

Know Your Rights!

StandWithUs

CANADA



FRIENDS OF
SIMON WIESENTHAL CENTER
FOR HOLOCAUST STUDIES



Know Your Rights!

Record evidence.

Challenge what you think are antisemitic

or anti-Israel activities.

Require that your school's

administration follow its own rules.

Ask for help. We're here to help you.

While we hope that this booklet is helpful, you do not need to figure out how to respond to anti-Israel or antisemitic activity on your own.

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Navigating School Administrative Systems

There are substantial resources to support you when you challenge antisemitic and anti-Israel activity on campus. **Research your school's policies and bylaws.** Collect evidence of violations.

Review your school's charter, bylaws, and policies to determine: (i) if your complaint fits within a specific school policy, (ii) how your complaint must be dealt with, and (iii) the remedies available to you. We can help you.

Schools are obligated to investigate complaints and enforce their policies. Hold your school accountable to enforce its policies with the same standards for all students and student groups. A university can be held liable for its failure to investigate student complaints and/or enforce its policies in an even-handed manner.

"McGill BDS launch, 1/4/2016" by McGill Daily, cropped with gradient, www.flickr.com/photos/mcgilldaily/24190735023, <https://creativecommons.org/licenses/by/2.0>.



Where to find your school's policies:

- **Online:** Most codes of conduct, administrative procedures, and other related documents can be found on the administration or student services pages.
- **Booklets:** Most schools have physical copies of their codes of conduct, rules, and administrative procedures available in the administrative offices.
- **Using Governance as a Tool:** Student governments, clubs, and organizations are limited by the administration's policies, the respective student group's charter and its bylaws. **If an organization fails to follow its policies or the university's policies, it may have its funding and/or its status revoked.** Using governance as a tool is **one of the most effective methods** of dealing with student governments, groups, and other entities that breach their own and/or school policies.

Using Campus Regulations to Fight Anti-Israel Activity

After the Student Society of McGill University (SSMU) passed a motion in favour of divestment from Israel in 2016, a pro-Israel student filed a petition with the SSMU's judicial board. The petition challenged the constitutionality of the motion using language found in the SSMU constitution. The student successfully argued that the motion unconstitutionally advocated against specific nations and violated the SSMU's commitment to create "safer spaces." The judicial board held that the BDS divestment motion was unconstitutional.

SAFEGUARD

Your Rights

If you are experiencing antisemitic or anti-Israel activity that you believe is in violation of school policy, you can take the following steps to safeguard your rights on campus:

1. Review the Code of Conduct and Policies:

Review your campus code of conduct and/or campus rules. These clearly outline the expectations and obligations of students and faculty on campus. Look up the dispute resolution mechanisms and remedies available to you.

2. Contact Campus Administration (in a timely manner): Once you have reviewed your campus' Code of Conduct, contact the relevant resource on campus, typically a student affairs liaison. Maintain a written record. If meeting with an administrator in person, write a follow-up email to the administrator summarizing your discussion. **Make sure to file complaints in a timely manner. We can help you.**

3. If you or anyone you know experiences physical threats or violence as a result of antisemitic or anti-Israel activity, immediately contact campus police and local law enforcement.

**WHEN IN DOUBT,
REACH OUT**

Freedom of Expression

The Canadian Charter of Rights and Freedoms (the “**Charter**”) is a form of bill of rights that guarantees certain civil and political rights from government interference.

- Canadians have the fundamental freedom of “**thought, belief, opinion, and expression**” under Section 2(b), although Charter rights are subject to reasonable limits prescribed by law.
- Section 2(b) of the Charter protects the right of expression only from **government** interference. The Charter generally does not apply to or limit activity between “private parties.” Universities are usually not subject to the Charter, but it may apply to them in certain instances.

