McGill Association of University Teachers

GOVERNANCE, PROTEST, AND SECURITY

Report of the MAUT Committee on the Implications

of the Events of 10 November 2011

March 6, 2012

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GOVERNANCE, PROTEST, AND SECURITY – REPORT OF THE MAUT COMMITTEE ON THE IMPLICATIONS OF THE EVENTS OF 10 NOVEMBER 2011

INTRODUCTION

The turbulent events of the past few months have provoked numerous calls for greater consultation and dialogue across the university. A central feature of the Jutras Report is its recommendation of University-wide consultation on the critical concerns arising from the events of Nov.10th. However, important questions have also been raised about the response of the senior administration to these events. Both the independence and restricted mandate of the investigation commissioned by Principal Munroe-Blum have been questioned by some members of the community. In addition, many have suggested that the events of Nov. 10th are manifestations of a more fundamental disquiet with what Dean Jutras refers to as "the general climate of governance at McGill" (p.4). MAUT responded to these diverse and, at times, conflicting appeals for public input by establishing a multi-constituency committee mandated to review the array of issues raised by the events of Nov.10tah, 2011. This report is the result of that inquiry.

A. COMMITTEE MANDATE

The formal mandate for this review was established by the council meeting of McGill Association of University Teachers on Dec.14, 2011.

> 1. *MAUT Council shall sponsor the creation of a 7-member Committee with the mandate to develop recommendations for the Senate of McGill University concerning the implications for University policy of the events that led up to, unfolded on and resulted from the occupation of the James Administration Building and the presence of riot police on campus on November 10, 2011. In particular, this Committee shall consider the factors that produced the context for the events, including the state of collegiality and governance, as well as securitization of the campus, and make recommendations designed to ensure accountability.*
>
> *2. MAUT Council shall accept nominations until January 9, 2012 for the following positions on this Committee: a chair and 3 current members of the academic staff.*
>
> *3. The President of MAUT shall seek a representative of the non-Academic staff from MUNASA, a representative of the undergraduate student body from SSMU and a representative of the graduate student body from PGSS to sit on the Committee.*
>
> *4. The Committee shall consider all relevant materials, including other reports produced concerning the events, and shall invite submissions and representations. In particular, it shall seek representations from MUNACA.*

5. The Committee shall prepare a Report to MAUT Council by March 1, 2012 so as to facilitate the presentation of proposals to the March 21, 2012 meeting of Senate. Its Report shall be made public.

B. COMMITTEE PROCESS

The first act of the committee, on Feb. 1, 2012, was to add a representative from MUNACA, thereby creating an eight-member committee consisting of four MAUT members and representatives from PGSS, SSMU, MUNACA, and MUNASA. John Galaty, President of MAUT, circulated a message to all faculty members announcing the committee's mandate and inviting "members of the McGill community to send observations and recommendations pertaining to the mandate ... to the Committee." That message was also communicated to other sectors of the University. In addition to reviewing the submissions that resulted from that invitation, the committee considered a variety of documents pertaining to the events of Nov. 10 and subsequent events, including media reports, online commentary, a variety of statements from and to the senior administration, and the results of two key investigations: the Jutras Report and the report of the Independent Student Inquiry (a list of sources is attached as Appendix X).

In our analysis of documentation, we have paid particular attention to the Jutras Report, to issues arising from the student actions in November 2011and February 2012, and to official responses to those actions. In our analysis of the submissions we received, we have identified patterns in the material: common statements of concern, repeated criticisms and suggestions, frequently mentioned events or attitudes. The duration and extent of our investigation has been somewhat limited in order to meet our deadline of March 1, so we cannot easily generalize, but our investigation has revealed consistency in the content, nature, and tone of commentary from across the diverse sectors of the University community. Moreover, during the committee's deliberations, it became clear that the concerns identified in this report echoed those that committee members had heard expressed by colleagues and classmates in their various constituencies. Finally, our report was also shaped by the deliberations and contributions of the student, faculty and staff members of the committee.

C. STRUCTURE OF THE REPORT

It became apparent during our investigation that the University community currently has three broad areas of concern, and we have organized this report around those concerns. Following a summary of our recommendations, we explore each area. In the first section, drawing on verbatim comments that we received, we pay attention to disquiet about ***the current state of governance, collegiality, and democratic participation*** at McGill. In the second section, we consider issues related to ***peaceful assembly and civic protest on campus***, again using excerpts from submissions, an analysis of the Jutras Report, and references to relevant, current literature on the topic. Finally, we review concerns linked to ***security and policing,*** with reference to submissions, relevant literature, and the Jutras Report.

