

# *Guide to Law and Policy regarding Antisemitism and Anti-Israeli Discrimination at the University of Toronto*

**This resource is being posted in a draft form for the purpose of inviting feedback and engaging in further consultation with our community.**

This draft guide is intended to assist the University of Toronto community in better understanding the legal and policy framework at the University regarding antisemitism and anti-Israeli discrimination. It has been prepared in the context of rising antisemitism at U of T and in broader society and is intended to reaffirm the University of Toronto's commitment to welcoming and inclusive learning, research, and working environments.

Antisemitism and anti-Israeli discrimination are treated by the University in the same way as discrimination and harassment against other equity-deserving groups, including with complaints resolutions supports and educational awareness programming. Below you will find a non-exhaustive list of illustrative examples of conduct that may be regarded as antisemitic and/or anti-Israeli discrimination or harassment, depending on the specific facts of a case.

This draft guide builds on the December 2021 [Report of the University of Toronto Antisemitism Working Group](#), whose eight recommendations were accepted by the University and the [University of Toronto Faculty Association](#). Like the Report, this draft guide does not recommend the adoption of any external definitions of antisemitism, including the International Holocaust Remembrance Alliance (IHRA) Working Definition, the Nexus Document, and the Jerusalem Declaration. External definitions are written for a range of purposes, but do not reflect the University's specific policy and legal context, including its fundamental commitment to academic freedom and freedom of expression. U of T's [Statement of Institutional Purpose](#) reiterates this position:

[T]hese 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.

The Guide does not establish a new policy. Any action in response to antisemitic incidents will be taken in accordance with the underlying policies and/or law. Read more about the relevant policies at the Governing Council [policies](#) page.

## LAW AND POLICY CONTEXT

The University of Toronto is subject to the laws of Ontario and Canada, including the *Human Rights Code* and the *Criminal Code*:

- [Human Rights Code](#) – prohibits discrimination and harassment based on a number of grounds, including race, ancestry, place of origin, ethnic origin, citizenship, and creed. These prohibitions protect against antisemitic and anti-Israeli discrimination and harassment in the working, learning, and research environments at the University.
- [Criminal Code](#) – contains various offences related to “hate propaganda” at sections 318 to 320, including advocating genocide, public incitement of hatred, willful promotion of hatred, and willful promotion of antisemitism. The latter offence is narrowly limited to instances where the communication condones, denies, or downplays the Holocaust.

In addition to this legal context, the University of Toronto has statements, policies, guidelines, and agreements that address antisemitism and the ways in which it is appropriate for the University to address it, both directly and indirectly.

The University of Toronto has adopted several overarching statements, including the [Statement of Institutional Purpose](#), the [Statement on Freedom of Speech](#), the [Statement on Free Expression](#), the [Statement on Equity, Diversity, and Excellence](#), the [Statement on Prohibited Discrimination and Discriminatory Harassment](#), [Policy on the Temporary Use of Space](#), and the [Statement on Human Rights](#). Taken together, these Statements affirm both the University’s commitment to freedom of speech and academic freedom and its commitment to the “vigilant protection for individual human rights” and the right of every member of our community to live, teach, research, and learn in an environment free from discrimination and harassment.

The [Code of Student Conduct](#) prohibits non-academic misconduct by students, including vexatious conduct that is known to be unwelcome based on several grounds in the *Human Rights Code*, as well as threats and assault. The [Code of Behaviour on Academic Matters](#) prohibits academic misconduct by both students and faculty members and makes it an offence for a faculty member to evaluate the academic work of a student “by reference to any criterion that does not relate to its merit,” including based on the prohibited grounds set out in the *Human Rights Code*.

In the employment context, the [Policy with Respect to Workplace Harassment](#) and the [Guideline for Employees on Concerns and Complaints Regarding Prohibited Discrimination and Discriminatory Harassment](#) prohibit workplace harassment based on the grounds in the *Human Rights Code*. Relatedly, the [Policy with Respect to Workplace Violence](#) and the [Workplace Violence Program](#) prohibit workplace violence, including attempted violence and threats of violence.

Several agreements between the University of Toronto and employee groups layer further commitments on this legal and policy framework. For example, Articles 5 and 9 of the [\*Memorandum of Agreement between the Governing Council of the University of Toronto and the University of Toronto Faculty Association\*](#) impose several requirements of faculty members and librarians in their dealings with students and colleagues. The *Memorandum* prohibits discrimination based on each of the grounds in the *Human Rights Code* as well as discrimination based on political affiliation or belief. [Collective agreements](#) with labour unions similarly include non-discrimination clauses that encompass or exceed the grounds set out in the *Human Rights Code*.