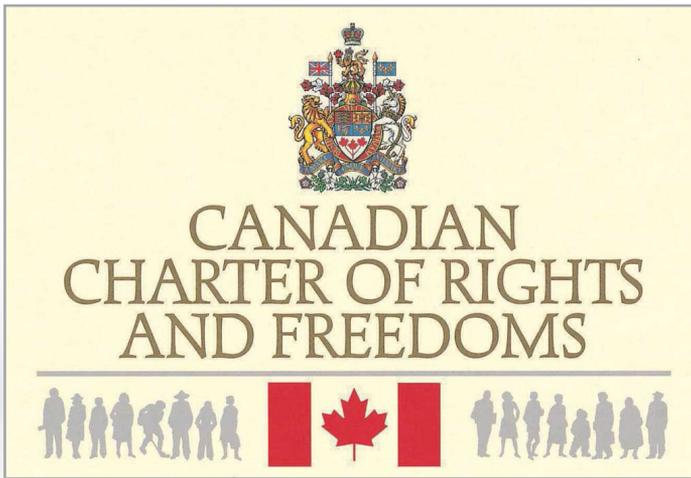
Anti-Israel Student Posters Removed

At Trent University, posters depicting a crossed-out Jewish star were placed prominently across the university’s campus. Although students and student groups are permitted to distribute leaflets and conduct poster campaigns, the posters were seen as a form of hate propaganda targeting a specific religious group. This discriminatory practice violated Trent University policy and is outlawed on virtually all campuses across Canada. Following complaints by pro-Israel students, Trent’s administration publicly condemned the offensive image and removed the posters from campus.



□ The Charter's protections extend to all individuals in Canada, regardless of age, citizenship, or immigration status.

□ Student speech or expression may be prohibited if it disrupts or interferes with other students' rights to learn, speak, associate, or assemble. Campus policies are generally the source of restrictions on disruptive behaviour.



Disruptions of Public Pro-Israel Events on Campus



When a protester disrupts a speaker, he or she is violating the rights of the speaker and the audience. If a university event with an invited speaker is held off campus, **Section 2(b) of the Charter protects the speaker's**

right to speak and a listener's right to listen.

If a speaker is hosted *on campus* where Charter rights are limited, campus policies prohibiting the disruption of events would apply.

Disruptions may violate Canadian federal and provincial laws, such as “mischief” and “trespass.” Likewise, university codes of conduct often prohibit behaviour that interferes with the learning process or university events. Some schools explicitly regulate protest behaviour. You can find these policies on a university's website.

Document everything!
Take videos of disruptions and keep screen shots and emails for evidence.

Disruptions—Best Practices

□ Before the Event:

- Post signs on event doors stating the relevant law(s) and university policy. This provides notice to attendees that disruptions are illegal and/or a breach of university policy.
- Contact the relevant campus office to ensure that campus law enforcement and administrators are aware of both the event and the possibility of an illegal disruption.
- Remind the administration and campus security that federal, provincial law, and/or university policy prohibit substantial disruptions and that you would like disruptors arrested.

□ At the Event:

- At the start of the event, read a script stating that disruptions are illegal and/or a breach of university policy. Contact us for a script.
- If there is a disruption, make sure the speaker and audience remain calm and avoid engaging protesters.
- Ask security to remove protesters and arrest anyone violating the law.

Record evidence!
Film the event. Disruptors' faces are more important to record than faces of the audience, for future evidence.

Academic Freedom for Teaching

In 2011, Canadian universities adopted the Statement on Academic Freedom, which ensures the freedom to teach and conduct research in an academic environment. However, **academic freedom is limited**.

For example, a chemistry professor should not teach about the history or politics of the Middle East in an academic environment, as this is not his or her discipline or area of expertise. The Statement on Academic Freedom also provides that *“Faculty members and university leaders have an obligation to ensure that students’ human rights are respected and that they are encouraged to pursue their education according to the principles of academic freedom.”*



Grade Retribution: If you are concerned that your professor has or will unfairly lower your grade because you are challenging antisemitic or anti-Israel speech, maintain written evidence of any correspondence with the professor. Try to raise the issue with the administration anonymously.

Reach out to your campus Ombudsperson or the Office of Student Affairs. They are resources to help you navigate administrative procedures and explain your options.

How to challenge antisemitic or anti-Israel professors claiming the protection of academic freedom:

- Challenge false, misleading, or discriminatory statements by asking targeted questions. Is the subject matter in question your professor's area of expertise?
- If anti-Israel course materials, articles and/or reading lists are being distributed or suggested to students, ask your professor for other materials to circulate that show alternative viewpoints. Organizations such as StandWithUs Canada and Canadian Friends of Simon Wiesenthal Center can provide you with examples.
- If permitted by school policy, record your professor as evidence that he or she is engaging in political indoctrination or is teaching outside of his or her qualifications. If you are not permitted to record, take detailed notes of the class, including the date and time, the statements being made or topics being discussed, and the context of the discussion. Keep copies of any relevant materials.
- Bring your concerns and evidence to the administration and/or outside organizations.