COMMITTEE MEMBERS

Malcolm Baines, Chair, Professor Emeritus, Faculty of Medicine, Microbiology and Immunology
Daniel Cere, Assistant Professor, Faculty of Religious Studies, Religion, Law and Ethics
Allison Cooper, SSMU Representative & Independent Student Inquiry co-author
Ronald Critchley, President, MUNASA
Lily Han, PGSS Representative
Caroline Riches, Associate Professor, Faculty of Education, Department of Integrated Studies in Education
Anthony Paré, Professor, Faculty of Education, Department of Integrated Studies in Education
Kevin Whittaker, President, MUNACA

EXECUTIVE SUMMARY

Following the events of November 10th, 2011, there have been calls, both official and informal, for serious consultation and dialogue on the issues and concerns raised by the turbulence of the past months. McGill's Association of University Teachers (MAUT) responded to these appeals by establishing a multi-constituency committee mandated to review the array of issues raised by the events of Nov.10th, 2011.

The Committee consisted of eight (8) members, drawn from students, staff and faculty (MAUT, MUNACA, MUNASA, PGSS, and SSMU). It was mandated "to develop recommendations for the Senate of McGill University concerning the implications for University policy of the events that led up to, unfolded on and resulted from the occupation of the James Administration Building and the presence of riot police on campus on November 10, 2011."

The McGill community was invited "to send observations and recommendations pertaining to the mandate" of the committee. In addition to reviewing the submissions, the committee considered a variety of documents, reports, media analysis, online commentary, and research literature pertaining to the issues raised by the events of Nov. 10 and subsequent events. Three broad areas of concern emerged:

1. University Governance & Collegiality
2. Civil Protest & Peaceful Assembly
3. Security & Policing

Following is a summary of key recommendations made by the committee in these three areas:

1. UNIVERSITY GOVERNANCE & COLLEGIALITY

In response to periods of turbulence in the late1960s, the Tripartite Commission on the Nature of the University and the Report of the Joint Committee were formed. These creative initiatives renewed and revitalized collegial governance at McGill University. Forty years later, a similar challenge and opportunity lies before us.

1. *The establishment of a Commission to review issues of governance and collegiality within McGill University.* The membership, mandate, and scope of this body should be broad, and include such concerns as the size, organization, and membership of Senate and the Board of Governors, the relationship between the Senate and Board and the role of each in the formation of policy, and mechanisms for holding both bodies accountable to the broader University community.

2. *The establishment of a working group to review the possibilities for consultation and collaboration among the University's various constituencies.* The Committee recommends the establishment of a "citizen's council"—an independent forum for discussion of issues that affect all sectors of the University. This council would be a collaborative initiative of the major constituencies of the university, not an initiative of senior administration. The Committee directs this recommendation to the leadership of our various university constituencies—SSMU, PGSS, MUNACA, MUNASA, and MAUT, among others.

3. *MAUT should closely review its participation in the collegial process, its current and ongoing relationship with the administration, and its connections to other representative groups on campus.* The Committee encourages MAUT to reflect on its role as a representative body for faculty, and to look in particular at the ways in which it encourages participation and seeks consultation from across the University campus.

2. *CIVIL PROTEST & PEACEFUL ASSEMBLY*

The university is a unique sanctuary of free expression and peaceful dissent in civil society. These rights are not privileges or indulgences granted by regulative authorities. Attempts to define or regulate the scope of these rights merit serious attention and discussion.

RECOMMENDATION ON PROCESS
1. *Public consultations on the proposed protocol on civic protest should be conducted by an independent and representative consultative committee reporting to Senate.* The consultative process needs to have an arms-length relationship to any particular constituency of the university.

RECOMMENDATIONS ON CONTENT
2. *The fundamental purpose and content of a protocol is to safe-guard basic human rights to peaceful assembly and protest, not to constrain them.* Protocols should primarily aim at ensuring that the peaceful assembly is safeguarded and not subject to undue administrative regulation.

