with expertise on human rights provided by members of UofT Occupy for Palestine.~~
 2. ~~Membership of this Committee must be mutually agreed upon solely by the two co-chairs and adequately representative of students, faculty, and staff.~~
 3. The Human Rights Committee will review institutional partnerships ~~with universities in Israel and Palestine~~ to ensure they are consistent with the University's [International Cooperation Policy](#) (1982), the [Procedures](#) (1993), and [Statement on Research Partnerships](#) (2007).

4. Recommendations will go to the Vice-President, International and the Vice-President, Research, Innovation & Strategic Initiatives **to be implemented**. ~~Should the recommendations not be implemented, the VPI and the VPRISI will provide a response with reasons to the Human Rights Committee.~~
- ~~5. If there is an institutional partnership that appears to be inconsistent with the University's policies in part a. (and the principles contained therein), it will be reviewed with the relevant parties to ensure that there is an accurate understanding of the issue/s and a path to addressing them.~~
6. ~~If the issue/s remain,~~ **Once recommendations are adopted, the institutional partnership will be** ~~may be~~ suspended **and no new institutional partnerships will be pursued** ~~or not renewed~~ until the relevant human rights, academic freedom, or other concerns are revised to be in line with the University's stated policies above.

B. Timelines

1. The University commits to naming the committee co-chairs no later than ~~30 days~~ **fourteen days** after the encampment ends.

IV. Commitments from the University

- A. The University **will not pursue any** action relating to the encampment, **including** under the Code of Student Conduct, against any individual student involved in the encampment who complies with the terms set out in Part B, below. ~~except that individual instances of hate speech or threats (as defined in Part B, sections 1, of the Code of Student Conduct) may be investigated and pursued under the appropriate policies.~~
- B. Will not pursue **any** measures, **disciplinary or otherwise**, relating to participation in the encampment under University policies against any individual faculty member, librarian, or administrative staff. We expect that faculty members, librarians and administrative staff will comply with the law. ~~Except that individual instances of hate speech or threats (as defined in Canadian law) may be investigated and pursued under the appropriate policies. We expect that faculty members, librarians and administrative staff will comply with the law.~~

- C. The University will not make complaints about individual students, faculty members, librarians or administrative staff to the Toronto Police Services. Additionally, the University will not provide information to Toronto Police Services about students, faculty members, librarians or administrative staff unless a warrant is produced. If a warrant is produced and the University complies, the University commits to inform the named individual under investigation within 48 hours.
- D. These commitments apply only to conduct that took place up to and including the effective date of this agreement.

V. **Commitments from Occupy U of T**

A. As agreed to by student representatives of U of T Occupy for Palestine, **all participants in the encampment:**

- 1. Will end the encampment on the St. George campus no later than **hours after signing the deal.**
 - a) All participants will leave the encampment.
 - b) All tents, structures, and personal and group belongings will be removed by the above date and time, and the Front Campus will be cleared of all trash.
- 2. Will not resume any encampment activity at the University of Toronto **to advocate for these particular demands on King’s College Circle** ~~any site or on any U of T campus.~~ **This clause expires on September 1, 2024.**
- 3. Will not block access to Convocation Hall or organize or participate in any disruptions during the Convocation ceremonies **that would prevent the ceremonies from continuing or prevent individual students from convocating.** **This clause expires on June 22, 2024.**

This agreement is effective: _____ ~~June~~ **May**, 2024

For the **University of Toronto**

Representatives of U of T Occupy for Palestine, on behalf of all **participants in the encampment**

Name

Date

Name

Date

Name

Date

Name

Date

Name

Date

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V. **Commitments from Occupy U of T**

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- 2. Will not resume any encampment activity at the University of Toronto **to advocate for these particular demands on King’s College Circle** ~~any site or on any U of T campus.~~ **This clause expires on September 1, 2024.**
- 3. Will not block access to Convocation Hall or organize or participate in any disruptions during the Convocation ceremonies **that would prevent the ceremonies from continuing or prevent individual students from convocating.** **This clause expires on June 22, 2024.**

This agreement is effective: _____ ~~June~~ **May**, 2024

For the **University of Toronto**

Representatives of U of T Occupy for Palestine, on behalf of all **participants in the encampment**

Name

Date

Name

Date

Name

Date

Name

Date

Name

Date

This is Exhibit “30” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

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Commissioner for Taking Affidavits (or as may be)

191

Archived: Wednesday, June 5, 2024 8:31:06 AM

From: [VProvost Students](#)

Sent: Tue, 4 Jun 2024 17:01:23

To: [student group](#)

Subject: Meeting Thursday, June 6

Importance: Normal

Sensitivity: None

Dear U of T Occupy for Palestine,

We are working on our response to the full proposal.

To provide you with time to review prior to our meeting, we would like to schedule our next meeting for Thursday, June 6 in the afternoon. We are free any time after noon that day. Please let us know us know your availability.

Sincerely,

Kelly, Sandy and Markus

This is Exhibit “31” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

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General Report

UNIVERSITY OF TORONTO CAMPUS POLICE

Printed: 2024/06/05 18:40

Occurrence: UT24017115 Suspicious person @2024/06/04 21:33

Author: [REDACTED]

Report time: 2024/06/05 18:40

Entered by: [REDACTED]

Entered time: 2024/06/05 18:40

Report:*****BACKGROUND*****

The Convocation Hall building (located at 31 Kings College Circle, Toronto) is owned and operated by the University of Toronto. The Convocation Hall building has large UofT banners (approx. 7 ft in Length, 30 ft in Height) displayed on the South East side of the building. The banners are positioned using metal cable wiring which are connected to the cement pillars.

*****SYNOPSIS*****

On Tuesday June 4th 2024, UofT Staff member [REDACTED] (Campus Events [REDACTED]) was working at the Convocation Hall building.

At approximately 2130 hours, [REDACTED] exited the building via South entrance/exit doors, and began walking east towards Kings College Road. At this time, [REDACTED] observed three females attempting to remove a large UofT banner on the South East side of Convocation Hall. One of the females were observed to be climbing up the cement pillar while trying to pull down on the metal wiring, while the other two females were supporting her with their hands, preventing her from falling.

Subsequently, the individuals observed [REDACTED] and immediately disengaged. [REDACTED] contacted Campus Safety to report the incident. The females remained in the area on the South side of Kings College Circle. [REDACTED] left the area shortly after.

On Wednesday June 5th 2024, CPL [REDACTED] followed up with [REDACTED] and collected the information contained in this report. [REDACTED] described the individuals as three females, short in height, average build, possibly students, two females wearing "Keffiyeh's", one female Caucasian and one female brown skinned.

No damage was observed to the UofT banners. There are no CCTV cameras pointing towards the UofT banners. Campus Safety will review CCTV cameras in the general area at a later time.

Campus Safety has scheduled a contract "Executek" guard to remain on the South East side of Convocation Hall by the banners until further notice.

Images of the banners have been attached to this report.

*****COMPLAINANT*****

[REDACTED]
Campus Events [REDACTED]
Contact # [REDACTED]
Email: [REDACTED]@utoronto.ca

*****PERSONS OF INTEREST*****

Three female parties, short in height, average build, possibly students, two females wearing "Keffiyeh's", one female Caucasian and one female brown skinned

This is Exhibit “32” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

195

On Thu, May 30, 2024 at 11:49 AM student group <students.uoft.protest@gmail.com> wrote:

Hello,

We have been waiting and no one has come.

On Thu, May 30, 2024 at 7:12 AM VProvost Students <vp.students@utoronto.ca> wrote:

Good morning, U of T Occupy for Palestine,

Apologies for the late notice, I was informed the portable toilets will be serviced before noon today.

We will get back to you on your other questions.

Sandy

From: student group <students.uoft.protest@gmail.com>

Sent: Wednesday, May 29, 2024 2:42 PM

To: VProvost Students <vp.students@utoronto.ca>

Subject: Re: Portable Toilet Service logistics

Hello Sandy,

Please provide a detailed weekly schedule for servicing the one Chantlers portable toilet and the four Super Save portable toilets. On Monday, 27th of April, the person servicing the Super Save portable toilets was irritated and delayed because the scheduled time provided in the last email was inaccurate.

Additionally, we require the onsite waste disposal plan that was promised on May 5th. This plan should include details for different types of waste: garbage, paper recycling, plastic recycling, compost, etc. Please specify locations, timings, access, and any other relevant details (e.g. certain bags you'd prefer to provide for use detailed by waste product).

Moreover, we request an end to the current policy of allowing only five people at a time in the washrooms, as this is causing issues for individuals with IBS and other medical conditions who require guaranteed access. Also, the Gerstien washrooms need soap and sanitary products restocked.

Please address these agenda items.

Thank you,

UofT Occupy for Palestine

On Mon, May 27, 2024 at 8:54 'a0AM student group

<students.uoft.protest@gmail.com> wrote:

>

>

> Thank you for the update.

>
> On Mon, May 27, 2024 at 8:17 AM VProvost Students <vp.students@utoronto.ca> wrote:

>>
>> Dear U of T Occupy for Palestine,
>>
>> I have received notification that the four portable toilets will be serviced today between 2pm and 6 pm.

>>
>> Thanks,

>>
>> Sandy

>> _____
>> From: VProvost Students <vp.students@utoronto.ca>

>> Sent: Friday, May 24, 2024 7:52 PM

>>
>> To: student group <students.uoft.protest@gmail.com>

>> Subject: Re: Portable Toilet Service logistics

>>
>> Dear U of T Occupy for Palestine,

>>
>> You will continue to have access to Gerstein over the weekend. The water must be added when they are serviced, which won't happen over the weekend.

>>
>> Sincerely,

>>
>> Sandy

>> _____
>> From: student group <students.uoft.protest@gmail.com>

>> Sent: Friday, May 24, 2024 7:08 PM

>> To: VProvost Students <vp.students@utoronto.ca>

>> Subject: Re: Portable Toilet Service logistics

>>
>> Hello Sandy,

>>
>> In light of today, what is the situation with access to Gerstien washrooms and servicing the portable toilets? The general assumption is that they will remain in operation. Respond to this email asap to avoid miscommunication.

>>
>> Also, this is a reminder that my last email went unanswered.

>>
>> Regards,

>>
>> UofT Occupy for Palestine

>>
>>
>>
>>
>>
>> On Wed, May 22, 2024 at 9:19 PM student group <students.uoft.protest@gmail.com> wrote:

>>
>> Hello,

>>
>> It has come to attention that the portable toilets do not have any water in them. When they were serviced, filling them with water was neglected. If you can contact the company and get instructions on what to do or send someone tomorrow that would be ideal.

>>

>> Regards,

>>

>> UofT Occupy for Palestine

>>

>>

>> On Tue, May 21, 2024 at 6:14 PM VProvost Students <vp.students@utoronto.ca> wrote:

>>

>> Hi,

>>

>> We were surprised the contractor showed up to service the four portable toilets today as they had confirmed tomorrow as the date. U of T staff have contacted the company to let them know the importance of adhering to instructions from U of T and for having confirmation from us before the truck comes on site.

>>

>> For the fifth portable toilet that was borrowed from the construction site, we were informed that this will be serviced weekly either Monday or Wednesday when they are onsite to service the others on the construction site. Unfortunately, they said they cannot confirm a particular time.

>>

>> Finally, I have raised your question about garbage disposal and will be in touch once I have more information.

>>

>> Best,

>>

>> Sandy

>>

>>

>> From: student group <students.uoft.protest@gmail.com>

>> Sent: Tuesday, May 21, 2024 1:36 PM

>> To: VProvost Students <vp.students@utoronto.ca>

>> Subject: Re: Portable Toilet Service logistics

>>

>> Hello,

>>

>> The date you have provided is incorrect. They came to service it today, Tuesday May 21st at 1 PM. Please provide more accurate information regarding servicing times so we can accommodate for that. Today, the person servicing the portable toilets was delayed and rude because they arrived with no prior notice. To prevent this from happening again ensure the details are correct.

>>

>> Additionally, there has been a continued dismissal of the request for a map/guide for preferred on campus trash disposal areas. So, until then it is assumed that all waste disposal areas on campus are preferred. If anything changes send an update for waste management on campus.

>>

>> Regards,

>>

>> UofT Occupy for Palestine

>>

>>

>>

>>

>> On Tue, May 21, 2024 at 10:46 AM VProvost Students <vp.students@utoronto.ca> wrote:

>>

>> Good morning,

>>

>> We've received confirmation that the truck for servicing the portable toilets will arrive tomorrow, Wednesday, May 22, between 8am-11am. They usually provide a window of time of arrival to account for traffic, etc.

>>

>> Sincerely,

>>

>> Sandy

>>

>>

>> From: student group <students.uoft.protest@gmail.com>

>> Sent: Monday, May 20, 2024 6:03 AM

>> To: VProvost Students <vp.students@utoronto.ca>

>>

>> Subject: Re: Portable Toilet Service logistics

>>

>> Hello,

>>

>> Given that there is no confirmation that has been given for servicing Monday the 20th, we will be expecting it to happen on Tuesday the 21st or Wednesday the 22nd.

>>

>> Regards,

>>

>> UofT Occupy for Palestine

>>

>> On Sat, May 18, 2024 at 9:51 PM student group <students.uoft.protest@gmail.com> wrote:

>>

>> Hey Sandy,

>>

>> It was the four potable toilets (Super Save) that got serviced, and they did not service the one that was moved from the construction site (Chantler's). This email is to ask for a schedule with the company rather than have them show up unannounced. A recurrent service time on Monday morning at 9 that would be fine, and once more on maybe Thursday according to the servicing schedule. Please send us a worked out schedule, so we are all informed.

>>

>> On another note, please provide the recommended trash disposal areas on campus.

>>

>> Regards,

>>

>> UofT Occupy for Palestine

>>

>>

>> On Sat, May 18, 2024 at 8:48 'a0PM VProvost Students <vp.students@utoronto.ca> wrote:

>>

>> Good evening,

>>

>> It will not be possible to bring in the contractor tomorrow.

>>

>> Please let me know if there is a day you prefer next week.

>>

>> We are still looking into what happened on Thursday — the contractor for the four portable toilets has confirmed that they were not on campus that day. It may have been the company for the one that we moved from the construction site.

>>

>> Best,

>>

>> Sandy

>>

>> From: VProvost Students <vp.students@utoronto.ca>

>> Sent: Saturday, May 18, 2024 7:01 PM

>> To: student group <students.uoft.protest@gmail.com>

>> Subject: Re: Portable Toilet Service logistics

>>

>> If we can arrange for the contractor to come tomorrow, would that work?

>>

>> We are checking with the contractor as to if this possible; so just wanted to ask in case it is.

>>

>> Otherwise, please let me know what day you prefer next week.

>>

>> Thanks,

>>

>> Sandy

>>

>> From: VProvost Students <vp.students@utoronto.ca>

>> Sent: Saturday, May 18, 2024 2:14 PM

>> To: student group <students.uoft.protest@gmail.com>

>> Subject: Re: Portable Toilet Service logistics

>>

>> Thank you this message.

>>

>> We will look into this.

>>

>> Is there a preferred day for you?

>>

>> Best,

>>

>> Sandy

>>

>>

>> From: student group <students.uoft.protest@gmail.com>

>> Sent: Saturday, May 18, 2024 1:16 PM

>> To: VProvost Students <vp.students@utoronto.ca>

>> Subject: Portable Toilet Service logistics

>>

>>

>> Hello,

>>

>> On Thursday, May 16th, the portable toilet service arrived without prior notice from Admin. After the meeting with the student representative, when the toilets came in, it was communicated that information regarding the frequency, timing, and date of the portable toilet service would be provided. This miscommunication could have caused the service provider to be unable to access the toilets because we were not informed in advance about when to open the gate. To avoid this issue in the future, please provide the promised schedule.

>>

>> Use this email thread for future contact regarding this.

>>

>> Regards,

>>

>> UofT Occupy for Palestine

This is Exhibit “33” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MJB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

201

Archived: Monday, June 3, 2024 11:07:58 AM

From: [Monique Jilesen](#)

Sent: Thursday, May 30, 2024 7:46:23 PM

To: leora@cjclaw.org [Stephen Moreau](#) [Sima Atri](#) dbisnar@cavalluzzo.com

Cc: [Meghan Bridges](#) [Andrew Locatelli](#) [Nikolas De Stefano](#)

Subject: University of Toronto - Portable Toilets on Campus

Importance: Normal

Sensitivity: None

Dear counsel,

I write on behalf of my client, the University of Toronto. Your clients have written to the University about a number of health and safety matters; specifically the maintenance of portable toilets, garbage removal and access to Gerstein Library washrooms. Moving forward, these types of matters should be communicated via counsel. The University would like to focus its communications with your clients on the ongoing dialogue regarding a peaceful and sustainable end to the encampment.

The portable toilets were provided to the encampment for the purposes of dealing with urgent health and safety issues arising because of the encampment. They were provided notwithstanding that encampment participants have been trespassing on Front Campus. As you are aware, Front Campus is not equipped to accommodate hundreds of people staying there during the day and over night. The encampment is a potentially unsafe environment, which the University has asked your clients and others in the encampment to leave. Notwithstanding the ongoing trespass, my client has been working in good faith with your clients and arranging for servicing of the portable toilets. The University does not control its external contractors or their arrival times. Your clients will need to be flexible in their expectations. The 4 portable toilets (Super Save) are scheduled to be serviced weekly every Monday between 2 PM and 6 PM. The last service was provided on Monday, May 27, 2024 around 2 pm. The 5th portable toilet (Ellis Don/Chantler's) was to be serviced today but I now understand that your clients claim it wasn't. Regardless, my client agrees with your clients' suggestion to remove that toilet as soon as possible. Steps will be undertaken in that regard and the University trusts that your clients will not remove the toilets on their own in the meantime, as they have suggested in a recent email. The University is providing the portable toilets exclusively to address health and safety issues posed by the encampment, not as a service to your clients and others in the encampment.

The present limitations on timing and numbers for Gerstein will also remain in effect.

A garbage disposal bin has been placed in between Gerstein and the Medical Sciences Building.

We expect that you will communicate this message to your clients. If this is an issue, please advise.

We would very much grateful for a response this email.

Regards,

Monique Jilesen

202

pronouns: she/her

T 416-865-2926

mjilesen@litigate.com

130 Adelaide St W
Suite 2600
Toronto, ON
Canada M5H 3P5
www.litigate.com

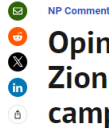
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This is Exhibit “34” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

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Opinion: We are Anishinaabe Zionists. Hateful anti-Israel camps disrespect our lands

We reject using the words 'colonizer,' 'settler' and 'decolonize' to justify terror, violence, kidnapping and rape

Harry LaForme and Karen Restoule, Special to National Post
Published May 28, 2024 • Last updated 1 day ago • 8 minute read

Join the conversation



Anti Israel protesters rally at the University of Toronto's Convocation Hall as the university's deadline to remove the encampment has passed, Monday May 27, 2024. PHOTO BY PETER J. THOMPSON /National Post

As Anishinaabe, we strive to adhere to our traditional values. The Creator placed the distinct races of humankind upon Mother Earth and gifted each with unique knowledge to be used for their benefit and to be shared for the benefit of all humankind. The Seven Sacred Teachings were given to us so that we may learn how to live and move forward together in a good way.

STORY CONTINUES BELOW

This advertisement has not loaded yet, but your article continues below.






Indigenous peoples welcomed the settlers to Turtle Island. Our original relationship was based upon mutual respect, honour, equality, peaceful coexistence, and the sharing of the land; its resources and wisdom. Treaties of Peace and Friendship were signed that codified these intentions and stressed peaceful and equal coexistence. In the mid 1700s, Britain unilaterally decided to govern the interior of North America by its own rules and ignored agreements negotiated through alliance and treaty. In 1765, Chief Pontiac led a coordinated attack of Indigenous groups on British forts in Upper Great Lakes Region and unsettled the British reign. Chief Pontiac was not trying to run Europeans out of the region but to restore the terms of alliance and treaty. Chief Pontiac's military successes lead to the Royal Proclamation of 1763 and the 1764 Treaty of Niagara; the original relationship was reaffirmed.