Hate Speech

Hate speech attacks a person or group because of an immutable characteristic, such as gender, ethnicity, religion, national origin, race, disability, or sexual orientation. While all forms of speech are generally protected, **speech that is profane, threatening, or incites violence is subject to legal limitations.**

- Anti-Israel and anti-Jewish statements on campus that incite or promote hatred or violence may be an offence under the Criminal Code and likely breach your school's student code of conduct and/or policies on hate speech and racism.
- You are not powerless in confronting hate speech. Report hate speech to the police and your campus administration, demand that your campus administration condemns such statements, and bring the speech to the attention of outside organizations and media.

Campus Hate Speech Violates School Policy

Every school has a code of conduct regulating student behaviour and student group activity and most have specific policies regulating hate speech. For instance, a student group at the University of Toronto hosted a speech by an anti-Zionist and antisemitic conspiracy theorist. After complaints from Jewish and pro-Israel students, the hosting group was investigated and permanently banned from hosting any further events on campus for violating school policy.

RECORD ALL EVIDENCE! If you see or hear hate speech, take photos, videos or screen shots, save emails, and keep flyers.

FIGHTING

Hate Speech

ONLINE

Best practices for responding to anti-Israel and antisemitic content on the internet

- FLAG** Many sites, such as YouTube, Facebook, Twitter, and Instagram allow users to flag offensive content for review. Many sites also allow you to say why you thought something was offensive. When flagging content, include detailed comments.
- RECORD** Take screen shots of offensive content.
- SPEAK** Post videos or comments that oppose the offensive point of view. Let the online community see an alternative perspective.
- SUPPORT** Post comments that share positive messages about Israel and Jews.
- KNOW** Know the online platform you are using. Look for a site's **Terms of Service** or **Community Guidelines**. Many sites **voluntarily agree to exercise corporate responsibility and limit hateful content** on their websites. **Hold the site accountable to its policies**. If you flag offensive content, you can get the content or the account on which it appears taken down.

Fighting Hate Speech Online

In 2015, Shurat HaDin Israel Law Center filed a lawsuit against Facebook on behalf of more than 20,000 Israelis. The lawsuit is attempting to stop allowing violent incitement against Israeli citizens and Jews on Facebook. The goal is to require Facebook to monitor incitement and respond immediately to complaints about inciting content.

Antisemitism and Anti-Zionism

In 2011, the Canadian government adopted the Ottawa Protocol, which codified a definition of antisemitism. According to this definition, antisemitism includes: calling for the killing of Jews, making classical antisemitic stereotypes about Jews, denying the Holocaust, and accusing Jews of being more loyal to Israel than to their own nations. For more information on the Ottawa Protocol, see www.antisem.org/archive/ottawa-protocol-on-combating-antisemitism.

Combating Antisemitism on Campuses

In 2017, students at Ryerson University proposed a motion to change the university's definition of antisemitism to include the examples endorsed by the Canadian government in the Ottawa Protocol. The Ryerson Student Union passed the motion, which provides clear guidelines to defining antisemitism and will ensure that violators will be held accountable for perpetuating antisemitism.

In February 2016, the Canadian Parliament passed a motion formally condemning the Boycott, Divestment, and Sanctions campaign against Israel. It called on the Canadian government to “condemn any and all attempts by Canadian organizations, groups, or individuals to promote the BDS movement, both here at home and abroad.” The motion also noted that BDS “promotes the demonization and delegitimization of the State of Israel.”

Combating Antisemitism



Lutter contre l'antisémitisme



The working definition of antisemitism, as outlined in the Ottawa Protocol, identifies when anti-Israel speech becomes antisemitic speech:

□ **Delegitimization**

Speech that denies Israel's right to exist or denies the Jewish people's right to self-determination is antisemitic.