3. *A protocol should address the proportionality of response and maintain a basic distinction between civic protest and criminal harm perpetrated by individuals.* Protocols dealing with protest should turn on a basic distinction between peaceful and non-peaceful forms of protest.

4. *A protocol should recognize that the individuals at most risk of harm in civic protest will be protestors.* Historically, a reactive response to protests has posed far more risks

of harm to student protestors than to others. In the design of protocols there needs to be a recognition that the primary group "at risk" of harm will be protestors themselves.

5. ***A protocol should underscore the significance of activities self-identified as "peaceful protests" in determining the administrative and security response.*** Direct action protests, even if ill-conceived, must be viewed as a fundamentally different class of activity than criminal or unlawful acts. Clear identification of an activity as a "peaceful" protest should place it in a category that requires a response in keeping with protocols around civil protest.

6. ***A protocol should be sensitive to the range and complexity of various forms of student protest and its significance in the life of the university.*** Traditions of student activism vary across the ideological spectrum from the far left to the far right. The diverse forms of student protest should be taken into account in the construction of protocols and defining appropriate response.

7. ***A protocol should carefully consider the legitimacy and possible place of occupations and/or sit-ins as forms of student protest.*** Direct action forms of protest (occupations, sit-ins, theatrical protest, etc.) seem to more frequent occurrences in the confined geography of a university than in other societal settings. These factors must be considered in assessing proposals for complete bans on occupations or sit-ins, or the recognition of a place for some forms of direct action protest.

8. ***A protocol should establish guidelines on counter-demonstrations and civic protest in the university setting.*** Counter-demonstrations that directly aim at seriously disrupting or obstructing the freedom of speech, expression or peaceful assembly of others should be not viewed as legitimate forms of civic protest.

9. ***A protocol should address the question of mediation for disputed protests.*** When there is significant dispute about the validity of certain protest tactics, then the use of negotiation or mediation is recommended. Mediation is best conducted by a party not affiliated with either the regulatory authority or protestors.

10. ***A protocol should require basic analysis of the specific incidents of student protests taking place in the university***. A protocol should require analysis of the intent, design, and aims of any protest, as well as basic profiles of the activists, rather than a rudimentary sketch of actions devoid of contextual inquiry.

11. ***A protocol should address issues of civil speech in protests as well as responsible communication in the response to civic protest***. The university protocol should refrain from adding additional institutional sanctions on free speech but work within the existing legal constraints on speech established by provincial and federal law. Moreover, the protocol should urge caution in the rhetorical tone of communications in responding to student protests.

12. ***A protocol should clarify whether student participation in various protests, peaceful assemblies and demonstrations are excluded from the list of "non-academic offences" and the student "disciplinary record."*** Until there is a settled university protocol on the limits of civic protest on campus, a construal of "disruption" as an offence that includes certain forms of peaceful protest currently in dispute would violate the broad provision in the *Handbook on Student Rights and Responsibilities* (5c) against such expanded interpretations.

3. SECURITY & POLICING

Security and policing are vital features of democratic societies. They are intended to provide protection for fundamental rights and freedoms, not curtail them.

RECOMMENDATION ON PROCESS

1. ***The establishment of an independent university civilian oversight board on policing and security that reports to Senate.*** Due to the citizenship issues involved, the responsibility for this review should not be spearheaded by "university authorities" but by a broader and more independent board with a mandate not only to address particular situations, but to also assess how policing and security is interacting with various sectors of the community.

RECOMMENDATIONS ON CONTENT

2. ***Develop a collegial approach to campus security:*** McGill security should be viewed as a vital player on campus ensuring the protection and safety of all sectors of the University community.

3. ***Avoid the securitization of University civic protest:*** In the development of a university protocol on protest, security concerns should be kept subordinate to the core imperative of fostering a culture of respect for basic rights of civic protest and peaceful assembly.

4. ***Improve public knowledge of the codes of conduct that security forces are required to operate under.*** The addition of a section on security in the *Handbook on Student Rights and Responsibilities* that delineates the code of conduct for security agents on campus, as well as indicating basic expectations of civil conduct for McGill students, faculty and staff interacting with security.

5. ***Review confidentiality issues and establish protocols for access to and use of personal information.*** Clear protocols need to be established for access to and use of sensitive personal information, emails, surveillance, etc.