Tragically, in the early to mid-1800s Canada ignored the treaties and abandoned the original relationship. Canada developed policies and laws that disenfranchised, oppressed, and marginalized Indigenous peoples as exemplified by the Indian Residential School System, the Indian Act and the common law adoption of the false Doctrine of Discovery. Indigenous peoples were made "wards of the state" and faced assimilation and cultural genocide. In 1910, Deputy Superintendent General, Department of Indian Affairs, Duncan Campbell Scott, responding to the appalling high death rate of children in Indian Residential Schools, stated, "this alone does not justify a change in the policy of this Department, which is geared towards the final solution of our Indian problem." The Nazis aggressively deployed the term "final solution" in a manner similar to Canada.

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TRENDING

- 1  Terry Glavin: Canada slowly acknowledging there never was a 'mass grave'
- 2  The first thing thieves often do after stealing a car is park it nearby. Here's why
- 3  Another Canadian Jewish school hit by gunfire
- 4  John Ivison: Tens of thousands of people want to join our military but we're snubbing them SUBSCRIBER ONLY
- 5  Adam Zivo: Audio recordings reveal disruption plot by harm reduction activists

Today, throughout our Treaty Lands are campus signs and chants that include the following: "There is only one solution Intifada revolution." The phrase Canada used in the 1910s and the Nazis in WWII has been carefully adapted and callously adopted. Any Indigenous person and non-Indigenous Canadian aware of our shared history should shudder to hear it chanted and see it on our campuses. As Anishinaabe, we find the term, in all of its iterations, offensive, hateful and racist. It takes us back to a dark chapter in our shared history here in Canada; marked by the death of more than 6,000 Indigenous children. It also reminds us of the tragic loss of six million Jews across Europe during, and in the period leading up to, the Holocaust. These calls for the death of Jewish people are unequivocally anathema to The Seven Sacred Teachings.

Nevertheless, the Europeans arriving on our shores were welcomed to Turtle Island and the Treaties of Peace and Friendship reflect this truth. Indigenous and early European inhabitants lived together in accordance with them for centuries and they continue to be in effect today. To us, reconciliation is returning to the original intention of the treaties and restoring the original relationship between Indigenous and non-Indigenous people in Canada. We are all treaty partners and signatories to the Treaties of Peace and Friendship. The values embodied in these treaties govern the relationships that all of us have with each other. They apply to universities and to the broader society.



Platformed

This newsletter tackles hot topics with boldness, verve and wit. (Subscriber-exclusive edition on Fridays)

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The Honour of the Crown and the goal of reconciliation are central to the Crown's relationship with Indigenous peoples. Canada recognizes that: "All relations with Indigenous peoples need to be based on the recognition and implementation of their right to self-determination." Universities say they recognize Indigenous self-determination, and respect their rights and the Treaties that govern these Lands.

As Anishinaabe, Mother Earth is our first Mother. The Land has spiritual essence and we are its custodians. Indigenous people have a constitutional "say" in how our Treaty Lands are used. Canada and the provinces have a "duty to consult" with us when our Treaty Lands are going to be used. Universities have willingly assumed this duty to consult.

Six universities reside on the Treaty Lands of the Mississaugas of the Credit First Nation (MCFN). Land acknowledgments and adoption of the Truth and Reconciliation Commission 94 Calls-to-Action are displayed on their websites. Universities recognize the Indigenous peoples whose territories they sit on. Land acknowledgments express gratitude to the land for the water and food that sustains us, trees to shelter us and paths to connect us. Land acknowledgements are today's flavoured refrain. At public events, universities display their fidelity to reconciliation with Indigenous peoples and commit to "make space" for Indigenous knowledge and culture in their policies and governance. They express awareness of Indigenous presence and land rights but too often the statements seem rote and fall short of respecting the Treaties that govern our lands.

STORY CONTINUES BELOW

This advertisement has not loaded yet, but your article continues below.

Five of the six universities on the MCFN Treaty Lands have pro-Palestinian encampments on them. Not one consulted the MCFN about encampments being set up on our Treaty Lands. Not one consulted the MCFN about the manner in which encampment occupiers and pro-Palestinian protesters behave on our Treaty Lands. No consultation took place about excluding Jewish and Zionist students and faculty from any part of our Treaty Lands or limiting their use and enjoyment of our Treaty Lands. Exclusion, bigotry, harassment, antisemitism, lawlessness, and hate are being permitted on and throughout our Treaty Lands. All of which is contrary to The Seven Sacred Teachings, the Rule of Law in Canada, and disregard the duty to consult and the essence of land acknowledgements.

As Anishinaabe, we are troubled by the expressions of hatred against Jews and Zionists, and the disappointing ignorance, fuelled by misinformation coming from universities. Ignorance about the indigeneity of the Jewish people in the

region that is Israel. Ignorance about the values that Israel, as a democracy, stands for — as imperfect as it is. Ignorance about the rights and responsibilities Israel has as a nation state and member of the United Nations. Ignorance about Zionism — its compatibility with Palestinian self-determination, a two-state solution, and the fact that the vast majority of Jewish people identify with Israel. Ignorance about the current reconciliation efforts of Indigenous and non-Indigenous Canadians. Ignorance about our shared history and the intentions of our original relationship. And how quickly the sadistic savagery of Hamas' invasion of Israel and its promises to repeat October 7 again and again and again are forgotten.

STORY CONTINUES BELOW

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Erroneous false narratives are coming out of universities about current reconciliation efforts led by Indigenous peoples to justify divisive hateful conduct that overwhelmingly targets and isolates Jewish and Zionist Canadians. The use of sacred ceremonies such as the lighting of a Sacred Fire, smudging, drumming, and others, by activists in encampments on university campuses are not appropriate. It is cultural appropriation and historical distortion of the worst kind.

Some have suggested correlations between Hamas and Israel in the Middle East and the reconciliation work led by First Nations here in Canada in the West. We hear the words "colonizer," "settler" and "decolonize" to justify terror, violence, kidnapping, rape and targeted civilian massacres. These words are used to assert revolutionary violence "by any means necessary" and that "all forms of resistance" are justified. We unequivocally reject these assertions and any allyship with those who hold such views.

Indigenous and non-Indigenous people found ways and continue to find ways to peacefully resolve their differences mostly through dialogue grounded in The Seven Sacred Teachings. But little respectful dialogue is heard. Instead, we see hate, antisemitism, and weak leadership on university campuses. Pro-Palestinian supporters violate the Treaties with Indigenous peoples and The Seven Sacred Teachings. Allegedly they seek to resolve a crisis in the Middle East by means that disregard Indigenous peoples, the Treaties, our Sacred Teachings, and our relationship with Canada. Equally dreadful are the measures that target Jewish and Zionist students and faculty — people who are welcome on our Treaty Lands and are deserving of the rights and freedoms enjoyed by all Canadians.

STORY CONTINUES BELOW

This advertisement has not loaded yet, but your article continues below.

Our Land, the Treaties, our values, and our hospitality are being abused. Leaders of universities, government, and law enforcement — all considered to be Treaty Partners — are allowing this to happen. University codes of conduct and Canadian laws are not being enforced. It appears that all protest activity is treated as "free speech" by those who carry responsibility for the public. The focus is on whether the "speech" is free and protected, rather than on whether the conduct or speech aligns with the Treaties or The Seven Sacred Teachings.

We, as Anishinaabe Zionists, are made to feel unwelcome on our Treaty Lands by treaty scofflaws and encampment occupiers, who self describe as part of the current colonial regime that marginalizes and oppresses Indigenous peoples — us. Perhaps, they should begin an examination of the illogic of their own activities on our ancestral Treaty Lands.

A modern-day Chief Pontiac is needed who respects all and fears none.

Our Treaty partners must enforce the law and codes of conduct on campuses and communities across the country. Codes of conduct consistent with the Treaties and The Seven Sacred Teachings should be developed. The International Holocaust Remembrance Alliance working definition of antisemitism must be applied by all who fall within areas of federal oversight, influence, and authority. Indigenous people should be consulted with about how Treaty Lands will be used. Universities must stop the false narratives. Facts, reality, truth — not fiction, feelings and ideology — should be taught.

STORY CONTINUES BELOW

This advertisement has not loaded yet, but your article continues below.

The preceding is Harry LaForme's and Karen Restoule's written submission to the Parliamentary Standing Committee on Justice and Human Rights' Study of Antisemitism.

LaForme is a member of the Mississaugas of the Credit First Nation (MCFN), a retired appellate court judge and practicing lawyer. Restoule is a member of the Dokis First Nation. With a law degree from the University of Ottawa, Restoule specializes in public affairs and is currently a vice president with Crestview Strategy. Ms. Restoule is also an honorary witness to Israeli suffering arising out of the Hamas October 7 attack.



COMMENTS

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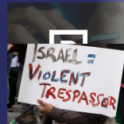
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This is Exhibit “35” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

From: [REDACTED]@utoronto.ca>
Sent: Tuesday, May 28, 2024 10:23 PM
To: [REDACTED]@utfa.org; [REDACTED]@utfa.org; [REDACTED]@utfa.org; [REDACTED]@utfa.org;
[REDACTED]@utfa.org
Cc: Meric Gertler <meric.gertler@utoronto.ca>; [REDACTED]
[REDACTED]
Subject: UTFA's support for the encampment is intolerable

To UTFA Executive,

I am writing to express my disappointment with your recent letters and positions taken in support of the illegal protesting taking place on our campus, and the relative silence on the condemnation of the hate speech and discrimination against Jews, Zionists, and Israelis on this campus and more broadly in our community. Such speech, slogans, poisonous ideology, and posters targeting any other minority group in our community would not be tolerated by UTFA. Yet with your actions you have essentially given your support to it. I find this a completely intolerable situation and will be taking

actions to end my UTFa membership in protest until a future date when I feel that UTFa is better representing the faculty with more political impartiality.

In the case of the encampment, many faculty support the administration in their efforts to use all legal measures to disband the encampment, and to hold faculty, staff and students responsible for violating laws, codes of conduct, and other university policies, with suspensions, expulsions, and employment terminations, if applicable.

We, the majority, are not fooled by your labelling of this encampment as a place of dialogue, peace, or acceptance. This is not free speech, it is intimidation, extremist, and violent, and must come to an end before the hate and division leads to an even more intolerable campus life for Jewish faculty, students, and staff.

Respectfully,



This is Exhibit “36” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

This is Exhibit “37” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

From: [REDACTED]@utoronto.ca>
Date: Wednesday, May 29, 2024 at 3:59 'a0PM
To: media@bnaibrith.ca <media@bnaibrith.ca>, Meric Gertler <meric.gertler@utoronto.ca>, Sandy Welsh <sandy.welsh@utoronto.ca>, Kelly Hannah-Moffat <hannah.moffat@utoronto.ca>
Subject: death threat report

To: B'nai Brith Canada

Meric Gertler, President, University of Toronto

Sandy Welsh, Vice-Provost, Students, University of Toronto

Kelly Hannah-Moffat, Vice-President, People Strategy, Equity and Culture, University of Toronto

From: [REDACTED], Professor [REDACTED], University of Toronto

Date: 29 May 2024

I assume the reason I received the email pasted below yesterday was because several TV networks, radio stations and newspapers had just reported my poll finding that 2.5 times more Canadians oppose the pro-Palestinian university encampments than support them. (The poll of 1,519 Canadian adults was conducted by Leger, one of the country's major public opinion firms, in conjunction with the Association for Canadian Studies in Montreal.) In some of the interviews that I gave, I also expressed support for the University of Toronto administration in requesting an injunction against the U of T encampment and I explained why, in my opinion, the move was justified.

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I view this email as a death threat. I have therefore filed a police report with Division 32 of the Toronto Police Service, will be meeting with police officers this evening, and intend to request that the Toronto Hate Crimes Unit investigate the origin of the email and charge its sender.

i hope they put you people back in camps

Flag for follow up.

You forwarded this message on Tue 2024-05-28 12:34 PM



To:

You don't often get email from [redacted] [Learn why this is important](#)

you used your structural position to release purposefully misleading poll questions to enforce zionist beliefs

you fuckers deserved to be eradicated. genuinely human parasites.

Reply

Forward

This is Exhibit “38” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

From: [REDACTED]@utoronto.ca>
Sent: Wednesday, May 29, 2024 4:04 AM
To: Sandy Welsh <sandy.welsh@utoronto.ca>; Meric Gertler <meric.gertler@utoronto.ca>
Subject: More thoughts on the encampment

Hello Profs Welsh and Gertler,

I imagine you can predict my support for following through on the steps you have laid out and moving on from the encampment at U of T. Thank you for taking the steps you have taken so far. I am anxiously waiting to see how the injunction goes.

It has been very painful to watch so many at U of T (including close collaborators, colleagues and people in positions of leadership) actively and enthusiastically support the encampment in spite (or because of?) their tolerance for violence and anti-semitism. I don't know what it will mean for the long term of Jewish faculty members and students at U of T that so many loudly called us terrorists, Nazis, murderers just for believing that the Jewish people have a right to self determination (just like everyone else). They told us to go back to Europe and cheered for a terrorist group that is dedicated to our murder not just in Israel but around the world. Personally, I'm not sure how I can continue to affiliate with the school of the environment and I'm not sure how I am going to navigate collaborators who have sworn to boycott Israelis (literally my family). And I am some of the most privileged Jewish faculty on campus as I work in [REDACTED] which so far has managed to maintain a larger separation between work and everything else.

My kids who go to school blocks from campus at the [REDACTED] now go to school with police protection in no small part because of the rhetoric promoted by our own students and faculty and so prominently on display at KCC. I should never have had to explain the danger of going to school and asking him to go anyway to my 8 year old child. I should never have had to ask Jewish students not to start a counter protest at KCC and to trust that eventually the University would defend them and the value of dialogue rather than yelling.

Also, I'd like to express my opposition to UTFA's positioning on this. Members of the UTFA leadership has publicly attested to be active organizers of the encampment since the beginning. How can they claim to represent all of U of T faculty while supporting violence against some of us?

The cynical use of the word Jewish and the performance of shabbat by the "Jewish Faculty Network" to try to wash the encampment of the racism is shameful.

Thank you for putting a limit on how much of this will be tolerated.

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Please please follow through.

Best regards,

[Redacted]

[Redacted]

This is Exhibit “39” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

From: [REDACTED]@utoronto.ca>

Sent: 31 May 2024 16:00

To: Kelly Hannah-Moffat <hannah.moffat@utoronto.ca>; Trevor Young <trevor.young@utoronto.ca>; Meric Gertler <meric.gertler@utoronto.ca>

223
Cc: UTSC Principal <principal.utsc@utoronto.ca>; Vice Principal & Dean UTSC <vpdean.utsc@utoronto.ca>; Vice-Dean Faculty UTSC <vdfaculty.utsc@utoronto.ca>; advice@utfa.org

Subject: Racism on campus

Dear President Gertler, Vice-President Hannah-Moffat, and Vice-President and Provost Young,

As a faculty member, a department chair, and a Jewish Israeli-Canadian dual citizen, I'd like to formally register my outrage at the hypocrisy and double-standard with which your administration has been handling the question of violence and racism on campus in recent weeks. While you have been quick to repeat spurious allegations about safety at the People's Circle for Palestine, actual violence and racism by anti-Palestinian agitators have been on full display. Yesterday, a counter demonstrator brandished a pocket knife at students who approached her as she was tearing down encampment banners (<https://www.instagram.com/reel/C7nV8JjtJZY/>), then proceeded to spew racist (and, oh so ironic coming from a white settler) drivel, stating: "Palestinians colonized Canada first. Everyone go back to where they started" (<https://x.com/DesmondCole/status/1796579701668052998>). Her husband in the meantime was waving a Canadian flag to prevent bystanders from documenting the interaction.

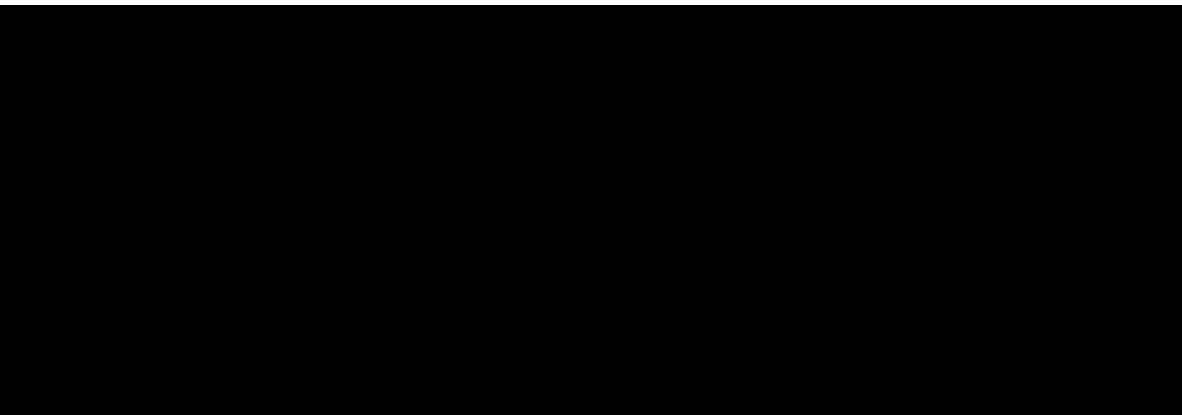
These actually violent and racist individuals are roaming our campuses with impunity, and with police manifesting a degree of patience and de-escalation skill that one could only dream of when it comes to dealing with Palestinians and other people of colour or their allies. In the meantime, a colleague at UTSC has launched a twitter campaign against my department's [statement](#) of support for our students (a statement that was written collaboratively by half a dozen members of the unit, revised, and endorsed by the faculty with no dissenting voices). Among many lies in his thread (<https://x.com/RenanLevine/status/1796236588378374664>) Dr. Levine implies that statements such as my department's "call for violence against Jews and Israelis on campus, or threaten Israeli members of our community & those who support Zionism with discrimination & harassment." This is defamatory. Not only should Levine receive a failing grade in reading comprehension, but his claim manifests classic anti-Palestinian racism in suggesting that support for Palestinian liberation is somehow antisemitic and violent. Perhaps he and others (including members of your administration repeating such blatant lies) should be asked to take anti-Palestinian racism training (should your administration finally make such training available), or at the very least read this [fact sheet](#).

Additionally, I should note that since speaking to the CBC about faculty support for the encampment on Monday I've received a stream of vile emails calling me a kapo and a whore, referencing sexual violence, and reciting biblical phrases cursing my children. Your administration is aware of this (and of far worse attacks against my racialized colleagues who've been maligned in the media again and again in recent months for taking a principled stance on Palestine). Instead of vigorously defending our academic freedom, you've threatened us with losing our jobs.

I eagerly await hearing your plans to address such clear manifestations of anti-Palestinian racism on campus. Until then, I'll look forward to celebrating our fifth Shabbat at the encampment tonight with dozens of other Jewish faculty and students and a multi-racial, multi-faith community in the true spirit of Jewish *Tikkun Olam* (repair of the world). My colleagues and I continue to stand in resolute solidarity with the students demanding disclosure, divestment, and cutting ties with Israeli academic institutions supporting apartheid and occupation. I invite you to join us and experience what true learning in pursuit of truth and justice looks like.

Shabbat shalom,





This is Exhibit “40” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

226

Archived: Monday, June 3, 2024 1:15:15 PM

From: [REDACTED]

Mail received time: Mon, 3 Jun 2024 14:18:04

Sent: Mon, 3 Jun 2024 14:18:02

To: [REDACTED]

Cc: [Director](#), [REDACTED], [Provost](#), [REDACTED], [Dean](#), [REDACTED], [Dean](#)

Subject: Re: Resignation from School [REDACTED]

Importance: Normal

Sensitivity: None

Hi [REDACTED],

Thank you for your response.

Happy to find a time to talk but no thank you in terms of delaying the termination of my affiliation. I am available this Thursday at 2 pm if you are.

I trust you are trying to do your best, but I cannot associate with the School while it is publicly pro encampment. The encampment has made quite clear that they have no interest in compromise, and no interest in anyone's opinions other than their own. They are unwilling even to file a request to divest, for which the university has a review procedure because it doesn't immediately meet 100% of their demands. It is not me losing interest in dialogue.