□ **Demonization**

Using symbols and images associated with classic antisemitism, such as swastikas, Nazism, or the blood libel is antisemitic.

□ **Double Standards**

Applying double standards to Israel by requiring of it behaviour not expected or demanded of any other democratic nation is antisemitic, as is holding the Jewish people collectively responsible for the actions of the State of Israel, a standard required of no other people(s).

Criticism of Israel similar to that leveled against any other country is not antisemitic.

Harassment

□ Criminal Harassment

Under Section 264(1) of the Criminal Code, criminal harassment occurs when someone acts in a way that causes another to fear for his or her safety or the safety of anyone known to him or her.

□ University Harassment and Discrimination Policies

- Most universities have anti-discrimination and anti-harassment policies, often located in their student codes of conduct. These serve as a contract between students and the university.
- Anti-Israel students falsely accusing pro-Israel students of discrimination may constitute harassment. Students should report this when it occurs.

**When In Doubt, Reach Out
If You Are The Observer Or
Subject Of Harassment.**



"DSC02304" by @joefoodie, cropped with gradient, www.flickr.com/photos/montage_man/196734203, <https://creativecommons.org/licenses/by/2.0>.

**Excerpt from the
*University of Alberta Discrimination,
Harassment, and Duty to Accommodate Policy***

“Protected Grounds”

Discrimination is prohibited based on the following protected grounds: race, colour, ancestry, place of origin, religious beliefs, gender (including pregnancy and gender identity), physical disability, mental disability, marital status, family status, source of income, sexual orientation, age, political beliefs, or any other groups as amended from time to time.

“Discrimination”

A distinction, whether or not intentional, based on a characteristic or perceived characteristic referenced in the Protected Grounds that has the effect of imposing on an individual or group of individuals burdens, obligations or disadvantages that are not imposed on others, or of withholding or limiting access to opportunities, benefits and advantages available to other individuals in society.

“Harassment”

Conduct or comment, either one time or repeated that is: demeaning, intimidating, threatening or abusive; causes offence and should have reasonably been expected to offend; serves no legitimate purpose for the work, study, or living environment; undermines authority or respect in the work, study, or living environment; impairs work or learning performance; limits opportunities for advancement or the pursuit of education or research; or creates an intimidating, hostile or offensive work or learning environment.

Human Rights Legislation

All Canadian provinces and territories have legislation intended to provide all individuals with equal rights and freedoms.

Section 1 of Ontario Human Rights Code

Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, or disability.

Canadian human rights legislation prohibits discrimination on certain

protected grounds, in areas including employment, housing, and contracts.

Provincial and federal human rights codes are enforced by human rights tribunals. Universities, schools, and colleges are subject to these codes in order to provide students and faculty equal rights to services, employment, and housing on campus.

In March 2016, a non-university pro-Israel group was barred from hosting a table at the University of Ontario Institute of Technology (UOIT) Student Association's Social Justice Fair. The Student Association justified this on the Student Association's adoption of a BDS resolution earlier that year. The pro-Israel group filed a human rights complaint, which settled in July 2017. As part of the settlement, the UOIT Student Association issued a public apology and permitted the pro-Israel group at future campus multicultural events.

- You generally have only **six months** from the date of the incident to file your claim.
- If discrimination is encouraged, tolerated, not adequately addressed, or wholly ignored by your school's administration, you may have a human rights claim. Reach out for help!**