6. ***Independent civilian oversight board and SVPM.*** That the "working relationship" with neighbourhood police stations and the SVPM include input from a University civilian oversight board.

7. ***Consideration of a formal complaint.*** The establishment of good communication and collaboration with the SPVM should neither preclude nor prevent consideration of whether a formal complaint should be filed regarding police intervention on Nov.10th

I.   ISSUES RELATING TO UNIVERSITY GOVERNANCE AND COLLEGIALITY

DISCUSSION: VOICES OF THE COMMUNITY

Recent events at McGill, including the MUNACA strike and the student actions on November 10, 2011, and February 7-12, 2012, have evoked deeper concerns around collegiality, civility, communication, and governance in the University community. In commenting on the campus mood, Dean Jutras remarked that "it is clear that the events of November 10 ... have left some wounds that must be healed. The submissions I received reveal that some catharsis within the University is required in order to respond to the experiences and sentiments of so many people" (Jutras Report, p. 37). Our investigation suggests that the origins of dissatisfaction in the community extend beyond recent events and point to fundamental issues affecting the life of the community. In the discussion that follows, we allow the voices of community members to express those issues by quoting directly and at some length from submissions we received.

Of particular concern has been what some see as a decrease in collegiality and a growing sense of disenfranchisement among faculty, students, and staff. This message has been strongly stated recently by student voices and actions, and is echoed in the submissions we received from faculty, students, and staff, in many of which the University's senior administration is identified as part of the reason for the change in the collegial culture at McGill:

> "In place of recognising established, representative bodies (such as Senate), senior administration has increasingly resorted to holding Town Halls, Faculty Matters and other like events. Although these events are portrayed as consultative in aiming to inform decision-making at senior levels, they are widely viewed as hollow exercises that make little or no difference in the way that the University is run."[1]

> "[The] preeminent role of Senate has been undermined under the present Administration. Rather than employ the Committee structure of Senate, the Principal has chosen to bypass Senate completely on issues of importance and established her own Taskforces who report to her directly, has organized "town hall" type gatherings to test the views of the Community, both of which bypass Senate and, where Taskforce composition remains in her hands, thereby bypassing a greater balance which would emerge from the Senate Nominating Committee. All of this adds up to a disenfranchisement of many constituencies within the University who consider they no longer have a voice in the affairs of the University."[2]

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[1] Faculty member
[2] Faculty member

"Clearly, there has been a tremendous blow to collegiality at McGill in recent years. This has been perceived by most faculty, staff and students acutely. Perhaps, this is due to the academic enterprise becoming more competitive—i.e., based on funding rather than simply academic inquiry. Perhaps, it is due to the 'business' model being forced upon universities by the government for purposes of accountability. Perhaps it is due to the separation of university administrators from faculty, staff and students. There is no one reason for the erosion of collegiality—we are all to blame."[3]

"The current administration has turned Senate into a useless body. Most of the Senate agenda is given to presentations of reports that do not even have to be approved by Senate. There is very little discussion of substantive academic issues and, in the odd time when such discussions occur, it is not clear that they have any impact on what the administration does."[4]

"The real issue is the gradual disappearance of democracy and collegiality in our university, since the Senior Administration, led by the present Principal and the Provost have usurped all decision making processes to such a degree that faculty, students and administration find themselves only at the receiving end of decisions already taken by Principal, Provost and Board of Governors."[5]

"How do we foster better communication, i.e. *authentic* dialogue and *effective* consultation, amongst the McGill community, especially between administrators and students? The actions of the 14 occupiers seem to suggest that these students felt their best recourse was to stage a sit-in, as opposed to attempting some other means of communication with McGill's top administrators. This is despite the fact that at least one of the occupiers was a student senator, active in and with access to one of the uppermost and formal channels of communication existent between students, faculty, and administrators. Thus, the question of what is missing from McGill's established communication channels and how these could be ameliorated is a pertinent issue that needs to be addressed."[6]

A number of submissions argue that the loss of opportunities for democratic participation is due to the "corporatization" of the University—a process whereby administrators elevate themselves above the community and wield independent, executive powers rather than serving as *prima inter pares.* As Dean Jutras notes, submissions he received point to the fact that "the James Building no longer houses many student services, and has become primarily – if not exclusively – an Administration building" (p.38), but submissions we received suggest that this physical isolation is a manifestation of a deeper division between the administration and other constituencies:

"If we really want to get out of our current mess, we need to attack the root of the problem — the corporatization of governance structures in the University. As long as this is the model being imposed on the University, alienation and disengagement by professors will continue to grow."[7]

"We view McGill as a community of scholars working together as equals within a broader University community. The senior administration is attempting to impose a top down corporate

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[3] Faculty member
[4] Faculty member
[5] Faculty member
[6] Student
[7] Faculty member

hierarchy where directives come from above. The approach is fundamentally flawed and is causing serious damage to the University."[8]

"The corporatisation of the university is now a global phenomenon. McGill is not exempt from this process. However, while other universities have sought to engage with corporatising processes in ways that seek to maintain the idea of a university, its aims, objectives and purposes intact, senior administration at McGill appear to have uncritically embraced the corporatising of the University in ways that have undermined collegiality. The recent adoption of the Strategic Reframing Initiative, led by consultants from the McKinsey Group, is the latest example of this process."[9]

"The phrase 'McGill Community' feels phony. In actual fact, McGill is a corporation, top-down in its power structure."[10]

Some submissions suggest that the gap between the administration and the community at large has resulted from the creation, over time, of a professional class of administrators—a group out of touch with the daily lives of students, staff, and faculty:

"I agree with those who lament both the growing number of administrators associated with the James Building and the fact that this university is now being run by full-time administrators.... Whereas I can understand why McGill wants to benefit from their accumulated experience on the job, I believe that no dean, provost or principal should be reappointed for more than 2 years after having held a five year appointment. Turn around at the upper level of administration helps keep our democracy healthy. It protects us from the creation of a separate administrative class that is less connected to students, professors and support staff and more caught up in its own parochial concerns."[11]

"There is little trust of most central administrative commitments and actions. I think this is in part due to the fact that most central administrators ... are no longer functional members of the academic community or have come from elsewhere or leapfrogged key levels of administrative service.... One of the effects, I believe, is that we have senior administrators who have developed a language and culture of their own. They are not connected to the Faculty (Profs, Chairs, Deans) in meaningful and positive ways, they have not walked in the proverbial shoes of the people about whom and for whom they make very important decisions. Almost everything is now a competition rather than a collaboration .... It also shows up in the repeated distinction made between policy and administration, frequently chipping (or blasting) away at the idea of collegial governance of the academy. Perhaps it is all a function of size, but I think it is more."[12]

". . . we have witnessed the bloating of the ranks of senior administrators (and their salaries) over the past several years. This has not only created an emerging gulf in relations between senior administrators and regular faculty (often expressed in a "them and us" attitude), but also has generated a growing scepticism of the rationale behind the continuing expansion of this

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[8] Faculty member
[9] Faculty member
[10] Staff member
[11] Faculty member
[12] Faculty member

administrative elite when academic units across campus are being required to shed essential support staff on an annual basis. "Doing more with less" appears not to apply to senior administration."[13] "There was a good deal of cynicism around the administration's continuing use of the phrases 'the McGill community' and 'we are McGill.' The common feeling was that there was indeed a community, of students, staff and faculty, but the administration was not part of this community.[14]

Finally, although the submissions contain criticism of the administration, there is recognition that blame for any decline in collegiality at McGill must be shared across the community. One multi-authored submission put it this way: "Although, like many others, we make a distinction between the senior administration and the university, the blame for what has occurred cannot be laid solely, as many have suggested, at the administration's door. Too many of us have, for too long, been silent and acquiescent and thereby complicit. This is the true governance crisis at the University."[15] And, as noted above, one faculty member said something similar: "There is no one reason for the erosion of collegiality—we are all to blame."[16] Understandably, since the majority of submissions came from faculty members, the role of MAUT in the collegial process was raised most often:

> "Last, it must be said that the consistently slow, weak and disorganised responses to these issues from MAUT over the past years has been disappointing. There have been numerous opportunities, particularly during the MUNACA strike, for MAUT to have adopted a more pro-active and stronger stance on concerns voiced by faculty.... Further, the absence of a strong voice from MAUT on issues that affect faculty (such as pensions) is likely to embolden and entrench the attitudes and behaviours of senior administration now and in the future – and continue to diminish the role of faculty in the governance of the University. Consequently, perhaps now is the time for MAUT to institute a review of its mission, principles, aims/objectives, values, and purpose within the new context that confronts it. If it doesn't, it is very likely that it may become even more irrelevant than it already has to many of its members."[17]