If people consistently break the law they should bear the consequences. That is the difference between civil disobedience and mob rule. Please don't support mob rule. We should challenge everyone to dialogue rather than demands (especially our friends). The encampment sets a terrible precedent for how we relate to each other at U of T. When it ends, everyone there will continue to be able to protest - there is no limitation on free speech/free expression associated with ending the encampment.

Please consider why you have been into the encampment, and I have not while I have been to KCC to see it many times? (one photo attached, and I have many more like it and more aggressive should you be interested). I am not allowed in for my political beliefs, shared by the vast majority of Jews in Canada and the world. We should seriously question the encampment's use of a small number of unrepresentative Jews as a beard to cover the pro violence and exclusion at the encampment. The Jewish Faculty Network holding Shabbat there is a brilliant piece of political theatre, but when you only want to associate with the "right kind of" Jews your movement is exclusionary (at best). Objections to war abroad don't justify hate in Canada. I am baffled by the framing of the things I shared as extreme/rare voices as they are from the official public communication channels of the encampment (official twitter and official instagram accounts, the entrance gate, etc).

As the minority being targeted, please take me seriously (especially as I've provided evidence of everything I am saying). The blessing of some "acceptable" Jews does not negate the values, existence, or rights of the rest of us. Even at the event where you spoke, the student leaders implied they want the full destruction of Israel "we are 76 years too late".

[REDACTED], I, like you, have valued our warm working relationship over the years. But as I said in my first email, I currently I see no way to believe in inclusion and dialog while remaining associated with the School [REDACTED].

Best regards,

[REDACTED]



On Jun 2, 2024, at 11:52 PM, [REDACTED] > wrote:

[REDACTED],

Thanks for your email, although I'm very sorry to hear you feel you need to end your graduate faculty appointment at the School. While it's entirely your choice to do this, I'm hoping you'll be willing to meet with me first to discuss the issues you describe in your email, and the School's broader relationship with the current protest encampment at KCC.

As Director at the School, I believe my role is to act to support and protect all of the School's community. The School's faculty, staff, and students are incredibly diverse, and I believe that diversity is a key strength of the School. Amongst the School's community are both Palestinians and Jews, each trying to come to terms with the

escalating violence in Gaza and Israel, and in some cases, grieving the loss of family and friends. I see a lot of anger and fear on both sides, and an alarming rise of both anti-semitism and islamophobia across Toronto. What worries me most of all is seeing so many people turn away from dialogue and de-escalation, succumbing to fear, and rushing to label all members of a particular community based on the actions of a few extremists within them.

My colleague, [REDACTED] has written the following to President Gertler about the camp (and has given me permission to share it with members of the School):

"I write to you as a Jewish faculty member, a Professor of [REDACTED], and the Director of the [REDACTED] [REDACTED]. I want to begin by telling you that I have visited the People's Circle for Palestine every day since the students began their peaceful protest. I witnessed the development of a clean, safe, inclusive, well-organized community. I saw the thoughtful emergence of a library, a care tent, a legal information tent, a multi-faith prayer tent, a finely-tuned community food system, informative and relevant teach-ins by faculty and students, dancing, soccer playing and many Fridays of shabbat dinners. I saw students coming together to support and care for each other to fight for a world that they want: a world where they have a voice, where they can put to use the rich educational knowledge they have garnered at this University to make change, where genocide is recognized as genocide, and they feel the power to help stop it. I am moved by their words and actions. I am impressed by their capacity to dialogue and organize with peaceful determination and I have learned something from them every day I have been there. If you were to visit the People's Circle, you would be impressed with the work of our students as well. Yet when I receive university notices, I see none of the reality that I directly witnessed reflected there; instead, the encampment is presented in only negative terms."

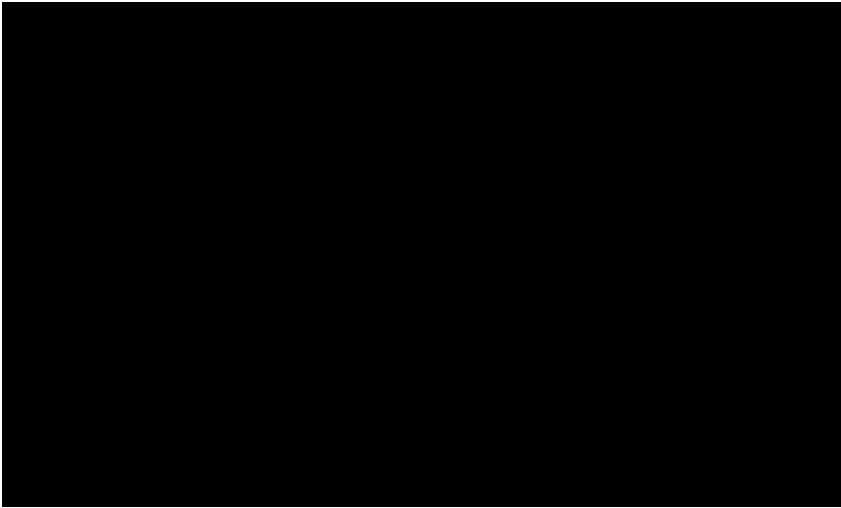
I struggle to reconcile [REDACTED] perspective with perspectives such as your own, but I also recognize there are a huge diversity of views represented within the camp, and among those looking on and observing events in the camp and across campus. To see for myself, I visited the camp (once) for the first time last week. I saw no mention anywhere of support for Hamas, and none of the red Hamas symbols you describe. That doesn't mean they are not there; maybe I missed them, or maybe they have been removed.

My own position is that finding a peaceful end to the encampment is paramount. I have written to the President and have spoken out to the media against the idea of the University calling in the police to clear the camp, because that has resulted in violence at other universities that have gone down that road. Faculty, staff, and students from the School are regularly visiting the camp, and some are among the protesters. I worry about what will happen to them if the University proceeds with a violent end to the encampment. I understand the University is dealing with each reported incident of anti-semitism and islamophobia, and there has been at least one arrest when this has spilled over into violence. I believe this measured approach is appropriate: we should deal with extremists and agitators, without removing the right to free speech and the right to protest in favour of the human rights of everyone in the Middle East.

I sincerely hope we can engage in a dialogue around how this is affecting various members of the School, including yourself, and as I said, I would be happy to meet with you and talk about any of these issues.

Thanks,

[REDACTED]



On Jun 1, 2024, at 9:57 PM, [REDACTED] [utoronto.ca](mailto:[REDACTED]@utoronto.ca)> wrote:

Dear [REDACTED],

I've been thinking about this for the last few days after seeing the press coverage and [recording](#) of the faculty support for the encampment. I understand that you need to follow your conscience and I also need to follow mine.

I cannot continue to be associated with the School [REDACTED] while it's leadership publicly supports a pro violence movement. There are plenty of legitimate criticisms of the current war in the Middle East and I would love to see peace and security for Israelis and Palestinians. I would also love to see a pro peace movement on campus, this is not it. The encampment at U of T is actively and publicly pro violence. Just a few examples (of many I have seen myself, it is not subtle) 1) they have publicly rejected charges by the international criminal court against Hamas for war crimes. War crimes Hamas filmed, broadcast online and publicly celebrate (including rape, kidnapping and murder of children). 2) they post on instagram celebrations "that the resilience is still intact" in reference to Hamas. 3) they demand anyone who wants access to KCC agree that resistance is a good thing. 4) they spray paint the red target triangle of Hamas on tents within KCC. Such actions are creating a toxic and dangerous environment on campus and in the wider community as exemplified by the shootings at two Jewish schools and arson attack at a synagogue in Canada just within the last week. And at U of T the spray painting of a Hamas target on Highland Hall. Hamas is public in their goal to wipe Israel off the map (where 9.5 million Jews, Muslims, Christians and others live) and their call to kill Jews worldwide. And the encampment is public in their support for Hamas.

Additionally, the encampment publicly rejects values of discussion, dialogue, and respecting divergent views. They insist we all my see things their way, that they must get what they want and anyone who disagrees with them is a terrorist. This is antithetical to the values of education, tolerance and doing the hard work of crafting a better world.

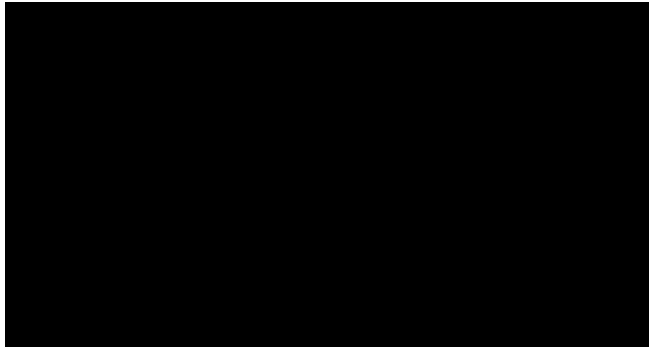
I continue to be dedicated to the environment, to a better world and the hard work of at least listening to and trying to respect dissenting views.

However, I no longer see space for believing in the above and associating with the School [REDACTED]

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. Please consider the termination of my affiliation with the School
immediate.

Thank you,



<IMG_0423.png><IMG_0239.png><IMG_0129.jpeg>

This is Exhibit "41" referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

232

Archived: Wednesday, June 5, 2024 1:34:20 PM

From: [REDACTED]

Mail received time: Wed, 5 Jun 2024 12:55:56

Sent: Wed, 5 Jun 2024 12:55:37

To: [REDACTED] [Merik Gertler](#)

Cc: [REDACTED]

Subject: Your double standards are unacceptable! Protect ALL students!

Importance: Normal

Sensitivity: None

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

President and University Administration,

I am writing to express my profound disappointment and condemnation of the University of Toronto's administration for its blatant double standards and discriminatory actions that evidence systemic, institutionalized racism and a two-tier justice system at the University.

The true expression of rights has been trampled upon with alarming partiality. After endless requests to remove the hate-filled Hamas-supporting encampment were ignored for too many days, the moment that pro-Israel tents were set up in the same area, the police showed up right away, removed them, and confiscated Canadian and Israeli flags. How is it that one side, which clearly supports violence, is allowed to stay, while a peaceful attempt is removed immediately and the hateful encampment remains standing? In stark contrast, supporters of Hamas, a recognized terrorist organization, received privileged treatment, able to express their views without any interference, looking on with contempt.

Such conduct is utterly unacceptable and stands in direct opposition to the principles of freedom of speech and democracy that you claim to stand for. The differential treatment meted out to individuals based on their stance on geopolitical issues is not only unjust but also indicative of a broader, more pernicious culture of oppression and bias within the institution.

The University's actions—or lack thereof—in this instance reveal a deeply concerning level of institutional discrimination and an environment that condones, if not actively supports, racism and double standards. This behavior should be a source of shame for an institution that purports to uphold values of equality, diversity, and inclusion.

While I remain of the firm belief that no encampments should be allowed on University property, should the administration continue to allow them to persist, I demand that you take swift and decisive action to ensure equal rights are afforded to ALL students, regardless of their views. Furthermore, I demand that you publicly commit your intentions to uphold the rights of all students and faculty to express their beliefs without fear of retributions or censorship. You cannot allow this discriminatory double standard to persist.

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Failure to address these issues adequately will not only continue to tarnish the University's reputation but also erode the trust and respect of its students, faculty, and the broader community. It is imperative that the University demonstrate a genuine commitment to fairness, equity, and justice.

I await your prompt response and action on this matter.

Sincerely,

ref: https://x.com/Joshuaixon/status/1797711222030180419?t=wLu60nELW3025iq0L_d-2Q&s=08

This is Exhibit “42” referred to in the Affidavit of Sandy Welsh sworn by Sandy Welsh at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a long, sweeping horizontal flourish that ends in a small loop.

Commissioner for Taking Affidavits (or as may be)

- 1  Edmonton Oilers fan who flashed chest during game offered... **TRENDING**
- 2  Oilers superstar Connor McDavid accosted by 'cringe' fans while... **TRENDING**
- 3  Five charged after OPP raid Hells Angels clubhouse, other... **TRENDING**
- 4  Maple Leafs add Lane Lambert to coaching staff, say goodbye to... **TRENDING**

Toronto & GTA / Columnists



WARMINGTON: Only U of T encampment allowed is 'Little Gaza' while one supporting Israel is removed

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Joe Warmington

Published Jun 03, 2024 • Last updated 1 day ago • 4 minute read

[Join the conversation](#)



It's not Gaza. It's Toronto. The tent city at the University of Toronto campus. PHOTO BY JOE WARMINGTON / Toronto Sun

If it wasn't for double standards, the University of Toronto has been exposed to show it may have no standards at all.

STORY CONTINUES BELOW

This advertisement has not loaded yet, but your article continues below.



Or they did the right thing to prevent further trouble?

Let the debate begin.

One thing very clear, however, is there will be no two-state solution on campus. But there are two sets of rules.

To review, pro-Palestinian encampments with border points manned by masked security in checkered keffiyehs who have kept some Jewish students and faculty from entering, authorities claim can't be removed thanks to freedom of protest rights, while a counter-encampment supporting Israel was removed by security immediately.






It's ugly. And it was all caught on video.

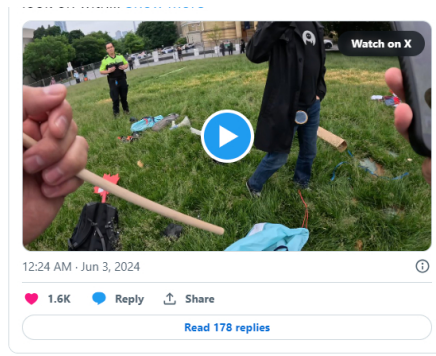
"Merely minutes into our own encampment protest, the U of T campus constables told us that we were trespassing and needed to leave within five minutes or face arrest," Joshua Samuels, who describes himself as Christian Zionist, wrote on X.

 **Joshua Samuels** [@Joshuaisonx](#) · [Follow](#)

Video evidence of systemic, institutional racism and two-tier justice at @Uoff. Watch my student protest and freedom of expression rights get trampled, my tent removed, my Canadian and Israel flags taken while HAMAS supporters receive the red carpet treatment and look on with... [Show more](#)

TRENDING

- 1  Edmonton Oilers fan who flashed chest during game offered porn deals
- 2  Oilers superstar Connor McDavid accosted by 'cringe' fans while buying beer in viral...
- 3  Five charged after OPP raid Hells Angels clubhouse, other locations
- 4  Maple Leafs add Lane Lambert to coaching staff, say goodbye to Dean Chynoweth
- 5  Bank of Canada cuts key interest rate for first time in more than four years



12:24 AM · Jun 3, 2024

1.6K Reply Share

Read 178 replies

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Your noon-hour look at what's happening in Toronto and beyond.

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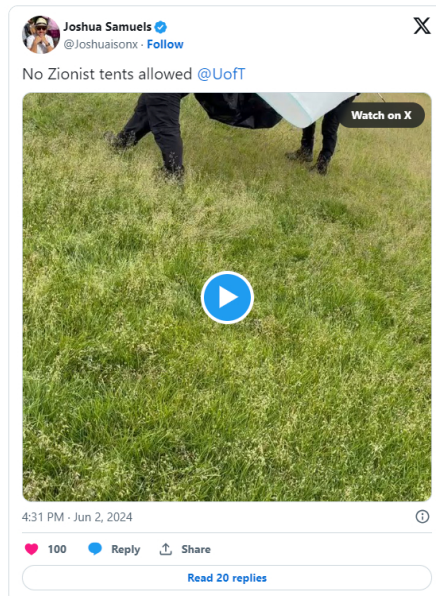
This advertisement has not loaded yet, but your article continues below.

Along with friends, the U of T PhD student, who has been at the school for nine years, set up own tents with Israel and Canadian flags to counter the dozens of Palestinian flags and tents on the other side of the fence.

They quickly found out that what is good for the goose is not good for the gander. The video shows U of T security calling it "trespassing" and "threatening" arrest.

"The constables removed my tents and equipment, including a personal backpack," said Samuels. "I asked to remain for just one hour with the promise to leave.

"I was told that was unacceptable and received a five-minute warning before arrest. This really felt like unjustified harassment."



Joshua Samuels
@Joshuaisonx · Follow

No Zionist tents allowed @UofT

4:31 PM · Jun 2, 2024

100 Reply Share

Read 20 replies

STORY CONTINUES BELOW

This advertisement has not loaded yet, but your article continues below.

The student said his "Jewish friend (also a student) was kicked out with me" and his "other Jewish friends were not allowed into my protest and were blocked from entering."

It's gross.

And it exposes how it really works there and in Canada too. The fenced-in "Little Gaza" compound with many non-students inside is untouchable, while actual students trying to counter the message are treated like unwanted vermin.

"The hypocrisy is staggering," said Samuels.

Saying he may challenge this in court, Samuels also quoted from George Orwell's famous "all animals are equal, but some are more equal than others" line from the 1945 Animal Farm novella which was published four years before Nineteen Eighty-Four.

Sometimes truth is stranger than fiction. Sometimes fiction comes true. This student certainly has put the spotlight on how the system is strong toward the weak and weak toward the strong.

STORY CONTINUES BELOW

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 **Joshua Samuels** 
@Joshuaisonx · Follow

University of Toronto has the authority and power to remove student tents. They just discriminate based on the popular issue. Hamas tents = good! Peaceful Canadian and pro Israel tents = removed. This is discrimination.



5:25 PM · Jun 2, 2024

 470  Reply  Share

[Read 45 replies](#)

STORY CONTINUES BELOW

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"I notified them immediately that I was a graduate student exercising my free speech and protest rights," he told the Toronto Sun. "After all, the existing encampment was publicly endorsed by Fred Hahn, CUPE, and the Ontario Federal of Labour (OFL). Moreover, the Toronto Police Services on Friday acknowledged that they cannot and would not arrest student campers without a court order."

So, it's pretty obvious a pro-Israel encampment is just as legitimate on those grounds as the anti-Israel one.

Obvious to everybody but the U of T security, who decided to show

obvious to everybody but the U of T security, who decided to show their muscle to the soft target of a few pro-Israel students while ignoring the abomination that is going on under their noses just steps away.

“I understood this to mean that student protests at King’s College Circle are legitimate for now,” said Samuels.

STORY CONTINUES BELOW

This advertisement has not loaded yet, but your article continues below.



At a border control checkpoint at “Little Gaza” on the University of Toronto campus, marshals inspect and control who can get into the fenced-off anti-Israel city. — Joe Warmington/Toronto Sun torsun

Of course it should be.

The U of T explained Monday that “the university respects our members’ rights to assemble and protest within the limits of U of T policies and the law” but the “entire fenced-in area of King’s College Circle, however, remains off-limits to people and structures and subject to a trespass order.”

It added the “counter-protest Sunday involving a potential second encampment in the previously unoccupied fenced-in area on the south end of the circle was on a scale that campus safety personnel were able to peacefully remove it without the assistance of the Toronto Police Service (TPS).

“Preventing any new encampment is consistent with our goal from the outset to find a resolution to the existing unauthorized encampment on front campus that monopolizes space for prolonged periods of time and unfairly prevents access to a shared-use space for all members of our community.”

STORY CONTINUES BELOW

This advertisement has not loaded yet, but your article continues below.

RECOMMENDED FROM EDITORIAL



WARMINGTON: Marshals wearing keffiyehs at U of T tell Jews they can...



WARMINGTON: Cops 'aware' of strange incident outside U of T...

With convocation Monday and more protests planned, school officials said they took the action they thought was appropriate. The overwhelmed security have had difficult issues to deal with, including seeing pro-Palestinian protesters allegedly physically assaulting Jewish onlookers and a bizarre incident under investigation of a pro-Israel counter-protester who witnesses alleged brandished a knife (no charges have been laid at this point).

It’s tough for security, who have been professional and respectful in challenging circumstances. But whether this was their decision or it was ordered from above, this was a failing grade because it exposed they will only enforce one side.

STORY CONTINUES BELOW

Now they must remove the whole encampment immediately. Fair is fair.

Kevin Vuong @KevinVuongMP · Follow

It turns out @UofT DOES have the ability to remove tents and quickly.

Unfortunately, they only remove tents set up by Jewish @UofT students and acted within 5 mins.