Filming on Campus

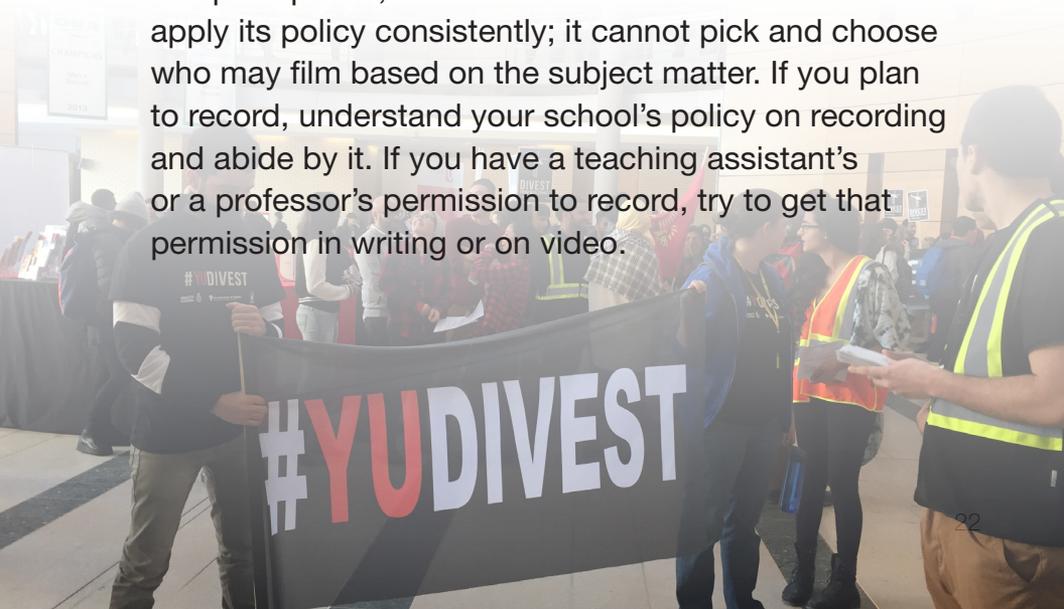
So long as you are not filming for a commercial purpose (i.e., to make money), you generally have the right to film on a public university campus and to film people who do not have a reasonable expectation of privacy (with certain exceptions).

- If people try to hide themselves or their activities in public, they are claiming an expectation of privacy. They should not be filmed or photographed unless you obtain their permission.
- Universities have the right to ban filming and usually require a permit to film. Check your school's recording policy.
- A speaker at a public event on a public campus may ask that you not film her or him, in which case you should not. Likewise, you generally may not record copyrighted materials, like films shown at screenings.

Filming on Campus Leads to Prosecution of Anti-Israel Activity

Filming can be critical to proving cases of on-campus antisemitism. In March 2013, the Students Against Israeli Apartheid ("SAIA") group at York University held an anti-Israel rally on campus that violated the school's noise rules. A pro-Israel staff member was able to capture parts of the rally on video, and the footage provided the necessary proof for the university to decide that the rally had disrupted academic activities. SAIA was suspended as a recognized student group for nearly a year, and one of the group's leaders was banned from campus.

- If filming on a public campus disrupts classes, takes place at an inconvenient time, or is conducted in an offensive manner, officials may intervene. Filming in such instances may violate school policies. If an official demands that you stop filming, make sure to request the official's name and the reason why he or she is asking you to stop.
- School officials and police must obtain a warrant to seize a video camera or cell phone or to order that a photograph or video be deleted.
- University officials may ask community members unaffiliated with the school to leave campus, in which case that person must leave or risk being in violation of trespass laws. Trespass laws vary from province to province.
- Each campus has its own policies regarding filming inside campus spaces, such as the classroom. The school must apply its policy consistently; it cannot pick and choose who may film based on the subject matter. If you plan to record, understand your school's policy on recording and abide by it. If you have a teaching assistant's or a professor's permission to record, try to get that permission in writing or on video.



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StandWithUs Canada is a non-profit organization dedicated to informing the public about Israel and combating the extremism and antisemitism that often distort the issues. We believe that education is the road to peace. With headquarters in Los Angeles, StandWithUs international has 18 chapters worldwide. Through our powerful, fact-based materials, speakers, Israel advocacy, and leadership education, we provide the tools to educate about Israel's remarkable achievements and ensure that we meet the ongoing challenges on campuses, in communities, and in the media.

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Friends of Simon Wiesenthal Center for Holocaust Studies (FSWC) is a non-profit human rights organization committed to countering racism and antisemitism and to promoting the principles of tolerance, social justice and Canadian democratic values through advocacy and education. Actively engaged in fostering the values of respect and acceptance and in teaching the responsibilities of citizenship in a democratic society, we are guided by the words of Holocaust survivor Simon Wiesenthal: "Freedom is not a gift from heaven. One must fight for it every day."



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This booklet is for public informational and educational purposes only. It does not offer legal advice or create an attorney-client relationship between the authors and you, the reader. Consult a suitably qualified attorney regarding any specific legal problem or query.

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