> "I believe that MAUT has to speak more strongly when dealing with this administration in Senate. Our hyper-collegiality undermines our effectiveness (with this administration).... If the administration does not listen to us we have to take our views to the press and we have to use sharper language when expressing our opinions."[18]

> "One way or another, the approach of the senior administration must change. Faculty, through MAUT must join with the organizations representing other parts of the University community to ensure that this occurs. We should demand transparency, bottom up democratic government and a true voice in University affairs. Senate should be restored to its proper role, and it should be chaired by an elected official who has no role in the administration. The ratio of elected to *ex officio* members should be increased. We must protect academic freedom. MAUT has an important role to play here. Furthermore, as Richard Janda stated during the Senate's discussion of the Jutras Report

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[13] Faculty member
[14] Staff member
[15] Faculty members
[16] Faculty member
[17] Faculty member
[18] Faculty member

on January 18 2012[19], if we are to learn from the events of November 10th, then responsibility must be taken for them. MAUT needs to accept its share of responsibility for the failure of collegial governance which led to the lamentable occurrences of that day."[20]

"MAUT and other employee groups should highlight and forcefully oppose the features of university governance that have created a climate of fear, impaired the quality of life and democracy on campus, and seriously affected attention to the primary goals of a university, in ways that the events of November 10 highlighted most shockingly."[21]

Although other concerns were raised in the submissions—including criticism of the administration's attitudes toward and statements about MUNACA workers during the recent strike, and the negative effects of that on relations among various McGill constituencies—the concerns expressed above allow us to reflect on how the community might move forward to heal the rifts that have developed.

RECOMMENDATIONS: UNIVERSITY GOVERNANCE AND COLLEGIALITY

The process of resolution outlined in the recommendations of the Jutras Report favour the unique role of senior administration in facilitating the balancing of free speech and protest with the diverse interests of various sectors of the University community. Should responsibility for creating a culture of dialogue, resolving disagreements, and striking the proper balance around issues of governance, collegiality, and civic protest rest on the shoulders of senior administrators? We believe that such a top-down approach would be doomed to failure, particularly in the current climate. Our recommendations, then, call for a broad-based response to the dissatisfaction expressed in this report.

1. ***The establishment of a Commission to review issues of governance and collegiality within McGill University.***

   McGill experienced periods of turbulence and protest during the l960s which led to the establishment of the Tripartite Commission on the Nature of the University and the Report of the Joint Committee (Frost, vol.2, 455).[22] These developments were a critical chapter in the history of McGill University leading to the implementation of major reforms in governance and collegiality that have shaped the University for the last 40 years. However, the institutional memory of these achievements has faded. (Indeed, the charter documents arising from those events have been extremely difficult to find.) We recommend the formation of a similar body to conduct a review of the University's democratic process.

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[19] http://bcooltv.mcgill.ca/Viewer1/?EventID=201201101279
[20] Faculty member
[21] Faculty member
[22] Unfortunately efforts by the committee working with McGill archives to recover these important constitutional documents have not been successful as yet. If they are recovered we strongly recommend that these documents, and similar documents critical to the evolving history of governance at McGill, should be made available in electronic form.

We direct this recommendation to the University Senate, and believe that the Secretary-General is the most appropriate official to organize such an assembly, but strongly recommend representation from across the University constituencies, extensive consultation, and a chairperson from outside of McGill. We further recommend that the mandate and scope of this body be broad, and include such concerns as the membership and size of Senate and the Board of Governors (and their various committees), the relationship between the Senate and Board and the role of each in the formation of policy, and mechanisms for holding both bodies accountable to the broader University community.

2. ***The establishment of a working group to review the possibilities for consultation and collaboration among the University's various constituencies.***

We have in mind here what might be called a "citizen's council"—an independent forum for discussion of issues that affect all sectors of the University. We do not see this as a permanent body but, rather, as an opportunity for the community to voice concerns about the current and future directions of the senior administration, the Senate, the Board of Governors, and the University itself. We do not believe that public fora of this nature should be "provided" by University authorities, in the sense that they would be organized and designed by senior administrators. It would be hard to avoid a perception of management control that would inhibit free exchange. Instead, we imagine a grassroots organization—one that operates without the assistance or interference of the administration. We envisage this working group sponsoring open meetings, seminars, guest speakers, and other events dedicated to examining and debating aspects of our collegial processes and the interdependence of the community's constituencies. We direct this recommendation to the leadership of our own constituencies—SSMU, PGSS, MUNACA, MUNASA, and MAUT—and encourage consideration of participation by other sectors as well.