When did anti-Jew discrimination become @UofT policy? That wasn't the case when I was a student.

Joshua Samuels @Joshuaisonx

University of Toronto has the authority and power to remove student tents. They just discriminate based on the popular issue. Hamas tents = good! Peaceful Canadian and pro Israel tents = removed. This is discrimination.



9:16 PM · Jun 2, 2024

1.6K Reply Share

Read 83 replies

STORY CONTINUES BELOW

"It turns out University of Toronto does have the ability to remove tents and quickly," Kevin Vuong, independent Spadina-Fort York MP and a former student, posted to X.

But just the pro-Israel tents.

"Our protest was against anti-Semitism and for Zionism on campus, Jewish Zionism or non-Jewish Zionism," said Samuels.

But they now know only anti-Israel and anti-Jewish protest is allowed there.

"I believe we were not welcome because of our message," said Samuels. "It felt like a real double standard. This had the appearance of two-tier justice on campus. Some students are tolerated based on an anti-Israel message. Other students are not tolerated based on their pro-Israel message."

That is what they are saying. And that is what is happening.

jwarmington@postmedia.com



THE GOVERNING COUNCIL OF THE UNIVERSITY OF
TORONTO
Applicant

-and- JOHN DOE et al.

Respondents

Court File No. CV-24-00720977-0000

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT TORONTO

SUPPLEMENTARY AFFIDAVIT OF SANDY WELSH

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Lawyers for the Applicant

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE GOVERNING COUNCIL OF THE UNIVERSITY OF TORONTO

Applicant

and

JOHN DOE, JANE DOE, TAYLOR DOE, PERSONS UNKNOWN, ABDURRAHEEM
DESAI, AVIRAL DHAMIJA, ERIN MACKEY, HEIGO PARSA, KABIR SINGH,
KALLIOPÉ ANVAR MCCALL, MOHAMMAD YASSIN, SARA RASIKH, SERENE
PAUL and SAIT SIMSEK MURAT

Respondents

SUPPLEMENTARY AFFIDAVIT OF RYAN DOW

I, Ryan Dow, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. I am the Assistant Director, Community Liaison & Support Team (“CLS”), Campus Safety at the University of Toronto (the “University”), and, as such, have knowledge of the matters contained in this Affidavit. Where the information set out in this affidavit is not based on my direct knowledge, but is instead based on information and belief from other sources, I have stated the source of that information and believe it to be true.
2. I previously swore an Affidavit dated May 28, 2024 (my “First Affidavit”).
3. In this Affidavit, I set out events that have transpired or that I have learned about since my First Affidavit was sworn on May 28, 2024. In addition, I respond directly to some of the issues

identified by the Respondents in their affidavits. Defined terms used in this Affidavit have the same meaning ascribed to them in my First Affidavit.

INCIDENTS RELATED TO THE ENCAMPMENT SINCE MAY 28, 2024

4. Several reports have been filed with Campus Safety in relation to incidents at or around the Encampment since May 28, 2024.

A. Fire alarms on May 29-30, 2024 triggered by the sacred fire at the Encampment

5. On May 29, 2024 at approximately 10:15 pm, Campus Safety received a fire alarm activation from the Main Campus Underground Parking Garage, which is underneath Front Campus. The Toronto Fire Department (“TFD”) was dispatched and arrived on the scene. The fire panel indicated that the active alarm was from duct smoke in the northeast area of the parking lot. Campus Safety investigated the location specified on the fire panel and found there were no signs of fire, heat, or smoke; however, burning wood could be smelled in the garage and there was light smoke in the air. Campus Safety believed the smell of burning wood and the light smoke could be from the sacred fire in the Encampment. TFD arrived on the scene and did not investigate the location of the alarm after Campus Safety advised there were no signs of fire, heat, or smoke and described the sacred fire in the Encampment. TFD reset the fire panel and left.

6. At approximately 10:40 pm on May 29, Campus Safety received a second fire alarm for the Main Campus Underground Parking Garage. They attended and read the same fire alarm as occurred at approximately 10:15 pm. TFD was dispatched and reattended. Campus Safety and TFD determined that a fire watch should be placed and a system would be used to bypass the fire alarm.

7. At approximately 11:53 pm on May 29, members of Campus Safety were standing in the fire alarm panel room inside the Main Campus Underground Parking Garage. They encountered two individuals who were later identified as members of the Encampment walking in the parking garage. The individuals advised Campus Safety that they were investigating the cause of the fire alarm and checking on the car of one of the individuals. There were no cars parked in the garage at that time. Campus Safety directed the individuals from the Encampment to leave the parking garage and they did so without incident.

8. A copy of the incident report from the fire alarms triggered on May 29, 2024 is attached as **Exhibit “1”**.

9. On May 30, 2024, at approximately 8:35 am, the fire alarm inside the Main Campus Underground Parking Garage was activated again. A Fire Prevention Officer attended and entered the northeast stairwell of the parking garage. He could smell a wood fire in the stairwell area and at the entrance to the garage. He attended at the alarm panel room. The same detector that had been activated overnight on May 29 was again activated. He called the fire alarm company to attend and replace the device. A fire watch was implemented in the meantime. The Fire Prevention Officer also spoke to TFD. A copy of the Fire Report describing this incident is attached as **Exhibit “2”**.

10. Members of campus safety advise me, and I believe, that on May 29, 2024 at approximately 1:00 pm, before the fire alarms were triggered, Fire Prevention Officers observed a large pile of wooden skids directly beside the sacred fire in the Encampment. No other form of wood was present other than the skids. As a result of this observation, Campus Safety formed the belief that wooden skids were being burned in the sacred fire and causing the fire alarms to go off.

11. Following these incidents with the fire alarm, an Indigenous staff member at the University was able to work with Indigenous people within the Encampment to provide dry, seasoned firewood for the sacred fire. Using dry, seasoned firewood reduced smoke levels and stopped triggering the fire alarm.

B. Incidents arising from counter-protests around the Encampment

12. On May 30, 2024, Campus Safety received a report of an incident related to a counter-protest at the Encampment. On May 30, 2024 at approximately 6:00 pm, approximately 60 to 80 “Pro-Israeli” protestors arrived on the south side of Convocation Hall located at 31 King’s College Circle. The protestors held signs and flags and were chanting. At approximately 7:00 pm, the Pro-Israeli group began to disperse. Shortly after, seven to eight of the Pro-Israeli protestors attended the north side of King’s College Circle and began to engage with the individuals within the Encampment. It was reported that the Pro-Israeli group attempted to gain access to the Encampment but were denied access.

13. It was reported that at approximately 7:30 pm on May 30, an unknown female individual from the Pro-Israeli group was observed to be holding a pocketknife and used it to cut one of the Pro-Palestinian banners attached to the fence around the Encampment. Toronto Police and Campus Safety immediately approached her. They told her she was not permitted to brandish the pocketknife, and she should refrain from removing any banners. It was reported that she was directed to leave the area and did so.

14. A copy of the Campus Safety Report for the incident on May 30, 2024 is attached as **Exhibit “3”**. I have been advised that the TPS has an open file and is presently investigating this incident.

15. On May 31, 2024, President Gertler and others received an email from a PhD student at the University expressing serious concerns about a video they saw of the incident described above. A copy of this email is attached as **Exhibit “4”**.

16. On May 31, 2024, Campus Safety received a report of an incident from May 28, 2024 where a University staff member observed a ripped Palestinian flag hung on a tree branch along the rear of the Gerstein Library. Members of Campus Safety met with the complainant and determined the incident was hate-related. Campus Safety contacted Toronto Police, who attended and concluded their investigation just past midnight on May 29, 2024. A copy of the Campus Safety Report for this incident is attached as **Exhibit “5”**.

17. On June 2, 2024, at approximately 3:00 pm, it was reported that a complainant was attending a counter-protest at the Encampment when a male exclaimed, “fuck the Jews”. Campus Safety officers were in the area due to the counter-protest. The complainant told Campus Safety that she wished to file a report. She reported the male was walking with a female when he stated the above and continued walking around Front Campus away from the counter-protestors. A copy of the Campus Safety Report for this incident is attached as **Exhibit “6”**.

18. On June 2, 2024, a member of Campus Safety observed four to five people climb into the fenced-off construction area on the south end of Front Campus and begin to set up tents and other camping equipment. Campus Safety entered the fenced area. The individuals identified themselves as setting up a “Pro Israel” camp as a counter-protest to the Pro-Palestine camp within the Encampment. The counter-protestors were told they were trespassing and if they did not leave, they could be arrested. The counter-protestors initially refused to leave and argued this was unfair treatment, as the Pro-Palestinian encampment was “being allowed by UofT to stay”. The counter-

protestors eventually cleared the area, then held a rally on the south sidewalk of Front Campus. The writer of the Campus Safety report noted that on multiple occasions, counter-protestors attempted to bait members of Campus Safety into arrests, challenged their authority, and attempted to intimidate members of Campus Safety. A copy of this Campus Safety Report is attached as **Exhibit “7”**.

C. Graffiti and defacement of University property

19. Campus Safety has received numerous reports of graffiti on University property since the Encampment began. These reports have continued since I swore my First Affidavit.

20. On May 31, 2024, a member of Campus Safety observed a female writing in black marker on a Private Property Authorized Vehicle Only sign located on King’s College Road. The female had written “Fuck Gertler” on the sign in black marker. The female was eventually identified as a University student. She was cautioned for mischief and advised that she could be charged for mischief or under the *Code of Student Conduct* at a later time. A copy of the Campus Safety Report for this incident is attached as **Exhibit “8”**.

21. On June 1, 2024, I am advised that at approximately 4:00 pm, a member of Campus Safety observed an individual using a marker to apply graffiti to a University of Toronto sign in front of Wycliffe College while bicycling behind a group of protestors on Hoskin Avenue. The Campus Safety officer observed the graffiti to say “Free Gaza!”. The officer cautioned the accused, gave them their right to counsel and determined they were a University student. Campus Safety requested the markers, which the individual provided without hesitation. The individual was charged with mischief and released. A copy of the Campus Safety Report for this incident is attached as **Exhibit “9”**.

D. Other issues and reports

22. On May 27, 2024, Campus Safety received a report that a complainant had received an inappropriate email directly to their inbox. The email in question was specifically addressed to the complainant. The email mentioned the University's injunction. The email said:

Can you please tell that ass licking sycophant cunt that calls himself your president to call off the injunction and the fucking pigs.

You fascist cunts are on the wrong side of history.

Call off the injunction.

Don't bring in the fucking pigs.

23. The Campus Safety Report for this incident, which was not available to me in a completed format when I swore my First Affidavit, is attached as **Exhibit "10"**.

24. I have also become aware of a series of posts on Mastodon by a user with the handle "@gigi.kolektivasocial", who identifies herself as Gisela McKay. I understand Mastodon to be an open-source social media platform that allows micro-blogging, similar to "X" (formerly known as Twitter). On May 28, 2024, Ms. McKay posted a thread which included several photographs along with the caption "back at the Encampment", suggesting that these photographs were taken at the Encampment. The thread culminated with two images of satirical bingo cards called "Privileged White Zionist Bingo". Ms. McKay's post stated "as long as these keep getting made, Ima keep playing." An image of a bingo card from Ms. McKay's Mastodon thread is copied below:



A complete copy of Ms. McKay's Mastodon thread dated May 28, 2024 is attached as **Exhibit "11"**.

25. On June 4, 2024, Campus Safety received a report from an individual who works in Grounds/Facilities and Services at the University. The individual reported that on June 3, they picked up fleet vehicle #20 near Gerstein Library. On June 4, at approximately 8:00 am, the individual parked the vehicle in the OISE parking lot and entered the OISE building at 252 Bloor Street West. At approximately 10:30 am, the individual left the building and observed slashing marks on the threading of the front tire on the driver side. A copy of this incident report is attached as **Exhibit "12"**.

RESPONSE TO SPECIFIC POINTS IN RESPONDENTS' EVIDENCE

26. I have read the affidavit of Mohammed Yassin, which asserts that the University has “instituted a high degree of surveillance” around the Encampment, “including the use of persistent drones.” Campus Safety does not own drones and does not use drones to carry out its work. Neither the University nor any of its agents have used drones for any purpose related to the Encampment.

27. The affidavits sworn by the Respondents make several factual statements that were never brought to my attention. I am not aware of any of these facts having been brought to the attention of anyone else at Campus Safety. I have never personally observed, nor have any of the protesters from the Encampment, advised me, of any of the following facts:

- (a) That there is a team of medics on site at the Encampment;
- (b) That there are fire extinguishers on site as well as signs indicating the location of these extinguishers;
- (c) That there are “clearly” marked fire exits in case of emergency; and
- (d) That the Occupants have established a “community safety team” that implements a community safety guideline devised by the protesters, including a protocol for limiting entry to the Encampment or making entry difficult in certain cases. Campus Safety was not consulted on appropriate protocols or guidelines.

28. Several of the respondents’ affidavits state that the Encampment is welcoming. I have personally been barred entry to the Encampment and witnessed others being prohibited from entering, as set out in my First Affidavit.

29. Campus Safety has also received reports of individuals being barred entry. For example, on May 8, 2024, Campus Safety received a report from a faculty member who attended the Encampment to “see what was going on”. The complainant identified himself as faculty and asked to enter. He was asked whether he supported the cause and said “no” but that he wished to speak to the protesters. He was told he could not enter until he was asked further questions. He was not allowed entry and protesters started shouting “sexual assault” to an alumnus accompanying the complainant. The alumnus was confronted by a larger male and knocked down during the confrontation. A copy of this incident report is attached as **Exhibit “13”**.

30. On June 1st, Campus Safety received a complaint from an individual who reported that she attended the Encampment on May 30th so that she could speak with protesters because she is Jewish and disagrees with how they are protesting. She reported that at the front gate she was stopped by 7-8 masked individuals who said she could not enter. She reported that she asked why she could not enter but was not told. After approximately 10 minutes outside of the Encampment, she left. A copy of this incident report is attached as **Exhibit “14”**.

31. I am also aware that the respondents’ affidavits suggest that there has been no fortification of the Encampment. For example, the affidavit of Mohammad Yassin asserts that he is not aware of any fortification of the camp.

32. I disagree. Campus Safety has directly observed fortifications to the Encampment from the outside of the Encampment. These observations include, but are not limited to, attaching pieces of wood to the fences, adding wire to the objects in the top of the fences to tie them in place, and using portions of the fence that were removed from the perimeter to create emergency exits in

early May to reinforce portions of the Encampment. A photograph showing the use of wood and wire to reinforce the fence is below:



33. Campus Safety has also received incident reports about fortification of the fencing. On Friday May 24, 2024 at approximately 1:35 am, Campus Safety received a phone call from an individual reporting that Encampment occupants were reinforcing the existing fencing around the Encampment with fencing that had been left inside the Encampment because it was not able to be

removed due to the presence of the Occupants within it. Campus Safety officers arrived on the scene and observed the Occupants reinforcing the existing fence by leaning the extra fence against it and securing it with zip ties. The “extra” fencing appeared to be added around the east side, near Gerstein Library; north near University College; and west towards Knox College. The Occupants were not willing to speak with Campus Safety officers who observed this behaviour. A copy of this incident report is attached as **Exhibit “15”**.

CORRECTION TO MY FIRST AFFIDAVIT

34. I wish to make a correction to my First Affidavit. I inadvertently omitted copies of an email chain between the University and Toronto Police Services (“TPS”) that is referenced at paragraphs 138 to 141 of my First Affidavit.

35. At paragraph 140, I attested that “TPS has generally expressed to the University an unwillingness to address the Encampment absent a specific emergency situation or Court Order.” The TPS position about why they are not able to assist is set out in a May 23, 2024 email from TPS, in response to a request from Campus Safety:

As explained to you on May 21, 2024, given the manner in which events have unfolded to date, the particular circumstances of this matter, and the decision of the Quebec court denying McGill University an interim injunction, we believe the *Trespass to Property Act* does not give the Toronto Police Service sufficient legal authority to act. Therefore, absent a material change of circumstances, the Toronto Police Service will only act in situations involving an emergency to enforce the law and protect public safety, or act in accordance with an order of a Court of competent jurisdiction.

A copy of the May 23, 2024 email chain quoted above is attached as **Exhibit “16”**.

36. At paragraph 141 of my First Affidavit, I attested that TPS denied a request related to Paid Duty Officers made on May 23, 2024 by Campus Safety. Today I received further information

from the TPS about the decision not to provide paid duty officers. The email from TPS dated June 5, 2024 is attached as **Exhibit “17”**.

SWORN by Ryan Dow at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
(or as may be)

RYAN DOW

This is Exhibit “1” referred to in the Affidavit of Ryan Dow sworn by Ryan Dow at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

UT24016601

Synopsis

On, Wednesday, May 29th, 2024 at 2215 hours, Campus Safety received a fire alarm activation from the Main Campus Underground Parking Garage and the Toronto Fire Department (TFD) was dispatched.

At 2216, Special Constable [REDACTED] arrived on scene and the fire panel read "0001>Alarm Active EF-03 Duct Smoke North East P1 NE Mech."

[REDACTED] & Recruit [REDACTED] investigated the location specified on the panel and there were no signs of fire, heat or smoke. However, in the parking garage there was a smell of burning wood and light smoke in the air which could be from the unsanctioned ceremonial fire from the encampment on the Main Campus Field. TFD [REDACTED] arrived on scene and attended the Fire Panel Room. TFD did not investigate the location of the alarm after being briefed on there being no signs of fire, heat or smoke at the location & the unsanctioned ceremonial fire on Main Campus. TFD reset the fire panel which was successful and cleared the scene.

At 2240 Hours, Campus Safety received a 2nd fire alarm for the Underground Parking Garage & NEVES reattended and read the same fire alarm. TFD was dispatched and reattended. Staff Sergeant [REDACTED] spoke with TFD [REDACTED] Captain and District Chief and advised them that a fire watch will be placed and Eurotech will be dispatched to bypass the fire alarm.

At 2253 Hours, Corporal [REDACTED] and Recruit [REDACTED] were standing in the fire alarm panel room and came across 2 individuals who later identified to be Encampment Occupant Protesters walking in the parking garage. They advised that they were investigating the cause of the fire alarm, and he was checking on his car. [REDACTED] notes that there were no cars parked in the Garage at this time and the protester began laughing. Both protesters left when directed.

This is Exhibit “2” referred to in the Affidavit of Ryan Dow sworn by Ryan Dow at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

**UNIVERSITY OF TORONTO
FIRE PREVENTION SERVICES**

FIRE REPORT

1

			REF.#
1.	BUILDING NAME: Landmark	ADDRESS: 24 Kings College	
2.	NUMBER: 99	ROOM NUMBER: NE mechanical room	FLOOR NUMBER AND AREA: Parking area
3.	DAY AND DATE OF OCCURRENCE: May 30 2024	TIME OF OCCURRENCE: 08:35	
4.	APPARENT CAUSE OF FIRE OR FALSE ALARM: Smoke from ceremonial fire buring pallets migrating into the parking garage area causing duct detector to be contaminated and go into alarm.		
5.	<p>DETAILS OF OCCURRENCE: Fire Prevention FPO [REDACTED] was checking trouble calls at buildings when he received a call at 8:35am from Campus Safety that a fire alarm was activated at the Landmark Property. I advised Campus Safety dispatch that I was not far away and would attend and to hold on Toronto Fire as we had a call last night at 23:11.</p> <p>I arrived at 08:39 to the Landmark Parking and entered the N/E stairwell and could smell a wood fire smell in the stairwell area and also at the entrance to the garage.</p> <p>I attended at the alarm panel room and the display read ef-03 Duct smoke NE P1. This was the same detector that had activated the prior evening at 23:11.</p> <p>FPO [REDACTED] called Eurotech to attend and they isolated the device and the construction company conducted a fire watch.</p> <p>FPO [REDACTED] received a call at 11:00 from Capt. [REDACTED] Toronto Fire Prevention and he asked if the panel was clear and normal from the call the previous night.</p> <p>I explained that the device was being replaced and that a fire watch was in place. We would get the trouble rectified as soon as possible.</p> <p>The Duct detector was replaced 15:00 hours that day by Eurotech and no calls have been received since.</p>		
6.	ALARM REPORTED BY: Campus Safety	ALARM REPORTED TO: U of T Fire Prevention	
7.	FIRE DEPARTMENT ATTENDED? No	FIRE STATION(S) ATTENDED:	
NAME AND RANK OF FIRE OFFICER IN CHARGE:			TIME ON SITE:
9.	FIRE PROTECTION EQUIPMENT INSTALLED IN BUILDING: Sprinklers		
10.	FIRE PROTECTION EQUIPMENT INSTALLED IN FIRE AREA: Sprinklers/Fire devices		
11.	FIRE DETECTED BY: Duct detector N/E mechanical room		
12.	FIRE ALARM OPERATED: yes	BUILDING OCCUPIED? yes	BUILDING EVACUATED? yes
13.	FIRE EQUIPMENT USED? none		
14.	FIRE EXTINGUISHED BY? NA.		

