

Hate Propaganda

A Guide for Students, Faculty, and Staff

WHAT IS HATE PROPAGANDA?

Identifying hate propaganda is a highly contextualized, fact-driven, and complex process guided and framed by the principles as set out below taken together and considered as a whole.

While the Criminal Code does not provide a specific definition, courts have interpreted hate propaganda as follows:

- Hate propaganda is the public promotion or incitement of hatred against an identifiable group.
- Hate propaganda targets persons and / or property based on such factors as colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity, or mental or physical disability.
- Hate is restricted to the most extreme manifestations of emotion conveying detestation and vilification.
- Hate incites abhorrence, delegitimization or rejection likely to expose its targets to discrimination or other harmful effects including ostracism, segregation, deportation, violence, and in the most extreme cases, genocide.
- Neither the intention to delegitimize, nor proof of actual harm is required to qualify statements or conduct as hate propaganda.
- Careless belief in the truth of a statement willfully used to promote hatred is no defence.
- A hateful statement embedded within an opinion, whether religious or otherwise is still hate propaganda.

WHAT IS NOT HATE PROPAGANDA?

While the incitement or promotion of hate propaganda are inconsistent with the University's commitment to the safety and security of our members and to our interrelated values, some offensive and repugnant statements must be tolerated to ensure the liberties related to free speech, academic freedom, and creed are not unduly encumbered.

Statements that merely ridicule, belittle, or otherwise affront the dignity of a person or a class of persons do not qualify as hate propaganda.

Statements communicated in private are not hate propaganda.

YORK UNIVERSITY POLICY

York University is committed to the safety and security of all its members in an environment conducive to freedom of inquiry and expression, where all may learn, teach, work and live free from prejudice, harassment, and discrimination.

In essence, membership in York's community brings with it a responsibility to uphold a group of interrelated values in campus life: Free speech, academic freedom and freedom to engage in creed-based belief.

Free speech and academic freedom encompass the right to explore controversial questions and engage in the exchange of ideas even where passionately voiced. This kind of expression may come in the form of display using posters or banners, and/ or in speeches delivered at large open gatherings. It may be prepared or

spontaneous. Freedom of religion or creed involves the holding and manifestation of sincere beliefs, whether based in religion or in a system of belief that does not include a supreme being or deity.

York University celebrates the presence within its community of diverse modes of being, thinking and seeing the world, and the presence of myriad human identities based on systems of belief, diversity and every kind of distinctiveness.

Each person enjoys the freedoms identified above, but must exercise them within certain reasonable limits. These limits include the prohibition against incitement and promotion of hate propaganda and other restricted expression as defined under:

- (a) university guidelines, codes, and policies,
- (b) the Ontario Human Rights Code, and
- (c) the Criminal Code of Canada.

FORMS OF HATE PROPAGANDA

Dissemination of hate propaganda may take many forms whether oral or written including but not limited to flyers, pamphlets, or posters, graffiti, recorded telephone messages and digital messages.

Some Examples from Across Canada

- An instructor attributed various evil qualities to adherents of a certain creed. He taught his students that followers are "treacherous", "subversive", "sadistic", "power hungry", "child killers" and "inherently evil". He went further to suggest they are responsible for depressions, anarchy, chaos, wars and revolution. The

instructor expected his students to reproduce his teachings in class and on exams. If they failed to do so, their marks suffered.

- A religious advocate distributed flyers referring to “those who identify as homosexuals” as “perverted”, “sick”, “addicted”. He openly advocated for “civil” discrimination against LGBT members who “proselytize vulnerable children”. If such discrimination were not allowed, he warned the public of a future where “our children will pay the price in disease, death, abuse and ultimately eternal judgment”.
- One denomination within a religion published pamphlets characterizing another denomination as descendants of a rebellious movement whose sole purpose was to “seize power and to establish a regime of merciless brutality”. The document warned that “if the rebellious movement ever gained strength, they would surely corrupt the whole earth. They uphold and perpetuate the belief that the corruption of others can only be cured by mass killing!” A large number of pamphlets were left in a public space on a university campus.

REMEDIES

Engaging in the incitement or promotion of hate propaganda may trigger potentially significant remedies including the disciplinary measure of expulsion for students or termination of employment for staff and faculty. However, where conduct is not considered hate propaganda as defined by the Criminal Code, but represents threats of harm or actual harm between students, workplace violence, harassment, or discrimination, further remedies may be available under university guidelines, codes, and policies and the Ontario Human Rights Code.

LINKS TO YORK RESOURCES

Hate Propaganda concerns and complaints should be direct to the Centre for Human Rights. You may also refer to the Office of Student Conflict Resolution.

LINKS TO YORK POLICIES/ PROCEDURES/GUIDELINES

Members of the York community are directed specifically to consider the following:

Guideline Concerning Hate Propaganda

<http://secretariat-policies.info.yorku.ca/policies/hate-propaganda-guidelines/>

Policy Concerning Racism

<http://secretariat-policies.info.yorku.ca/policies/racism-policy-and-procedures/>

Policy on Computing and Information Technology Facilities

<http://secretariat-policies.info.yorku.ca/policies/computing-and-information-technology-facilities-senate-policy/>

Guidelines for Users of Computing and Technology Facilities

<http://secretariat-policies.info.yorku.ca/policies/computing-and-information-technology-facilities-senate-policy/>

Workplace Harassment and Violence Prevention Program

http://www.yorku.ca/dohs/documents/WP_Harassment_Prevention_Program_Nov_2013_Final.pdf

EXTERNAL RESOURCES

Code of Student Rights and Responsibilities

<http://www.yorku.ca/oscr/studentconduct.html>

Human Rights Code RSO 1990, c H.19.

<https://www.ontario.ca/laws/statute/90h19>

Criminal Code R.S.C., 1985, c. C-46 ss. 318, 319, 430(4.1) and 718(a)(i)

<http://laws-lois.justice.gc.ca/eng/acts/C-46/>

SOURCES

Ontario Human Rights Commission

<http://www.ohrc.on.ca>

MAKING YORK UNIVERSITY REDI

The Centre for Human Rights (CHR) contributes to York University’s vision of social justice and accessible education. We strive to build a respectful, equitable, diverse and inclusive (REDI) community at York by advancing, promoting, and upholding human rights at York in accordance with provincial human rights legislation and the University’s policies.

Contact the Centre for Human Rights if you:

*Have questions or concerns about human
rights on campus*

Are seeking human rights education

Are interested in human rights research

CENTRE FOR HUMAN RIGHTS

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This fact sheet provides general information about human rights related accommodation to York University students, staff, and faculty members and should not be construed as legal advice.