3. ***MAUT should closely review its participation in the collegial process, its current and ongoing relationship with the administration, and its connections to other representative groups on campus.***

While we hope that the other groups represented on our committee—SSMU, PGSS, MUNACA, and MUNASA—will engage in a similar self-analysis, this recommendation is directed at MAUT, which commissioned this investigation, and to which a number of submissions referred. We encourage MAUT to reflect on its role as a representative body for faculty, and to look in particular at the ways in which it encourages participation and seeks consultation from across the University campus. We further suggest that it consider the criticisms levelled at it by the submissions we received: that it has failed to respond effectively to such recent events as the MUNACA strike, the student occupations, and the administration's response to those situations, that it has too meekly represented faculty concerns to the administration, and that its voice in governance has been mild and ineffective. Finally, in collaboration with other representative groups on campus, we recommend that MAUT participate in opening and maintaining channels of communication between and among the University's various constituencies.

II.   RECOMMENDATIONS ON THE PROPOSED UNIVERSITY PROTOCOL ON CIVIL PROTEST AND PEACEFUL ASSEMBLY

Peaceful assembly and protest are vital expressions and basic rights of democratic civil society. Most of the historic reforms in democratic societies have been hard-won victories achieved through the exercise of basic rights of freedom of expression, peaceful assembly, and civic protest. These rights are not privileges or indulgences granted by regulative authorities. Attempts to define or regulate the scope of these rights merit serious attention and discussion.

The university is one of the unique sanctuaries of free expression and peaceful dissent in civil society. Yet, continual vigilance is required. Threats to free expression and peaceful assembly come in many different forms. All sectors of the university must be self-critical and alert to the ways in which their institutions, norms, and practices place unjustified constraints, or may even violate, these basic human rights and freedoms.

The first recommendation of the Jutras Report states that: *"University authorities should provide and participate in a forum open to all members of the University community to discuss the meaning and scope of the rights of free expression and peaceful assembly on campus."* The Jutras Report lays out a very helpful list of concerns regarding the location, timing, and forms of peaceful assembly and protest that deserves careful consideration in the development of a protocol (39-41). It acknowledges the difficulties with broad protocols or codes and suggests the need for prudence.   It cautions against strict prohibitions of any form of unplanned protest: "the failure to participate in advance planning with University authorities does not, in and of itself, undermine the legitimacy of an event, protest or demonstration"(40). It also notes that peaceful obstructions or disruptions of university activities should not always be viewed as grounds for disciplinary action.

However, its core recommendation on consultation needs more clarification. We would make the following recommendations on the process of consultation towards the development of a protocol, as well its possible content of such a protocol.

RECOMMENDATION: PROCESS

1. ***Public consultations on the proposed protocol dealing with civic protest on campus should be conducted by an independent and representative consultative committee reporting to Senate.***

   The Jutras Report recommends the establishment of a university forum to develop a protocol on peaceful assembly and civic protest. This protocol will address core human

rights concerns as well as the healthy functioning of democratic life in civil society. The salience of these concerns requires an appropriate context for them to be addressed in a way that has credibility across the community. The consultative process needs to have an arms-length relationship to any particular constituency of the university. A process that is perceived, rightly or wrongly, to be managed by senior administration will have difficulty achieving this goal. A number of submissions complained that a process of consultation perceived to be designed and managed by senior administration would lack credibility. In the words of one faculty member:

> "Although there are endless events where "consultation" happens, these consultations have no binding force, and in fact upper administration is free to interpret and represent the results of those consultations as they see fit since there is no accountability, verifiability, record or collective body that is consulted."[23]

Another faculty member (quoted earlier) writes:

> "In place of recognising established, representative bodies (such as senate), senior administration has increasingly resorted to holding Town Halls, Faculty Matters and other like events. Although these events are portrayed as consultative in aiming to inform decision-making at senior levels, they are widely viewed as hollow exercises that make little or no difference in the way that the University is run."[24]

If the "ultimate aim" of this process is "to allow McGill to learn" and find a way forward, we need a process that has a significant buy-in from the different constituencies of the university community.