UNIVERSITY OF TORONTO
FIRE PREVENTION SERVICES

FIRE REPORT

15.	FIRE PREVENTION PERSONNEL NOTIFIED:		TIME: 08:35	ATTENDED: 08:39	
	1. NAME:	[REDACTED]			
	2. NAME:				
	3. NAME:		TIME:	ATTENDED:	
16. NAME AND TITLE OF PERSON(S) FOR FURTHER DETAILS: [REDACTED] Fire Prevention Officer					
17.	WHERE PHOTOGRAPHS TAKEN?			BY WHOM?	
	NO				
18. PERSONS INJURED: YES/NO (give complete details if answer is yes) NO					
19.	FIRE ALARM RESET?		DETECTOR REPLACED?		SPRINKLER RESET?
	YES isolated device		YES AT 15:00 BY EUROTECH		NA
20.	EXTINGUISHERS REPLACED?		RECHARGED?		COST:
	NA		na		
21.	WAS FIRE CONFINED TO STARTING POINT?		IF NOT, STATE EXTENT OF FIRE:		
	<input type="checkbox"/> YES <input type="checkbox"/> NO				
22. DID ALL FIRE PROTECTION EQUIPMENT OPERATE SATISFACTORILY? (if not state details) yes					
23.	ESTIMATED LOSS:				24. LIST OF EQUIPMENT DAMAGED BY FIRE: NA
	BUILDING				
	Misc.				
	EQUIPMENT				
	TOTAL				

UNIVERSITY OF TORONTO
FIRE PREVENTION SERVICES

FIRE REPORT

DATE OF REPORT: May 31 2024		
25.		
REPORT TO FOLLOW	<input type="checkbox"/> NO <input type="checkbox"/> YES	REPORT BY [REDACTED] Signature [REDACTED] TITLE: FPO
<i>N.B. If more space is required, attach sheet to Fire Report</i>		

This is Exhibit “3” referred to in the Affidavit of Ryan Dow sworn by Ryan Dow at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

UT21046696*****SYNOPSIS*****

On Thursday May 30th 2024 at approximately 1800 hours, approximately sixty to eighty “Pro-Israeli” protestors arrived on the South side of Convocation Hall located at 31 Kings College, Circle, Toronto. The protestors were observed to be holding signs/flags and chanting in the area. At 1900 hours, the Pro-Israeli group began to disperse from the area.

Shortly after, seven to eight Pro-Israeli protestors attended the North side of Kings College Circle. At this time, the group began to engage with the “Pro-Palestinian” group located within the encampment. The Pro-Israeli group attempted to gain access into the encampment but were denied access by the opposing group.

At approximately 1930 hours, an unknown female from the Pro-Israeli group was observed holding a pocketknife in her right hand. The unknown female used the pocketknife to cut one of the Pro-Palestine banners attached to the King’s College Circle fence. The female was then observed placing the pocketknife inside her purse. Toronto Police and Campus Safety immediately approached and spoke the female party.

TPS informed the female that she is unable to brandish the pocketknife or any other weapons at any time. The female was further advised to refrain from removing any banners and directed to leave the area. Subsequently, the female left the area.

The female did not threaten or harm anyone with the pocketknife at anytime. No injuries were sustained during the incident. The unknown female is described as white, grey hair, wearing glasses, black shirt, black cardigan, black purse, green pants with purple stripes, black shoes, carrying an Israeli flag.

This is Exhibit “4” referred to in the Affidavit of Ryan Dow sworn by Ryan Dow at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

263

Archived: Monday, June 3, 2024 11:17:51 AM

From: [REDACTED]

Mail received time: Fri, 31 May 2024 11:51:43

Sent: Fri, 31 May 2024 11:51:33

To: [President](#) [REDACTED] [REDACTED]

Subject: Threats from Zionists and Jewish terror groups

Importance: Normal

Sensitivity: None

Dear profs and admin,

I am deeply disturbed by a video of a pro-Israeli old white woman threatening students with a knife on campus yesterday. Zionists and Jewish groups recognized as terrorists by the FBI showed up on campus to intimidate brown and black students around King's Circle today. More specifically, I am concerned to see it arise as a pattern after a knife related violent threat at the UOttawa occupation.

I want to clarify that the point of this email is that they also made a point to attack me personally as I left roseborough in front of the medical building. As a nonbinary brown person who has been sent to the ER by transphobes who beat me to pulp before they tried to drive over me, it was beyond scary to be mobbed yet again by a bunch of white supremacists making transphobic comments towards me for wearing a skirt and make up as I do on most days despite being a person AMAB.

I have to say, students from the encampment came to my rescue. But this violent maniac made a point to call me a "faggot" too. I can't imagine threatening assault with a weapon wins favour for an apartheid state committing genocide, but seeing how Gertler is a fan of promoting anti-Palestinian, Islamophobic, and queerphobic politics in the name of free speech, I can't imagine another response from our ground-breaking institution; I mean you did platform and legitimize far right commentators adamantly against my existence like your colleague Jordan Peterson.

That said, I am a student in your faculty. I deserve safety and security at my place of learning and work. Where the encampment has held space for engaging in queer and trans dialogue, this Zionist group made it their concern to bully me from my own university. I am abhorred that faculty at Temerty can see it as their "right" to support this group and their politics in the name of religious freedom and I demand that faculty members who are "proudly Zionist" explain their rationale for supporting a transphobic nation state's politics to us as a campus and a university community.

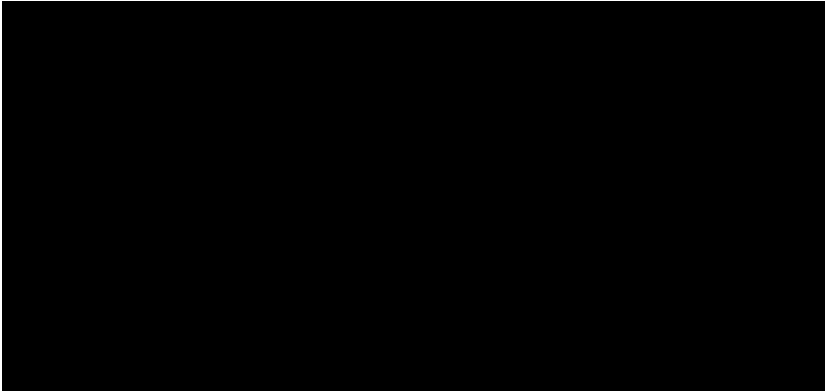
As an indian immigrant, I fear those who are proudly hindut because their theofascism threatens me and my loved ones directly. I distance myself from khalistanis despite having grown up in an interfaith Sikh and Hindu household because I know their politics specifically eradicate us from their claims to religious lands. And we would be shocked if faculty members advertised themselves as proudly ISIS for the sake of religious self determination across transnational borders in direct violation of international law—something we cut ties with Russian institutions for (and rightly so, given they labelled us an undesirable organization too). So please explain why these religious fundamentalists and apartheid apologists are allowed to collaborate with pensioners to threaten student's lives and safety?

I am expecting a meeting and a response. I will be taking this incident directly to the police otherwise. I also expect police response to the woman threatening students and an investigation on how these pro-Israeli terrorists are organizing to attack universities in a next-level McCarthyist dystopia.

It's pride month and you will be [REDACTED] as an inclusive institution. I expect I will at least be

respected enough as a Canadian student on this campus with fundamental rights and freedoms constitutionally guaranteed by the Charter, especially if you can capitalize on my labour and hard work without providing trans and queer students any affirmative support to deal with our marginalization and constant structural violence from faculty, staff, administrators, Hillel interlocutors, and other university community members.

Thanks



This is Exhibit “5” referred to in the Affidavit of Ryan Dow sworn by Ryan Dow at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

UT24016420

GO# 2024-1154653

SYNOPSIS

On Tuesday, May 28, 2024, at approximately 1323 hours, University of Toronto staff member [REDACTED] was walking along the rear of the Gerstein Library (9 Kings College Circle) when he observed a ripped up Palestinian flag. The flag appeared to be ripped intentionally and partially hung on a tree branch.

Subsequently, the incident was reported to the manager of security, [REDACTED] and Campus Safety.

At approximately 1445 hours, SPC [REDACTED] and SPC [REDACTED] met with the complainant to obtain the aforementioned information. Officers determined the incident to be hate related and Toronto Police OIC was notified.

The area has been taped off, and officers remain on scene awaiting Toronto Police.

TPS attended and concluded their SOCO investigation at 00:16 hour.

This is Exhibit “6” referred to in the Affidavit of Ryan Dow sworn by Ryan Dow at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

UT24016873 POLICE INFORMATION

******SYNOPSIS******

On Sunday, June 2, 2024, at approximately 15:00 hours, [REDACTED] was attending a counter-protest to the encampment on Front Campus when a male exclaimed, "fuck the Jews." Special Constables were in the area due to the counter-protestors and [REDACTED] explained that she wished to file a report.

SPC [REDACTED] spoke with [REDACTED] and gathered the information contained in this report. [REDACTED] explained that the male was walking with a female when he stated the above. The male and female continued walking around Front Campus away from the counter-protestors.

There were no threats or safety concerns. The male was described as East Asian, under 183 cm, wearing all black with a black jacket.

This is Exhibit “7” referred to in the Affidavit of Ryan Dow sworn by Ryan Dow at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

****SYNOPSIS****

On Sunday June 2nd, 2024 at approximately 1415hrs, SPC [REDACTED], while at a stationary post in front of Simcoe Hall observed 4-5 people climb into the fenced off construction area on the south end of Main Campus and begin setting up tents and other camping equipment. At approximately 1420hrs [REDACTED] attended the area.

Upon arrival, SPCs entered the fenced off area and made contact with the people inside. [REDACTED] spoke with the main "spokesperson", later identified as UofT student [REDACTED], who advised that he was setting up a "Pro Israel camp" as a counter protest to the Pro Palestine encampment. The counter-protesters were advised by SPCs that they were trespassing and that should they fail to leave, they can be arrested. The counter protesters initially refused to leave, making the argument of unfair treatment as the Pro Palestine encampment was "being allowed by UofT to stay", however once SPCs began removing the tents and camping equipment they set up and placing it on the sidewalk in front of Convocation Hall, 4 of the 5 counter protesters left the fenced off area. A member from [REDACTED] group attempted to push past SPC [REDACTED] at the opening to get back in was but was stopped and left when directed without incident. [REDACTED] continued his protest inside with his bull horn under the supervision of [REDACTED] for his safety.

At approximately 1510hrs [REDACTED] agreed to leave the fenced off area and hold his counter protest/rally on the south sidewalk of Main Campus. The rally lasted approximately 30 minutes and ended with the counter protesters doing a walkaround of the encampment while playing music and making speeches with SPCs escorting them to keep the peace. At approximately 1620hrs, all counter protesters cleared the area and the rally concluded.

During the occurrence, it should be noted that counter protestors on multiple occasions attempted to bait SPCs into arrests, challenge SPC authority, film and misquote laws/ legal statues/provincial acts etc. in attempts to intimidate attending SPCs.

This is Exhibit “8” referred to in the Affidavit of Ryan Dow sworn by Ryan Dow at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

UT24016741 MISCHIEF

****SYNOPSIS****

On Friday May 31st 2024, at approximately 1120 hours Executek Coordinator [REDACTED] was posted at the intersection of King's College Road and College Road for vehicle access control.

At this time, [REDACTED] noticed a female writing in black marker on a Private Property Authorized Vehicle Only sign located on King's College Road just west of the Lassonde Institute of Mining building (170 College Street).

[REDACTED] approached the sign and saw the black marker graffiti the female was writing. The graffiti was located on the bottom section of the sign.

[REDACTED] saw the female continue walking north bound on King's College Road.

At this time, [REDACTED] reported the incident to Campus Safety. [REDACTED] described the female as white, blond hair, and pushing a cart.

At 1125 hours, officers were informed of the incident.

At 1127 hours, STAFF STG. [REDACTED], ACTING CPL. [REDACTED], and SPC [REDACTED] arrived on scene at main campus.

Officers located a female walking northbound on King's College Road matching the description provided by [REDACTED]

At 1129 hours, officers detained the female to investigate a potential mischief near 1 King's College Circle.

The female refused to speak, provide her name, or confirm if she is a student of the university.

STAFF STG. [REDACTED] walked down King's College Road and confirmed the mischief. The words, "Fuck Gertler" were on the sign in black marker on the lower section of the sign.

ACTING CPL. [REDACTED] attempted to locate an encampment police liaison. Two encampment members arrived and talked to the female.

After talking to the encampment members, the female provided her TCard and Ontario Health card. The female identified as University Student [REDACTED]

Officers cautioned [REDACTED] for mischief which she told officers she understood. Officers advised that she could be charged for mischief or student code of conduct at a later time.

Officers were able to remove the graffiti from the sign with hand sanitizer and alcohol wipes.

This is Exhibit “9” referred to in the Affidavit of Ryan Dow sworn by Ryan Dow at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

UT24016814 MISCHIEF

GO# 24-1188384

****SYNOPSIS****

On Saturday, June 1, 2024, at approximately 16:00 hours, SPC [REDACTED] observed the accused apply a marker mischief graffiti to a University of Toronto sign while bicycling behind the group of protestors on Hoskin Avenue (Toronto).

At approximately 20 metres away, [REDACTED] observed the accused apply "Free Gaza!" to the Wycliffe College sign using a marker in their right hand. The accused then placed the marker into their left pocket as [REDACTED] caught up and placed them under arrest for mischief.

Cpl [REDACTED] and SPCs [REDACTED], and [REDACTED] attended the area to assist shortly thereafter.

The accused was given their rights to council and caution. The accused replied yes to understanding their rights and had an associate bring a lawyer from the encampment for legal advice ([REDACTED] [REDACTED]).

The accused identified themselves with a photo of an Indian passport as [REDACTED] of Toronto. [REDACTED] identified themselves as a University of Toronto student which was confirmed by Campus Safety Dispatch.

SPC requested the markers used in the offence to avoid unnecessary search. Without hesitation, [REDACTED] gave SPCs two markers from their front left pocket. [REDACTED] placed the markers into an evidence bag in UT04.

[REDACTED] was not handcuffed as they were compliant with officers and appeared to not pose a flight risk. [REDACTED] observed [REDACTED] with a backpack that was taken off and given to an associate. Due to the markers being seized, it was not deemed necessary to search the bag incident to arrest.

[REDACTED] explained to [REDACTED] the conditions to appear for finger printing and court. [REDACTED] was issued a Form 9 for mischief and released from custody at approximately 16:57 hours.

This is Exhibit “10” referred to in the Affidavit of Ryan Dow sworn by Ryan Dow at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

UT24016306 POLICE INFORMATION

GO# 24-1146902

On Monday, May 27, 2024 the complainant reported receiving an inappropriate email directly to their inbox. The email in question was specifically addressed to the complainant.

Details of Email:

Sender: [REDACTED]

Date/ Time: Monday, May 27, 2024 1:36 PM

Subject: Protests

Content of Email:

[REDACTED]

Can you please tell that ass licking sycophant cunt that calls himself your president to call off the injunction and the fucking pigs.

You fascist cunts are on the wrong side of history.

Call off the injunction.

Don't bring in the fucking pigs.

[REDACTED]

This is Exhibit “11” referred to in the Affidavit of Ryan Dow sworn by Ryan Dow at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)



Gigi 🍄 🟠

@Gigi@kolektiva.social

🌐 May 28

Currently with the Friends of Ontario SCS, RNAO, Ryan's Hope, HIV Legal Network, and harm reduction advocates from across Ontario for the FUND SCS NOW! action.

“

Safe Consumption Sites (SCS) are life-saving, and yet the provincial government is refusing to fund them permanently. This has already resulted in sites closing. Join groups across Ontario - including @registerednurses @ryanshopebarrie @hivlegalnetwork (instagram) - on May 28, 2024, as we march and rally to demand meetings with the Ford government to fund SCS permanently NOW!

”

ISTG every time I look up there's another cop newly arrived. There were 2 when I got here.



#LOLife

#DefundDisarmDismantle



Gigi 🇨🇦
@Gigi@kolektiva.social

2/📷

Almost at Queen's Park.

It's been a rainy march, but this is important.



May 28, 2024, 02:15 PM · 🌐



Gigi 🍄 🟠

@Gigi@kolektiva.social

Trying to give you a sense of scale of the action without actually photographing comrades.



#TorontoActions

#SafeConsumptionSites

#SafeConsumptionSavesLives

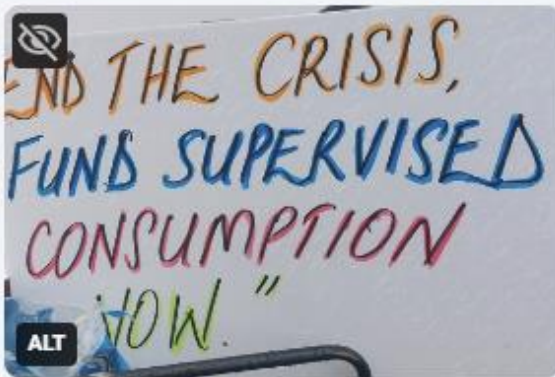
May 28, 2024, 02:35 PM · 🌐



Gigi 🍄 🟠
@Gigi@kolektiva.social

Simultaneously listening to tragic stories from people who have lost loved ones to overdose while having one ear on the Superior Court administrative session about the #UofT #SolidarityEncampment

Heading from here across the street to do a shift at the gate.



#LOLife

May 28, 2024, 03:41 PM · 🌐



Gigi 🍄 🟠
@Gigi@kolektiva.social

5/🧵
Day 27

Back at the camp.
[#UofT](#) [#SolidarityEncampment](#)



May 28, 2024, 04:37 PM · 🌐

1 boost · 0 favorites



Gigi 🍄 🟠

@Gigi@kolektiva.social

6/🧵

Imagine if this was an Israeli flag.

There's a lot of hate, but it ain't coming from the side you're being told is bringing it.

[#FreePalestine](#)



May 28, 2024, 05:04 PM · 🌐



Gigi @Gigi@kolektiva.social



I wonder if they'll come out now that the rain is stopped.

As long as these keep getting made, Ima keep playing.



May 28, 2024, 08:08 PM

Gigi  
@Gigi@kolektiva.social

7/📖
I guess I will have to get the sign out if I want the second one on the top row.



May 28, 2024, 08:46 PM · 

This is Exhibit “12” referred to in the Affidavit of Ryan Dow sworn by Ryan Dow at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

UT24017093 - Mischief

SYNOPSIS

On Monday June 03, 2024, at approximately 08:30 hours, [REDACTED] who works in Grounds/Facilities and Services at the University of Toronto picked up fleet vehicle #20 near Gerstein Library at 9 Kings College Circle Toronto ON.

On Tuesday June 04, 2024, at approximately 08:00 hours, [REDACTED] parked fleet vehicle #20 near the OISE parking lot at 252 Bloor St W Toronto ON and entered the OISE building. At approximately 10:30 hours, [REDACTED] left OISE and observed slashing marks on the threading of the front tire on

the driver side. [REDACTED] called his supervisor [REDACTED] who in turn notified Campus Safety dispatch.