Each of these policies and agreements, either explicitly or through established practices and pathways, provide an avenue for complaints to be received, appropriate inquiries and/or investigations to be pursued that include procedural fairness for the respondent, and sanctions to be imposed for non-compliance.

Further, there is information in [\*Social Media Resources and Supports for Faculty Members and Librarians\*](#) that indicates “no member of the University should engage in hate speech or in behaviour that demeans, harasses, or intimidates others; nor should any community member be subject to such language or behaviours in the course of their University work or study.”

The University recognizes that Jewish and/or Israeli community members encounter a range of actions and behaviours experienced as antisemitism that may or may not be a violation of law or policy. The University addresses antisemitism through its policies as well as other constructive means, such as dialogue and education.

## **EXAMPLES OF ANTISEMITISM AND ANTI-ISRAELI DISCRIMINATION AT THE UNIVERSITY OF TORONTO**

Despite this legal and policy framework, antisemitic and anti-Israeli acts and speech persist at the University of Toronto and create conditions in learning, working, or research environments that limit the full participation of Jewish or Israeli community members and promote exclusion.

Below is a non-exhaustive list of acts and speech that the University considers to be antisemitic and/or anti-Israeli and could invoke the use of the legal and policy framework described above. These examples can appear in many forms: they can be subtle or blatant; they can include verbal and in-person communications; they can appear on many mediums, including signage and targeted email communications; and they can involve social media posts attributable to University of Toronto community members.

Using “Zionist” or “Zionism” as a proxy for “Jewish” or “Judaism” does not excuse discriminatory or harassing actions described in the examples below. This proxy usage is distinct from criticisms of the government of Israel and its policies, or of Zionism as an ideology.

### Examples

- **Exclusion in learning environments** – this could include comments in class that single out students or instructors who are Jewish or Israeli to hold them responsible for the actions of other Jewish people or of the government of Israel, or that require them to distance themselves from certain policies as a precondition of participation in classes or events.
- **Exclusion in work environments** – this could include denying Jewish or Israeli colleagues work assignments or opportunities because of their identity or because of assumptions about their political or religious views.
- **Exclusion in research environments** – this could include restricting the access of Jewish or Israeli community members to University spaces such as labs; requiring expression of, or adherence to, anti-Zionist views as a condition of entry to scholarly events; or limiting the participation in research projects or groups of those who work with Israeli colleagues or institutions.
- **Use of tropes, stereotypes, and conspiracies of Jewish people** – this may include caricatures and statements about conspiracies of Jewish people: for example, exercising control over government, business, finance, and other institutions, including universities; of having dual loyalty to the state of Israel; or of engaging in ritual or purposeful acts of killing (“blood libel”).
- **Harassment, bullying, threats, vandalism, and violence based on Jewish identity and/or Israeli nationality** – this may include comments or actions directed at members of the University community because of names, food, jewelry depicting the Star of David, an Israeli flag, kippah, or other symbols associated with Jewish identity.
- **Use of antisemitic symbols and phrases** – this may include social media posts targeting individual Jewish or Israeli members of the U of T community regarding their identity or beliefs, or vandalism of property on U of T’s campuses with swastikas and/or other antisemitic symbols, or phrases such as “go back to Europe.”

- **Denial of appropriate accommodations for Jewish religious and spiritual practices** – this may include the failure or refusal to provide kosher food options when requested, or to attach conditions to its provision, during University-sanctioned events where food is being served; or the failure to provide appropriate accommodations in the work, learning, or research environments for Jewish people who observe religious holidays; or scheduling mandatory events without options for accommodation on major Jewish holidays. More information for [students](#) and [employees](#) is available.
- **Denial, downplaying, or condoning the Holocaust** – this may include acts or statements, particularly in classes and events, that minimize the Holocaust by downplaying its significance or accusing Jews of exaggerating it to gain power.

The facts of any situation will be carefully considered in keeping with the University's commitments to procedural fairness, academic freedom, and freedom of expression. The University will determine whether such incidents fall within the scope of its legal and policy framework and whether this may or may not lead to discipline or other sanctions in accordance with those underlying legal and policy frameworks.

**NOTE: Consultation on this draft Guide remains open until January 31, 2025.**