At approximately 19:25 hours SPC [REDACTED] called [REDACTED] and [REDACTED] to gather the above and additional information. [REDACTED] stated that he did not notice anything out of the normal when he picked up the vehicle near Gerstein Library and that there was no tire pressure alert at the time. [REDACTED] also mentioned to SPC [REDACTED] that the slashing appeared to be from an Exacto knife and was about two and a half inches in length and had not pierced the inner liner of the tire.

The estimated costs for tire repair are \$500 CAD.

No CCTV cameras at OISE.

This is Exhibit “13” referred to in the Affidavit of Ryan Dow sworn by Ryan Dow at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

UT24015900- POLICE INFORMATION**BACKGROUND:**

The complainant [REDACTED] is a Professor with the Department of [REDACTED] [REDACTED] and [REDACTED] at the University of Toronto. He has advised [REDACTED] and [REDACTED] of Workplace Investigations involving an incident that occurred on Campus involving the Encampment.

SYNOPSIS:

On Wednesday May 8th, 2024, at 5:20 pm, [REDACTED] attended King's College Circle to see what was going on at the Encampment.

At the entrance of the enclosed encampment, [REDACTED] advised after walking around and engaging with people who were "clearly put on the perimeter to keep him from going in. He decided to get in. He wanted to talk to the folks inside. He advised he was faculty and was in the company of an unidentified alumnus.

He was asked by the female screener and advised they had never been there before. He was asked if they support the cause, NO but I'd like to talk to you. He was advised he can't come in until she got someone else to ask more questions. He hesitated.

At this time, [REDACTED] had no contact between alumnus and female screener. This is important because, during and after the scuffle, she and others started yelling sexual assault.

A larger male came and interposed himself between [REDACTED], alumnus and screener. [REDACTED] says alumnus touched larger male and the larger male knocked him down (punched). Alumnus may have fought back. Others came quickly. Locked arms and chanted slogans --- which were not hateful "we will not rest; we will not be defeated" someone else came and tried to deescalate. [REDACTED] wanted to leave but was unable to as he was in trapped in the group. [REDACTED] felt his movement was impeded and his safety was at risk. That's when someone asked if he wanted to leave, she unlocked her arms, and he was able to leave.

[REDACTED] advised he attended the encampment to have a constructive dialogue in a civil conversation. He did observe several hateful messages surrounding the encampment. He is hoping the encampment ends peacefully.

A video has been provided by [REDACTED] and added to the report.

This is Exhibit “14” referred to in the Affidavit of Ryan Dow sworn by Ryan Dow at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

*****SYNOPSIS*****

On Thursday May 30th, 2024 at approximately 1915hrs, the complainant, non-community member [REDACTED], attended the encampment at UofT's Main Campus and attempted to enter it to speak with the protestors as she is Jewish and disagrees with how they are protesting and their messaging. As she walked past the people by the "front gate" she was stopped by a group of 7-8 people who had covered faces and was told she could not enter the encampment. She took exception to this and demanded to know why she couldn't enter as it was a publicly accessible space. After approximately 10 minutes, [REDACTED] left the area without incident.

On Saturday June 1st, 2024 at 1820hrs [REDACTED] contacted UofT Special Constables and spoke with SPC [REDACTED] to report the incident. She advised that she was extremely upset with the way UofT was handling the situation and felt that the protestors had no right to impede her access into the Main Campus field. She advised that she was able to leave without any further escalation and confirmed that there were no threats or assaults during the interaction. She was also advised to contact the City of Toronto's by-law enforcement regarding any city by-laws violations that she observed at the encampment.

This is Exhibit “15” referred to in the Affidavit of Ryan Dow sworn by Ryan Dow at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

UT24015743 POLICE INFORMATION

Synopsis

On, Friday May 24th, 2024 at 0135 Hours, Campus Safety received a phone call from [REDACTED] reporting that encampment occupants were reinforcing the existing fencing with fencing that was left behind/unattended around Main Campus Field. The fencing that was left behind inside the encampment was not able to be removed due to the protestors remaining on the Main Campus field, at the beginning of the encampment.

Staff Sergeant [REDACTED], Special Constables [REDACTED], [REDACTED], [REDACTED] & [REDACTED] arrived on scene. Officers observed the fencing was being reinforced by leaning it against the existing fencing and were being secured with zip ties. The new fencing appears to be around the east side near Gerstein Library, north near the University College Building and west towards Knox College. Occupants of the encampment were not willing to speak with officers and continued to reinforce the fenced area.

This is Exhibit “16” referred to in the Affidavit of Ryan Dow sworn by Ryan Dow at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

From: [REDACTED]@torontopolice.on.ca>

Sent: Thursday, May 23, 2024 10:47 AM

To: Michael Munroe <michael.munroe@utoronto.ca>

Cc: [REDACTED]

Subject: Re UofT encampment clearing

You don't often get email from [REDACTED]@torontopolice.on.ca. [Learn why this is important](#)

Director Munroe,

As explained to you on May 21, 2024, given the manner in which events have unfolded to date, the particular circumstances of this matter, and the decision of the Quebec court denying McGill University an interim injunction, we believe the *Trespass to Property Act* does not give the Toronto Police Service sufficient legal authority to act. Therefore, absent a material change of circumstances, the Toronto Police Service will only act in situations involving an emergency to enforce the law and protect public safety, or act in accordance with an order of a Court of competent jurisdiction.

Thank you

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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This is Exhibit “17” referred to in the Affidavit of Ryan Dow sworn by Ryan Dow at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

302

Archived: Wednesday, June 5, 2024 3:52:16 PM

From: [REDACTED]

Mail received time: Wed, 5 Jun 2024 19:38:20

Sent: Wed, 5 Jun 2024 19:38:18

To: 'Ryan.dow@utoronto.ca'

Subject: TPS paid duties at encampment

Importance: Normal

Sensitivity: None

You don't often get email from [REDACTED]@torontopolice.on.ca. [Learn why this is important](#)

Hi Mr. Ryan Dow,

I have had an opportunity to review your affidavit dated May 28, 2024. In it, you've indicated that UofT's request for TPS Paid Duty Officers on a 24/7 basis was denied. I wish to provide important context and rationale behind the denial.

The use of paid duty officers is often the improper mechanism for police involvement and such requests are generally denied. Where public safety concerns arise, the TPS will assess and consider the appropriate police response required even in the absence of a request for paid duty officers.

We also assess the impact of the granting or denial of all paid duty requests taking into consideration the unique contextual framework of each request.

Specific to UofT's request for Paid Duty Officers on a 24/7 basis, the request was also given due consideration. Given the increasing tensions at the encampment it was felt that TPS officers stationed on the ground at the encampment on a 24/7 basis would significantly escalate tensions and give the impression that a larger police action was forthcoming. It was primarily for this reason that the paid duty request was denied.

Instead, and as we have seen to date, there has been a calculated deployment of on-duty officers on campus that takes into account safety considerations as well as the potential for escalation.

Respectfully

[REDACTED]
Public Safety Operations
Toronto Police Service

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THE GOVERNING COUNCIL OF THE UNIVERSITY OF
TORONTO
Applicant

-and- JOHN DOE et al.

Respondents

Court File No. CV-24-00720977-0000

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT TORONTO

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Lawyers for the Applicant

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

THE GOVERNING COUNCIL OF THE UNIVERSITY OF TORONTO

Applicant

and

JOHN DOE, JANE DOE, TAYLOR DOE, PERSONS UNKNOWN, ABDURRAHEEM
DESAI, AVIRAL DHAMIJA, ERIN MACKEY, HEIGO PARSA, KABIR SINGH,
KALLIOPÉ ANVAR MCCALL, MOHAMMAD YASSIN, SARA RASIKH, SERENE
PAUL and SAIT SIMSEK MURAT

Respondents

AFFIDAVIT OF BRIAN SCHWARTZ

I, Brian Schwartz, of the City of Toronto, in the Province of Ontario, MAKE OATH AND
SAY:

1. I am a Professor in the Department of Family and Community Medicine and the Dalla Lana School of Public Health at the University of Toronto (the “University”), and, as such, have knowledge of the matters contained in this Affidavit. Where the information set out in this affidavit is not based on my direct knowledge, but is instead based on information and belief from other sources, I have stated the source of that information and believe it to be true.

2. I understand that the Respondents in this proceeding have served affidavits stating that the Encampment is a “welcoming” environment and that “anyone” is welcome and able to enter it. I also understand that certain affidavits served by the Respondents state that there is no violence at

the Encampment or used by individuals within the Encampment. That is not consistent with what I experienced when I attempted to enter the Encampment on May 8, 2024. Below I have set out my memory of the events of that day.

3. I am an identifiably Jewish member of the University community who wears a kippa. On Wednesday, May 8, 2024 at around 4:45 p.m., I visited King's College Circle so that I could observe the Encampment. My intention was to enter the fenced-off area surrounding the Encampment to walk around and engage in discussion with the protesters.

4. I walked around the site and engaged in discussions with a few individuals and groups for approximately 45 minutes before approaching the Encampment's entrance. While I was walking near the Encampment, I heard chants about globalizing the intifada. Someone close to the Encampment but just outside of it said to me, as I was approaching, that "Jews should go back to Europe". I also observed signs on the Encampment fence with slogans that I interpreted to be a call for violence against Jews and Israel.

5. Shortly thereafter, I reached the entrance and began waiting in line. As I awaited entry, another individual who was also in line identified himself to me as an "alumnus" of the University. This individual told me he wanted to enter the Encampment so that he could walk around and speak with participants. When this individual and I reached the front of the line, we were met with an individual who appeared to be responsible for screening those who were seeking entry into the Encampment.

6. The "screener" at the gate of the Encampment asked the alumnus and I whether we had been to the Encampment before and whether we supported the protest. We answered "no" to both

questions, but advised the screener that we wanted to enter that we could engage in dialogue with the individuals inside.

7. The screener was accompanied by another woman. The screener and the woman stood in our way and physically blocked us from entering the Encampment. They told us that we could not enter the Encampment until another person had the chance to ask us more questions. The alumnus with me continued asking questions. In particular, he asked for an explanation as to why he was not being permitted to enter. Eventually, one of the individuals near the gate told us that only supporters of the resistance against “Israeli Nazi colonialist occupiers” were permitted entry.

8. At this point, the alumnus next to me moved forward toward the entrance. I did not see him make any physical contact with anyone at the entrance. A tall man wearing a red t-shirt with the words “Liberation / resistance” written on the back then appeared and stood between us and the entrance, with his back facing us. Based on the way the tall man stood between us and the entrance, I assumed he was a member of the Encampment. I had also seen him shouting some of the slogans I found offensive near the Encampment moments earlier. The alumnus continued to try and move around the protesters and enter the Encampment. The man in the red t-shirt then turned toward us and punched the alumnus in the face, knocking his glasses to the ground.

9. After the man in the red t-shirt punched the alumnus in the face, a scuffle ensued. Protesters began shouting that we (the alumnus and me) had been violent and sexually harassed them. These allegations were false. While they shouted at us, protesters surrounded us with their arms locked. They shouted slogans about divestment. I observed that the alumnus who was with me was escorted away by a stranger who was trying to de-escalate the situation. I also tried to escape but

-4-

was prevented from doing so by the chain of protesters around me. It was only when a protester who identified herself as a Jewish anti-Zionist asked me if I wanted to leave that I was let out.

10. I reported this incident to Adalsteinn Brown, the Dean of the Dalla Lana School of Public Health on May 9th. A copy of my report to Professor Brown is attached as **Exhibit "1"**.

11. I also reported this incident to the Campus Safety. A formal report was eventually finalized and filed. A copy of this report is attached as **Exhibit "2"**.

12. I was profoundly affected by my experience at the Encampment. When I was denied entry and the alumna next to me was assaulted, I felt unsafe, threatened and discriminated against. I decided to write a public comment about my experience, which was published in the National Post on May 22, 2024. This article accurately recounts my experience and reflections on the negative impacts of the Encampment on myself and the University community. A copy of this article is attached as **Exhibit "3"**.

Affirmed by Brian Schwartz at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
(or as may be)


BRIAN SCHWARTZ

This is Exhibit "1" referred to in the Affidavit of Brian Schwartz sworn by Brian Schwartz at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

From: [Brian Schwartz](#)
To: [Adalsteinn Brown](#)
Subject: King's College Circle

Steini, I think this summarizes my experience yesterday.

I am a Professor in DFCM and DLSPH, former Vice-President at Public Health Ontario, and an identifiable kippa-wearing Jew.

On Wednesday May 8 I visited King's College Circle at University of Toronto. After walking around the perimeter and speaking to a few individuals and small groups on the outside, around 5:30pm I attempted to enter the encampment. I was joined in the lineup by a person who identified himself as an alumnus who wanted to walk around inside and engage participants (as I did). When we reached the entrance the person who was screening asked each of us if we had been there before (no) and whether we supported the protest (no, but we wanted to engage in dialogue). She and another woman blocked our entrance while they tried to find someone to ask us more questions. The person beside me was persistent, asking why we could not enter this public area and were told that only supporters of the resistance against Israeli Nazi colonialist occupiers were permitted inside.

The person beside me then moved forward towards the entrance, taking care not to push the screener back, whereupon a tall man in a red T-shirt with "Liberation/resistance" written on the back (I had encountered him outside) appeared, interposing himself between us and the entrance. My colleague continued to try and enter and the red T-shirt protester turned and punched him in the face, knocking his glasses to the ground. A scuffle ensued, accompanied by shouts of alleged violence and sexual harassment directed at us (which were clearly false); we were quickly surrounded by many protesters linking their arms and shouting slogans about demanding divestment. The other individual was escorted away by someone who appeared to be trying to de-escalate and I attempted to get out the other way but was prevented by the chain of people. Fortunately, a person in a T-shirt identifying herself as a Jewish anti-Zionist asked me if I wanted to get out and stepped aside.

While initially I did not feel threatened so long as I stayed on the perimeter, I felt very much threatened once I attempted to enter the encampment.

Brian Schwartz, MD, MScCH, CCFP(EM), FCFP

Professor

Department of Family and Community Medicine and Dalla Lana School of Public Health
University of Toronto

Email brian.schwartz.a@utoronto.ca

Phone [REDACTED]

This is Exhibit "2" referred to in the Affidavit of Brian Schwartz sworn by Brian Schwartz at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



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UT24015900- POLICE INFORMATION

SYNOPSIS:

On Wednesday May 8th, 2024, at 5:20 pm, SCHWARTZ attended King's College Circle to see what was going on at the Encampment.

At the entrance of the enclosed encampment, SCHWARTZ advised after walking around and engaging with people who were "clearly put on the perimeter to keep him from going in. He decided to get in. He wanted to talk to the folks inside. He advised he was faculty and was in the company of an unidentified alumnus.

He was asked by the female screener and advised they had never been there before. He was asked if they support the cause, NO but I'd like to talk to you. He was advised he can't come in until she got someone else to ask more questions. He hesitated.

At this time, SCHWARTZ had no contact between alumnus and female screener. This is important because, during and after the scuffle, she and others started yelling sexual assault.

A larger male came and interposed himself between SCHWARTZ, alumnus and screener. SCHWARTZ says alumnus touched larger male and the larger male knocked him down (punched). Alumnus may have fought back. Others came quickly. Locked arms and chanted slogans --- which were not hateful "we will not rest; we will not be defeated" someone else came and tried to deescalate. SCHWARTZ wanted to leave but was unable to as he was in trapped in the group. SCHWARTZ felt his movement was impeded and his safety was at risk. That's when someone asked if he wanted to leave, she unlocked her arms, and he was able to leave.

SCHAWRTZ advised he attended the encampment to have a constructive dialogue in a civil conversation. He did observe several hateful messages surrounding the encampment. He is hoping the encampment ends peacefully.

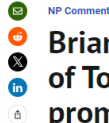
A video has been provided by SCHWARTZ and added to the report.

This is Exhibit “3” referred to in the Affidavit of Brian Schwartz sworn by Brian Schwartz at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



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Brian Schwartz: The University of Toronto has abandoned its promise to prohibit hate speech, intimidation

The university's wish to avoid confrontation seemingly outweighs its inclusivity policies as it tolerates an encampment protest that is far from peaceful

Brian Schwartz, Special to National Post

Published May 22, 2024 • Last updated May 23, 2024 • 3 minute read



A sign saying "student intifada" and Palestinian flags are seen at a fence enclosing an anti-Israel encampment at the University of Toronto on May 7, 2024. A U of T prof was personally prevented from entering the well-guarded entrance to the encampment and a person beside him was punched in the face when they attempted to enter. PHOTO BY PETER J. THOMPSON / NATIONAL POST

Earlier this month the University of Toronto joined other leading universities as hosts to uninvited encampments of "pro-Palestine" demonstrators. Many protesters are neither students nor staff at these universities. They nonetheless demand that U of T divest from investments in Israel and sever scholarly ties with Israeli academics. Media reports and editorials have praised the protesters' support for human rights and compassion for Palestinians in Gaza.

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I could not agree more with the need to protect innocent residents of Gaza from harm and endorse the right to peaceful protest and civil disobedience. But this encampment is not a peaceful protest. It is an intimidating and sometimes violent event that, while professing to be anti-Israel rather than anti-Jewish, deepens problems of antisemitism on our campus. This is evidenced by incidents related to me by faculty colleagues and my own experience.

Recently I witnessed physical exclusion from the encampment site through intimidation, harassment and physical assault by the occupiers. After speaking to people outside the enclosure I attempted to enter through the well-guarded entrance but was physically prevented from doing so. The person beside me was punched in the face. I heard chants of globalizing the intifada and was told that Jews should go back to Europe. Signs glorifying the "resistance," clearly referring to acts of October 7, and "Free Palestine from the River to the Sea", referring to ethnic cleansing of Jews from the Middle East, were prominent.

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Peaceful co-existence was absent from the rhetoric.

Prior to the encampment, U of T announced that it would neither tolerate hate speech nor attempts to impede people's movement around campus. Now these forms of illegal activity are taking place openly. The fence erected to protect the King's College Circle grounds has been repurposed by protesters as a primary weapon for intimidation and exclusion of those who do not support their agenda. This includes the vast majority of Jewish faculty and students whose belief in the indigeneity of Jews to Israel shapes our identity. Whether or not one agrees with this belief, the encampment is decidedly and aggressively discriminatory to this community within the University of Toronto.

U of T has abandoned its promise.

This disobedience is not civil. The demonstrators controlling access to university property are masked, as are many of the protesters around the site, avoiding accountability for their hateful and illegal activity. Unfortunately, U of T has permitted these operatives to occupy a public central campus space, establish prejudicial criteria for entering that space and enforce them with aggressive and intimidating means.

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In the recent past, U of T has acknowledged that antisemitism is a serious problem on our campus and promised to respond to it as firmly as it would to any other bigotry. Its tepid response to the encampment marks a failure to live up to this commitment. As hateful and intimidating conduct directed towards a large proportion of Jewish faculty and students continues unimpeded, it is clear that this is now being tolerated on our campus. U of T's wish to avoid confrontation seemingly outweighs its inclusivity policies, including its explicit commitment to protect its Jewish members from hate. This would not be tolerated for any other group.

The message is clear: people on campus – not only Jews – have learned that hate speech, intimidation and bullying prevails over constructive debate in Canada's largest academic institution. The University of Toronto, a bastion of high academic ideals for which I have been proud to serve, is currently not a safe space physically, intellectually or emotionally, for a specific and targeted population. By not acting, U of T is choosing in favour of the purveyors of hate, intimidation and silencing of free speech, empowering others who wish to promote their hateful agendas by trespassing on university-protected property and intimidating those who do not agree.

Special to National Post

Brian Schwartz is a professor in the Department of Family and Community Medicine and Dalla Lana School of Public Health, University of Toronto, and former vice-president at Public Health Ontario (retired).



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Respondents

Court File No. CV-24-00720977-0000

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Lawyers for the Applicant

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B E T W E E N:

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Applicant

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PAUL and SAIT SIMSEK MURAT

Respondents

AFFIDAVIT OF MATTHEW LIGHT

I, Matthew Light, of the City of Toronto, in the Province of Ontario, MAKE OATH AND
SAY:

1. I am an Associate Professor of Criminology at the Centre for Criminology & Sociolegal Studies at the University of Toronto (the “University”). I have had specific interactions with individuals at the Encampment at King’s College Circle at the University of Toronto. As such, I have direct knowledge of the matters set out herein.

2. I received my bachelor's degree from Harvard University and my master’s degree from University of Chicago. I received a JD and a PhD in Political Science from Yale University. I have been a professor at the University of Toronto since 2008. My research focuses on migration

control, policing and criminal justice and public and citizen security, primarily in the post-Soviet region.

3. I was in California in early May when the Encampment at the University of Toronto first went up. I was immediately alarmed given the experience of other Universities in North America in the preceding weeks. I attach as **Exhibit “1”** an email that I wrote to President Gertler and others on May 2, 2024. In this email, I specifically expressed my disapproval of UTFA’s intervention in the matter. I did not consider it appropriate that a faculty association to claim to represent the faculty on this matter. UTFA was not representing my views.

4. I followed up with an email on May 5, 2024 expressing my concern about antisemitism and the effects of the Encampment on Jewish faculty, staff and students. My email of May 5, 2024 is attached hereto as **Exhibit “2”**.

5. I wrote a number of other emails in which I expressed concern about the exclusion of Jews from the Encampment, the effects of the Encampment on the University community as well as content that was being streamed there. I attach hereto as **Exhibits “3”, “4”, and “5”** my emails to the University of Toronto administration.

6. After I returned, I decided to attend it myself to see the firsthand what was occurring both around and inside the Encampment. I believe that I attended on Monday, May 20th but it may have been the 21st or the 22nd of May.

7. After arriving at the outside of the Encampment, I approached the entrance at the northeast corner of the area fenced off in King’s College circle, which I believe is the only entrance to the

Encampment. I was planning to enter the Encampment and witness for myself the environment within its fenced walls. I had no plans to agitate or be aggressive within the Encampment.

8. Before I could enter, a young woman stopped me at the entrance. She did not identify herself nor did she ask my name. She appeared to be acting as a kind of sentry, which I gather from the fact that before attending to me she admitted someone else bringing a delivery of food. She asked me if I had been at the Encampment before, to which I answered no. She told me that they had had some trouble with agitators before, so she needed to ask me a few questions. Although I cannot remember her exact words to me on why she was asking the questions, it was along the lines of ensuring that we were on the same page. I did not respond and waited to hear these screening questions.

9. She then asked me a number of questions. I can specifically recall three questions for which she sought my agreement. She asked if I agreed that:

- (a) The Palestinian people have the right to resistance;
- (b) Jerusalem is the capital of Palestine; and
- (c) The Palestinian people have the right of return.

10. I then asked her to clarify whether she meant that I needed to “agree” to these statements before she would admit me. Although “agree” was not her original phrasing, she assented to that formulation when I proposed it to her. I told her that I was not interested in answering the questions. She remained in front of the entrance, and it was clear to me that I could not enter. I did not want to risk any violence or aggression, so I walked away at that point.

11. I am aware of other professors who have been denied entrance to the Encampment because they would not affirm their agreement with the screening questions.

12. I swear this affidavit for no improper purpose.

SWORN by Matthew Light at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Nikolas De Stano

Commissioner for Taking Affidavits
(or as may be)

Matthew A. Light

MATTHEW LIGHT

This is Exhibit “1” referred to in the Affidavit of Matthew Light sworn by Matthew Light at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

From: Matthew Light <matthew.light@utoronto.ca>
To: President <president@utoronto.ca>
Cc: Sandy Welsh <sandy.welsh@utoronto.ca>, Provost <provost@utoronto.ca>, "A&S Vice Dean Undergrad" <vicedeanundergrad.artsci@utoronto.ca>, "Arts & Science Dean" <dean.artsci@utoronto.ca>
Subject: support for your position on encampment
Sent: Thur 5/2/2024 9:40:12 AM (UTC-04:00)

Dear President Gertler and Colleagues,

I write to support the position you have taken on the encampment that is to be established on our campus and also to express my disapproval of UTFA's intervention into this matter.

As many thoughtful observers have noted, while universities must be havens of free speech, the right to engage in advocacy does not include license to intimidate or harass others. The encampments that have been built at other North American universities have become scenes of antisemitism, harassment, and intimidation. Beyond that, as with the trucker convoy in Ottawa not long ago, these so-called protests involve open-ended occupation of public spaces and institutions that are meant to disable the public functions carried out in those spaces. The time, place, and manner restrictions that are in place in our university, and which you have defended, exist to protect the rights of all.

I will add that I have been taken aback by UTFA's ill-considered support for the encampments. As an UTFA member, I do not consider it within a faculty association's remit to claim to represent the faculty on a matter that is primarily concerned with the boundaries of acceptable student activism. UTFA's leaders have also shown a lack of judgment in abusing their authority in this way despite the opposed views of many association members.

In closing, thank you for your principled position on this matter. If an encampment is established today, I hope that the university will apply its policies with rigour. In particular, I hope that the scenes of antisemitism that have marred other university protests will not be tolerated here.

Best regards,
Matthew Light
Associate Professor
Centre for Criminology & Sociolegal Studies
Centre for European, Russian, & Eurasian Studies
University of Toronto

This is Exhibit “2” referred to in the Affidavit of Matthew Light sworn by Matthew Light at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

From: Matthew Light <matthew.light@utoronto.ca>
To: President <president@utoronto.ca>, Sandy Welsh <sandy.welsh@utoronto.ca>, Kelly Hannah-Moffat <hannah.moffat@utoronto.ca>
Subject: encampment
Sent: Sun 5/5/2024 11:04:13 PM (UTC-04:00)

Dear Professors Gertler, Welsh, and Hannah-Moffat,

I am writing to express my continuing concerns about the university's response to the "pro-Palestine" encampment. This unsanctioned event is spreading antisemitism and fear on our campus. It is time to end it now.

Like many others on campus, particularly Jewish faculty and students, I appreciated Professor Welsh's clear statement of the university's policies concerning protests, including the stipulations that hate speech and impeding movement around campus would not be tolerated. Yet while these forms of misconduct are taking place openly, the university has chosen not to make good on its promise to end the encampment. This is a disappointing retreat, particularly as the evidence accumulates that Israelis and other Jews are unwelcome around the encampment and are subject to intrusive surveillance and intimidation if they present themselves there—which is not even to speak of the hateful chants accusing "Zionists" of being racists and terrorists. A further source of intimidation is that the individuals controlling access to university property, and targeting Jews for intimidation and exclusion, are masked.

It is no secret that our university, like other Canadian institutions, has been grappling with problems of antisemitism. In response to this problem, the university has acknowledged that antisemitism has not always been treated with the seriousness it merits and undertaken that in future it will be treated with the same firmness as any other form of bigotry. The failure to dismantle the encampment marks a failure to live up to this commitment to Jewish faculty, staff, and students. The continued toleration of hateful and intimidating conduct directed particularly at Jews suggests that antisemitism is not, in fact, absolutely prohibited on our campus, but rather is tolerated to some degree, and also indicates that the university's wish to avoid confrontation with protesters outweighs its commitment to protect its Jewish affiliates from hate. This is a highly regrettable circumstance.

I can hardly emphasize enough the extent to which the university's continuing tolerance of this hateful event is leading to feelings of dismay, fear, and alienation among Jews on campus, who increasingly feel that antisemitism is now licensed here, however masked with fig leaf references to "Zionists," and that our leadership has abandoned us. Even if the encampment were to end tomorrow, I am afraid that it will leave a residue of intimidation and mistrust, as people on campus have seen that hate speech and the use of force can prevail here. The longer the encampment is allowed to continue, the more difficult it will be to rebuild trust and mutual respect.

In closing, and for the attention of Professor Hannah-Moffat, I have learned from a colleague at OISE that DEI staff have been attending the encampment to lend moral support to the protesters. While this is only one of many instances of university personnel becoming complicit in this hateful event, it is particularly serious because it involves the very staff members who are supposed to protect all of us against bigotry and prejudice. I hope that the relevant offices will take note and ensure that these solidarity visits to the encampment cease. Given that Jews—most of whom are "Zionists"—are the primary targets of the encampment protesters, it would instead be appropriate for DEI staff to reach out to Jews on campus to lend us their support and solidarity.

Thank you for your attention and best regards,

Matthew Light
Associate Professor
Centre for Criminology & Sociolegal Studies
Centre for European, Russian, & Eurasian Studies
University of Toronto

This is Exhibit “3” referred to in the Affidavit of Matthew Light sworn by Matthew Light at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

Nikolas De Spano

Commissioner for Taking Affidavits (or as may be)

From: Matthew Light <matthew.light@utoronto.ca>
To: Sandy Welsh <sandy.welsh@utoronto.ca>
Cc: President <president@utoronto.ca>, Provost <provost@utoronto.ca>, "Kelly Hannah-Moffat" <hannah.moffat@utoronto.ca>, Arts & Science Dean <dean.artsci@utoronto.ca>
Subject: today's update on the encampment
Sent: Tue 5/7/2024 10:31:09 PM (UTC-04:00)

Dear Sandy,

I was dismayed by today's update on the university's response to the occupation of part of our campus (copied below my signature), which included no reference to the violent, threatening, and antisemitic conduct that has been taking place there, and which provided no further information on plans to dismantle the encampment.

It is very regrettable that the university is permitting hate speech and violence to continue unchecked on its premises. While I understand the wish to bring the incident to a peaceful resolution, there is no indication that those in charge of the encampment are interested in engaging in good-faith dialogue or even restraining the hateful and threatening behaviour of the occupants. Moreover, it is not proper to expect the university's Jewish affiliates to wait indefinitely as hate is spewed at them in order to allow those negotiations to continue, anymore than it would be proper to ask any other minority group on campus to endure similar hate speech and intimidation. I therefore urge the university to clear this encampment without further delay.

In the meantime, I would also ask that you work with People Strategy, Equity, and Culture to ensure that Jewish students who are increasingly traumatized by the blatant antisemitism taking place on our campus are receiving the support services of DEI staff.

In closing, I will add that as a loyal member of the faculty of more than fifteen years' standing, I note with concern that the broader community is already forming negative judgments about the university's handling of this violent, antisemitic occupation. The recent statement by the premier denouncing the hate on display at the encampment undoubtedly reflects the views of most Ontarians. I fear that the university will experience significant reputational damage if this outrage is allowed to continue.

Thank you for your attention and best wishes,
Matt

Matthew Light
Associate Professor
Centre for Criminology & Sociolegal Studies
Centre for European, Russian, & Eurasian Studies
University of Toronto

May 7, 2024 (5:00 p.m. ET): Health, safety and security

Today, the university continued its correspondence with representatives of participants in the encampment on the St. George campus.

We are currently focused on our responsibility for the health, safety, and security of our students and we need to address these issues in the encampment as quickly as possible. We look forward to resolving these concerns so we can move to the substantive discussions that both participants in the encampment and the University want to have.

This is Exhibit “4” referred to in the Affidavit of Matthew Light sworn by Matthew Light at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

From: Matthew Light <matthew.light@utoronto.ca>
To: Sandy Welsh <sandy.welsh@utoronto.ca>
Cc: President <president@utoronto.ca>, Provost <provost@utoronto.ca>
Subject: antisemitic movement restrictions and violence at the encampment
Sent: Thur 5/9/2024 12:55:24 AM (UTC-04:00)
[IMG-20240509-WA0001\[1\].pdf](#)

328

Dear Sandy,

In case you are not already aware, I would like to bring to your attention that there is a pattern of denying access to the so-called encampment to people who are visibly Jewish. Force is used to prevent Jews from entering.

Please see attached a shocking example of this antisemitic conduct from a visiting colleague. As a U of T faculty member, I find it very regrettable that a visitor to our campus was treated in this manner.

I have heard of several other examples of this practice since the encampment was established, including one that took place only today and resulted in a fistfight that campus security ignored. I believe the systematic exclusion of Jews from the area to be a habitual pattern of misconduct.

It is outrageous that members of any group should be singled out to be denied access to a portion of our campus. The fact that Jews are being targeted in this fashion presents a clear instance of antisemitism. It may be objected that some Jews are also participating in the occupation. That is their right, but the deliberate targeting of other (non-sympathizer) Jews for exclusion remains antisemitic conduct.

I call on the university to dismantle this encampment now. There is no place for antisemitism at this university.

Best regards,
Matthew Light

Jim Diamond <jdiamond@uwaterloo.ca>

Wed, May 8, 2024 at 13:19

To: provost@utoronto.ca <provost@utoronto.ca>, chancellor@utoronto.ca <chancellor@utoronto.ca>, meric.gertler@utoronto.ca <meric.gertler@utoronto.ca>, doug.fordco@pc.ola.org <doug.fordco@pc.ola.org>
Cc: marylynn.joseph@utoronto.ca <marylynn.joseph@utoronto.ca>, Randy Shiff <rshiff@tivonacapital.com>, archana.sridhar@utoronto.ca <archana.sridhar@utoronto.ca>, lachmi.singh@utoronto.ca <lachmi.singh@utoronto.ca>, hannah.moffat@utoronto.ca <hannah.moffat@utoronto.ca>, tony.comper@bmo.com <tony.comper@bmo.com>, ADF <albertdfriedberg@gmail.com>, warrenk@fabricland.ca <warrenk@fabricland.ca>, jdshier@pathcom.com <jdshier@pathcom.com>, elizabethwolfe898@gmail.com <elizabethwolfe898@gmail.com>, igluskin@irager.com <igluskin@irager.com>, kmt@kilmergroup.com <kmt@kilmergroup.com>, dk@iko.com <dk@iko.com>, pamelams@mac.com <pamelams@mac.com>, ssilver@metrontario.com <ssilver@metrontario.com>, grafsj@sen.parl.gc.ca <grafsj@sen.parl.gc.ca>, kenneth.green@utoronto.ca <kenneth.green@utoronto.ca>, marco.mendicino@parl.gc.ca <marco.mendicino@parl.gc.ca>, Robin.Martinco@pc.ola.org <Robin.Martinco@pc.ola.org>, dwalmsley@globeandmail.com <dwalmsley@globeandmail.com>, wcox@globeandmail.com <wcox@globeandmail.com>, jkingstone@postmedia.com <jkingstone@postmedia.com>, cjerema@postmedia.com <cjerema@postmedia.com>, barbara.dick@utoronto.ca <barbara.dick@utoronto.ca>, kim.huntrao@utoronto.ca <kim.huntrao@utoronto.ca>

Dear President Gertler,

I hold the Joseph & Wolf Lebovic endowed Chair in the Religious Studies department at the University of Waterloo. It was a privilege for me to have participated this week as an invitee of the Pontifical Institute for Medieval Studies to deliver a presentation at a wonderful learned gathering of scholars sponsored by the *J. RICHARD AND DOROTHY SHIFF CHAIR IN JEWISH STUDIES* and *THE ELIZABETH AND TONY COMPER FOUNDATION*. I am taking the liberty of copying representatives of the families who have graciously endowed and supported the University's endeavors, including Albert Friedberg who donated the invaluable Friedberg collection at the Thomas Fisher Rare Book Library who also attended our conference at the University. There are other such magnanimous donors I have copied who have contributed to the development of U of T as a world class institution of higher learning. They should be apprised of your failure to put an end to what is an utter disgrace and dismal display of 'lower' learning, as I will describe in what follows, which serves only to erode what they have concretely helped build.

After our conference sessions on Monday afternoon I proceeded onto one of my favorite walks across the campus accompanied by Prof. Kenneth Green, an esteemed and beloved professor at U of T of many decades, a walk I have been doing for over 50 years now. During that stroll we experienced a most humiliating, insulting, and offensive encounter, that has tarnished a treasured relationship with my alma mater.

As we passed by the appalling encampment that is both a physical and moral blight on Kings College Circle we were confronted by anything but what the University misguidedly considers, and misleadingly rationalizes, as freedom of expression.

A large group of what can only be described as masked thugs blocked my movement and maniacally and menacingly screamed obscenities at me such as "go back to your country"; "you will never get by me"; followed by a string of vulgar expletives unworthy of repeating. That in sum reflects the sort of 'sophisticated' level of speech being engaged in there that you are protecting.

There was U of T security personnel standing and observing nearby, who it seems are actually tasked by the University with preserving the encampment blight rather than protecting innocent bystanders. The 'administration' of the Circle has been totally abdicated for the benefit of this mob who exercises unimpeded control over who can enter and exit University property. Thus you have abandoned your responsibility and duty you owe to thousands of students and visitors, surrendering it to an insignificant number of threatening, screaming, members of a brutish assemblage. I can add 'mindless' as well, based on the tenor of their reactions and responses to me, a trait any University of course would be expected to at the very least discourage, if not to eliminate among its constituency. I assure you they do not in any shape or form represent the vast majority of students, alumni, and supporters of U of T. (If for some reason they do then the University suffers from a far deeper malignancy it must address.)

In fact, since they assiduously hid their faces with threatening symbols decidedly intended to identify with the perpetrators of one of the most barbaric atrocities in modern times, it is most likely that they are not even students.

To compound the egregiousness of their behaviour, their claim in barring me from walking freely within University grounds was based on the assertion that Kings College Circle is "indigenous land"! University security personnel stood by apathetically and refused to accommodate my request to be escorted safely on my long standing walk and enjoyment of the campus.

The encampment behaviour and its control of a significant landmark on campus grounds is unambiguously being condoned and indeed encouraged by the University.

Have you ceded ownership of King's Circle? Do you wish to preserve the 'rights' of a small band of unidentifiable individuals to harass, badger, offend, and trample on the 'rights' of virtually everyone else you are entrusted to provide with the most conducive environment for their education? How many legitimate events will you continue to cancel as you already have in abject submission to coercive intimidation? Are we to assume that the University stands behind the notion of dismantling our entire country since it is all 'indigenous' land? Your inaction speaks loudly as a positive response to these questions.

I graduated with three degrees from the University of Toronto (PhD 1999) and have always been proud of my scholarly pedigree. However, your encouragement of the very worst behaviour and the kind of regressive "expression" operating on the crudest of levels that are anathema to everything an institute of higher education stands for is a profound affront to the integrity of the University and its reputation.

At one point I even resorted to challenging those thugs illegally preventing me from walking in the direction I wished, to a reasoned debate in the classroom. Their response was to raise a large megaphone literally inches from my ears whose only message was to inflict physical pain rather than communicate in the preferred language of the academy—that of reason. As a result my ears are ringing to this very moment and there may very well be further consequences to that. While you have abdicated your responsibilities, as you well know you are not relieved of your legal liabilities for anything that occurs on the property.

The transition from the learned gathering I attended to that obnoxious encampment could not have been more pronounced. The latter asserts its authority by the level of decibels and perverse language with which it conveys its 'positions', while the former reflects all the values the University's halls of learning traditionally have encouraged. Truly a descent from the sublime beauty of reasoned and mutually respectful dialogue to the very lowest degree of human discourse.

As an alumnus and as a scholar I and my colleagues have earned the right to be respected and heard over the din of a rabble that hijacks dialogue by force, commits illegal trespass, shuts down any meaningful conversation by aggressive gestures, disrupts university events, and obstructs others' right to free movement, all of which you appear to be prioritizing in the name of nothing I can conceive of as legitimately advancing the noble aims of the University, its faculty, and its students.

There is no middle ground! Allowing this encampment to remain and grow amounts to an endorsement of its behaviour and its positions and sets a dangerous precedent the University will most certainly regret.

I will circulate this letter to every single supporter of U of T I can identify so that they can render their own informed decisions about whether your policy, or lack thereof, should impact on the future of their relationship with your institution.

I implore the administration to remove what has become a stain on its good name before it becomes indelible.

Sincerely yours

Prof. James A. Diamond
Joseph & Wolf Lebovic Chair- Jewish Studies
University of Waterloo,
200 University Ave. W.
Waterloo, Ontario

This is Exhibit “5” referred to in the Affidavit of Matthew Light sworn by Matthew Light at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

From: Matthew Light <matthew.light@utoronto.ca>
To: President <president@utoronto.ca>, Provost <provost@utoronto.ca>, "Sandy Welsh" <sandy.welsh@utoronto.ca>
Cc: Arts & Science Dean <dean.artsci@utoronto.ca>, "VP, People Strategy, Equity & Culture" <vp.psec@utoronto.ca>
Subject: encampment negotiations
Sent: Tue 5/14/2024 9:52:17 PM (UTC-04:00)

Dear President Gertler and Colleagues,

On reading the latest update on the encampment, I am deeply concerned about the ongoing negotiations between our leadership and the organizers of the occupation.

As I have noted previously, the encampment is not a peaceful event. It is a violent occupation of our campus in which people who fail to condemn Israel are explicitly not welcome in the portion of campus controlled by the occupiers; such people are routinely kept out by force. I have also received repeated reports that visibly Jewish visitors, such as men wearing traditional Jewish head-coverings, are denied entry without even being asked their views on Israel, simply because they are Jews. This is not to speak of the antisemitic hate speech that is now sadly routine on our campus, including taunts such as "kikes" and "baby-killers" being hurled with apparent impunity. The continuation of the encampment will inevitably be taken to indicate that the university is not committed to protecting employees and students against violence, intimidation, and hate speech.

In addition, as Vice-provost Welsh has repeatedly pointed out in her communications to the community, university policies already provide ample opportunities for lawful protest. The fact that the university is now engaging in negotiations with people who are (by your own statements) deliberately violating the law and university policies will only encourage future protesters to use violent methods to attain their political objectives. This is now how our university should be run.

Finally, I would like to draw your attention to the continuing omission of the university to acknowledge the overtly antisemitic character of the abuses that have become frequent occurrences at the protest, or to direct DEI staff to reach out to Jewish affiliates to offer counseling services or other support to the Jewish members of the university community who have been deeply traumatized by this experience.

Best regards,
Matthew Light
Associate Professor
Centre for Criminology & Sociolegal Studies
Centre for European, Russian, & Eurasian Studies
University of Toronto

THE GOVERNING COUNCIL OF THE UNIVERSITY OF
TORONTO
Applicant

-and- JOHN DOE et al.
Respondents

Court File No. CV-24-00720977-0000

ONTARIO
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PROCEEDING COMMENCED AT TORONTO

AFFIDAVIT OF MATTHEW LIGHT

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Lawyers for the Applicant

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

THE GOVERNING COUNCIL OF THE UNIVERSITY OF TORONTO

Applicant

and

JOHN DOE, JANE DOE, TAYLOR DOE, PERSONS UNKNOWN, ABDURRAHEEM
DESAI, AVIRAL DHAMIJA, ERIN MACKEY, HEIGO PARSA, KABIR SINGH,
KALLIOPÉ ANVAR MCCALL, MOHAMMAD YASSIN, SARA RASIKH, SERENE
PAUL and SAIT SIMSEK MURAT

Respondents

AFFIDAVIT OF MARK FOX

I, Mark Fox, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. I am a Professor of Industrial Engineering and Computer Science at the University of Toronto (the “University”). I have directly engaged with protesters at the Encampment in King’s College Circle. As such, I have direct knowledge of the matters contained in this affidavit.
2. I received my BSC in Computer Science from the University of Toronto in 1975 and a PhD in Computer Science from Carnegie Mellon University in 1983. I returned to the University of Toronto in 1991 where I was appointed the NSERC Research Chairholder in Enterprise Integration, and Professor of Industrial Engineering and Computer Engineering. In 2014, I was the founding director of the Centre for Social Services Engineering in the Faculty of Applied Sciences and Engineering whose goal is to apply engineering principles to the design and delivery

of social services to the vulnerable in our society. In 2015 I was named a University of Toronto Distinguished Professor of Urban Systems Engineering.

3. I first attended at the Encampment within a week of it being erected. I attempted to enter the Encampment at its only entrance on the north end. It was guarded by at least three protesters. One asked me, “can I help you?” I said that I would like to enter. They said no. I was not aggressive nor did they offer that as a reason for denying my entry. No reason was provided. I left.

4. Subsequently I saw statements from protesters at the Encampment, that it was a peaceful protest interested in dialogue. As I wanted to better understand the perspective of Jews for Palestine, a group that is active in the Encampment, I attended at the entrance to the Encampment on May 27 or 28, 2024.

5. The entrance to the Encampment was secured by a primary guard, a woman who appeared to be in her late 20s, with two backup protester guards. She asked me what I wanted, and I said that I wanted to speak to someone from Jews for Palestine. She said she would send someone to their location in the Encampment, but as I was barred from entering, I did not see where this individual went or who he spoke to. When the individual returned, he said “they do not want to talk to you.”

6. A young man wearing a keffiyeh then came to the gate and said that he would speak to me. He asked, “where are you from?” to which I responded “here.” He asked again, “no, where are you from?” I believe that he was trying to determine if I was Jewish and originally from Israel or Europe. I answered “here” again and then asked him where he was from. He said he was from Palestine. I asked him if he was born there, but he did not answer. The primary guard at the gate

intervened and accused me of asking personal questions. I told her that the young man had started the personal questioning, and that I was just continuing the dialogue.

7. The primary guard then asked me to leave. I did not. The primary guard then pulled the fencing closed before me, cutting off the entrance. She accused me of pushing on the fence, but I had not touched it.

8. I then left the area of the Encampment. I was not able to enter the Encampment nor could I engage in peaceful dialogue. I remain interested in dialogue, but given my experience, I have not attempted to speak to the protesters at the Encampment again.

9. The Jewish Faculty Network, which is a small pro-Encampment group of Jewish faculty, recently put up a sign with a QR code containing an email address indicating that they were willing to engage in dialogue with Jewish student, staff and faculty members. I attach a picture of the sign as **Exhibit “1”**. As I remained interested in dialogue, last Friday I emailed the address provided through the QR code but to date have not received a response. I attach hereto as **Exhibit “2”** my email to the Jewish Faculty Network.

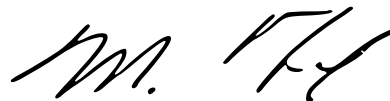
10. I swear this affidavit for no improper purpose.

SWORN by Mark Fox at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
(or as may be)

}



MARK FOX

Dalton Philip Liggett,
a Commissioner, etc.,
Province of Ontario,
while a Student-at-Law,
Expires March 20, 2027

This is Exhibit “1” referred to in the Affidavit of Mark Fox sworn by Mark Fox at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, reading "Dalton Liggett". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Commissioner for Taking Affidavits (or as may be)

Dalton Philip Liggett,
a Commissioner, etc.,
Province of Ontario,
while a Student-at-Law,
Expires March 20, 2027

JEWISH CONVERSATION CIRCLES

Are you a Jewish student, staff or faculty member at U of Toronto? Are you concerned or curious about the People's Circle for Palestine (encampment)? Or simply have questions? Join us off-site for a listening session and conversation in a small group setting. Members of the Jewish Faculty Network will be happy to meet you and listen to concerns and share thoughts. Let's engage in the mitzvah of debate *le'shem shamayim*. No judgment and all discussions will remain confidential.

Jewish Conversation Circles -
Jewish Faculty Network



This is Exhibit “2” referred to in the Affidavit of Mark Fox sworn by Mark Fox at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in blue ink that reads "Dalton Liggett". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Commissioner for Taking Affidavits (or as may be)

Dalton Philip Liggett,
a Commissioner, etc.,
Province of Ontario,
while a Student-at-Law,
Expires March 20, 2027

Begin forwarded message:

From: Mark Fox <msf@eil.utoronto.ca>
Date: June 2, 2024 at 13:32:31 EDT
To: jewishfacultyca@gmail.com
Subject: Meet with a member of the Jewish Faculty Network

Hi,

I saw the post regarding meeting with a member of the Jewish Faculty Network. I would be interested in having a one on one discussion with a member.

Thank-you.

Mark S. Fox, PhD FAAAI FIEEE FAAIA FEIC LEL
<http://www.eil.utoronto.ca/members/msf/>

Distinguished Professor of Urban Systems Engineering
Professor of Industrial Engineering and Computer Science

Director, Urban Data Centre (urbandatacentre.ca), School of Cities (schoolofcities.com)
Associate Director, School of Cities India (<https://schoolofcities.utoronto.ca/school-of-cities-india/>)
Founding Director, Centre for Social Services Engineering (csse.utoronto.ca)
Head, Enterprise Integration Laboratory (eil.utoronto.ca)

University of Toronto
8114-40 St. George St.
Toronto, Ontario M5S 2E4 Canada

Tel: [REDACTED]; Email: msf@eil.utoronto.ca

THE GOVERNING COUNCIL OF THE UNIVERSITY OF
TORONTO
Applicant

-and- JOHN DOE et al.

Respondents

Court File No. CV-24-00720977-0000

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT TORONTO

AFFIDAVIT OF MARK FOX

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Lawyers for the Applicant

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

THE GOVERNING COUNCIL OF THE UNIVERSITY OF TORONTO

Applicant

and

JOHN DOE, JANE DOE, TAYLOR DOE, PERSONS UNKNOWN, ABDURRAHEEM
DESAI, AVIRAL DHAMIJA, ERIN MACKAY, HEIGO PARSA, KABIR SINGH,
KALLIOPE ANVAR MCCALL, MOHAMMAD YASSIN, SARA RASIKH, SERENE
PAUL and SAIT SIMSEK MURAT

Respondents

AFFIDAVIT OF ODED SAMUEL

I, Oded Samuel, of the City of Toronto, in the Province of Ontario, MAKE OATH AND
SAY:

1. I am an alumnus of the University of Toronto's faculty of medicine, having graduated in 1978. I am a 70-year-old Jewish, Israeli-born Canadian family physician. I live in Toronto and have lived in Canada since I was six years old. I have direct knowledge of the facts set out in this affidavit.

2. On May 5th, I visited Front Campus with a group of approximately 20 other people. I was draped in an Israeli flag. Our intention in attending Front Campus was to walk around peacefully and voice our support for Israel.

3. Our group began walking along the path at King’s College Circle. In the area between University College and the Encampment a group of approximately 8 protesters, most of whom were men, stood in front of me and blocked my path. The group did not say anything but refused to move out of my way.

4. I attempted to move around this group of individuals so that I could continue walking but they would not move. As I tried to get by, I received a blow to my left leg. I was not seriously injured but sustained a bruise. I also witnessed other individuals who were part of our group try to enter the Encampment through the front gate. They presented at the gate and were turned away by the protesters who told them they could not enter.

5. The experience of walking across Front Campus was very troubling. I felt intimidated and harassed by the protesters, who intentionally impeded me from freely using what, in the absence of their Encampment, would generally be an accessible part of the campus.

SWORN by Oded Samuel at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Nikolas De Siano

Commissioner for Taking Affidavits
(or as may be)

Oded Samuel

Oded Samuel

THE GOVERNING COUNCIL OF THE UNIVERSITY OF
TORONTO
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Court File No. CV-24-00720977-0000

ONTARIO
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Court File No. CV-24-00720977-0000

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SUPERIOR COURT OF JUSTICE

B E T W E E N:

THE GOVERNING COUNCIL OF THE UNIVERSITY OF TORONTO

Applicant

and

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ANVAR MCCALL, MOHAMMAD YASSIN, SARA RASIKH, SERENE PAUL and SAIT
SIMSEK MURAT

Respondents

AFFIDAVIT OF CYNTHIA LAZAR

I, Cynthia Lazar, of the City of Toronto, in the Province of Ontario, MAKE OATH AND
SAY:

1. I am a retired psychiatrist who resides in the City of Toronto and within a fifteen-minute walk of the encampment located at King's College Circle at the St. George Campus of the University of Toronto. Throughout May and June of 2024, I made visits to King's College Circle. During those visits, I had interactions with members of the encampment and made observations about the signage and language being used. What is set out in this affidavit is based on my direct knowledge and observations. Where the information set out in this affidavit is based on information and belief from other sources, I have stated the source of that information and believe it to be true.

-2-

2. I graduated from the University of Toronto Faculty of Medicine in 1985. Initially I practiced in HIV primary care and later, in 1996, I became a psychiatrist, first at CAMH and later in private practice. Before I entered private practice, I was a faculty member with the University of Toronto Faculty of Medicine. Until I retired recently, I had been in private practice for 17 years.

3. As a retired faculty member and alumna of the University, I consider myself to be a member of the University of Toronto community.

4. My family history causes me to care deeply about rising levels of antisemitism in Canada and on Canada's college campuses. My father was born in Vienna and escaped the Holocaust.

5. My personal residence is located about a fifteen-minute walking distance away from King's College Circle. Until around May 2, 2024, I would typically walk along King's College Circle on my route to purchase groceries at the Maple Leaf Gardens building at the corner of Carlton Street and Church Street. On occasion, I would also attend King's College Circle for walks outdoors when I was breaking for lunch or had other gaps in my schedule.

6. Although I have not yet had the opportunity to review the affidavits of the Respondents in this matter, I understand that some of the affiants describe the encampment at King's College Circle to be "peaceful and calm." That has not been my experience.

7. I am no longer comfortable walking through King's College Circle as part of my normal day. As a sixty-one-year-old Jewish woman, I no longer feel that I can attend the vicinity without encountering harassment or harmful speech.

-3-

8. It is important to me, however, that Jewish people such as myself still feel empowered to make equal use of shared communal spaces. Since the encampment started on May 2nd, I have walked the area in a group setting. Attending in group settings makes me feel safer and more protected. I visited the encampment because:

- (a) I feel it is important that I see for myself exactly what words, slogans, chants, and signs are being used by members of the encampment; and
- (b) I wanted to document what harmful or discriminatory language, if any, was or is being used at or around the encampment.

PHOTOGRAPHS OF SIGNS AT THE ENCAMPMENT

9. I have visited the encampment on a number of occasions since May 2nd and I have taken photos of the posters and other images I have seen. While I understand that there is a perspective or view that certain slogans such as “globalize the intifada”, “long live the intifada”, “resist by any means”, or “glory to the martyrs” are not meant to be violent or antisemitic, I personally experience them in that way. I feel threatened by these statements as a Jewish person.

10. I understand the word “intifada” to mean an “uprising” or “resistance” through force or violence against Israel or Jewish people. When “Globalize the intifada” is used, I understand that it means that this uprising or violence should occur against Jewish people everywhere, including here in Toronto. When “resist by any means necessary” is used, I interpret this to mean a condonation of the violent tactics deployed against Israelis by Hamas on October 7th, 2023.

11. Below I reproduce some photos I have taken of these slogans on the encampment fence.



12. In addition, my understanding of the inverted red triangle is that it is a symbol of Palestinian resistance which at least in some cases signifies support for violent Palestinian resistance against Israel. I understand that the symbol appears in propaganda videos promoted by the al-Qassam brigade, the military wing of Hamas, which show footage of Hamas terrorists attacking Israeli

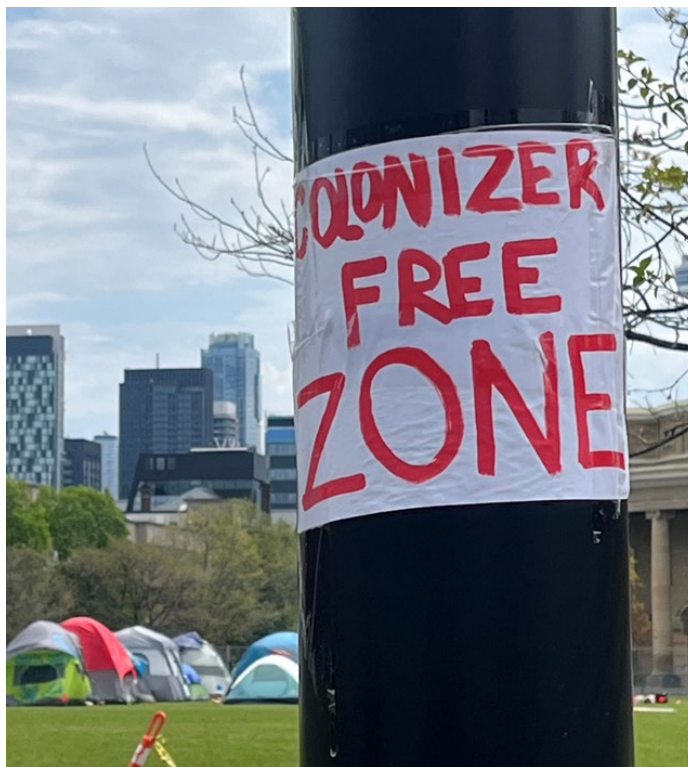
-5-

military targets. In these videos, Hamas would point out the target using the inverted red triangle. It is a particularly unfortunate symbol because Nazi concentration camps used inverted triangle badges, including the inverted red triangle, to identify the reason that prisoners had been placed there.

13. When I see a sign that says “This is the Intifada” with an inverted red triangle, I perceive it to be a call for violence against Jewish people. The symbol also evokes painful memories of the murder of Israeli citizens by Hamas on October 7th, 2023.



14. I have seen a sign at the encampment that says, “colonizer free zone” (image below). Because I understand those in the Palestinian resistance movement perceive Israelis or Jewish people to be “colonizers”, I perceive the sign to suggest that I should not be welcome at the encampment because of my race, religion or heritage:



INCIDENTS DURING VISITS TO THE ENCAMPMENT

15. On May 8th, I visited with a group of friends and other acquaintances. We wore symbols which identified ourselves as Jewish and/or as supporters of the state of Israel, such as the Israeli flag.

16. As I was attempting to document some of the signage, a woman approached the fence from the inside of the encampment and began banging her stick on the fence while facing in my direction. Because I began to feel tensions rising and to avoid a possible escalation, I left the area. A video of this interaction is attached as **Exhibit "1"**.

17. In the first two weeks I visited the encampment frequently but after the tarps went up, blocking my view of those within the encampment, I generally stayed away. I do not feel comfortable going to King's College Circle wearing anything that would identify me as Jewish

-7-

when I am there alone. For example, I often wear a dog tag with a star of David on it, but I would always put that inside my shirt, if I am on my own.

18. After watching Meric Gertler's testimony before the Standing Committee on Justice and Human Rights on May 27th, I again felt it was important to understand what was happening at the encampment.

19. At around 8:40 am on May 28th, I visited King's College Circle. On that day, I saw a large sign which said "ENTRY DENIED UNTIL UofT DIVESTS". I have never felt comfortable or welcome to try to enter the encampment for the reasons I discuss above. This sign made it very clear to me that I was and am not welcome at the encampment.



20. After my visit on May 28th, I learned of a counterprotest rally which was scheduled to occur on Sunday, June 2nd at 3:00 pm near Convocation Hall. I am a proud member of Doctors Against Racism and Antisemitism ("DARA"). Information about the rally was circulated amongst DARA

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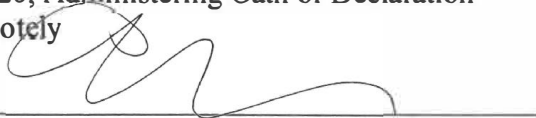
members. The event was entitled “Rally against fear: UofT students say NO! to antisemitism”. The rally was organized by a PhD student at the University of Toronto. An image of the marketing for the rally is set out below.



21. I subsequently attended that rally along with a group of approximately 20-30 other individuals. Many of the attendees were visibly Jewish and carried Israeli flags. As we were approaching the encampment, someone approached us on a bicycle and shouted, “I hate every fucking one of you people”. This incident was intimidating, threatening, and deeply saddening.


22. I understand that some people view the encampment as a peaceful form of protest. I respectfully disagree. Based on the above-described incidents and my own personal experiences, I view the encampment as an epicentre for harmful speech. As a resident of the area and alumna of the University of Toronto, I no longer feel safe or comfortable being in the area of King's College Circle, which is a space I previously used to enjoy.

SWORN by Cynthia Lazar at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely



Commissioner for Taking Affidavits
(or as may be)

}



CYNTHIA LAZAR

This is Exhibit “1” referred to in the Affidavit of Cynthia Lazar sworn by Cynthia Lazar at the City of Toronto, in the Province of Ontario, before me on June 5, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

See Native Exhibit

THE GOVERNING COUNCIL OF THE UNIVERSITY OF
TORONTO
Applicant

-and- JOHN DOE et al.

Respondents

Court File No. CV-24-00720977-0000

ONTARIO
SUPERIOR COURT OF JUSTICE
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AFFIDAVIT OF CYNTHIA LAZAR

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REPLY MOTION RECORD OF THE APPLICANT

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RCP-F 4C (September 1, 2020)