RECOMMENDATIONS: CONTENT

1. ***The fundamental purpose and content of a protocol is to safe-guard basic human rights to peaceful assembly and protest, not to constrain them.***

   The fundamental objective of laws and protocols on protest should be to protect the rights to peaceful assembly and to protect the safety of those engaging in civic protest rather than focussing on the "order maintenance" (Mead, 415). Protests, rallies, and demonstrations should be viewed as normal and healthy expressions of functioning democracies, not viewed with suspicion.

   Peaceful assembly typically does include conduct "that may annoy or give offence to persons opposed to the ideas or claims that a particular assembly is promoting, and even conduct that deliberately impedes or instructs the activities of third parties" (ODIHR, 2007, 13). The disturbances and inconveniences posed by peaceful assemblies and protests are the price of functioning democracies. In their preamble, but also in their

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[23] Faculty member
[24] Faculty member

operating clauses, protocols should primarily aim at ensuring that the peaceful assembly is safeguarded and not subject to undue administrative regulation.

Some of the submissions questioned whether the *Provisional Protocol Regarding Demonstrations, Protests and Occupations on McGill University Campuses* meets the minimal standards for protocols appropriate to a democratic civil society.[25] The right to civic protest receives a formal nod of recognition in an opening preamble sentence, but the main body of the provisional protocol centres on defining the wide range of concerns upon which security and university authorities are free to intervene to constrain, limit, and regulate peaceful assembly and protest. In contrast, the fundamental purpose of protocols should be to facilitate peaceful assembly and to safeguard protestors. A core question underlies the design of any protocol: Does the university wish to support constructive traditions of student activism and protest, or does it wish to significantly constrain or supress these traditions?

2. ***A protocol should address the proportionality of response and maintain a basic distinction between civic protest and criminal harm perpetrated by individuals.***

In civil society, aspirations, interests and objectives must never be pursued or advanced, whether through civic protest or by other means, through the use of coercive force, or the threat of such force, aimed at inflicting harm on others or damaging facilities or property. Protestors clearly move beyond the boundaries of "civic" protest when they employ the use of coercive force, or the threat of force, to advance their objectives. Any form of direct action protest that involves serious violence against persons, creates a serious risk to the health or safety of the public, or serious damage to property is clearly criminal, not peaceful.

Protocols dealing with protest should turn on a basic distinction between peaceful and non-peaceful forms of protest, rather than the more problematic and circular concept of "lawful" and "unlawful" protests (Mead, 417, 424). Protocols that focus on protest as lawful or unlawful "group acts," rather than the lawful or unlawful acts of individual protestors, can foster a mindset that leads to security and policing responses that are indiscriminate and blind to the basic rights and legal responsibilities of individuals engaged in protest.

3. ***A protocol should recognize that the individuals at most risk of harm in civic protest will be the protestors.***

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[25] One submission (faculty) comments: "The announcement on 12 February of a Provisional Protocol Regarding Demonstrations, Protests and Occupations on McGill University Campus, ...enables the administration to stifle protest as it sees fit. Who is to adjudicate whether University activities are impeded, for example? This is an issue of governance – surely such a protocol should go through Senate before being approved?"

There are legitimate reasons for concerns about risks of harm and violence on campus. In recent years there have been tragic examples of violence on campuses in Canada and the United States. However these incidents of violence have been the product of solitary individuals, often with histories of mental instability or illness that have not been properly identified and addressed through appropriate intervention. These tragic incidents, and the factors involved in them, require serious attention, but they should not be conflated with, or linked to, the phenomenon of organized civic protest by groups.

Historically, patterns of student protests, and the reactive response to protest, have posed far more risks of harm to student protestors than to any security, staff, faculty or administrative authorities. The escalation of conflict typically occurs through aggressive intervention that treats protest activities as inherently dangerous or unlawful. Such escalations and interventions often do lead to violence, usually inflicted on protestors. In the design of protocols there needs to be a recognition that the primary group "at risk" of harm will be protestors themselves rather than sectors of the community immediately affected by the protest.

4. ***A protocol should underscore the significance of activities self-identified as "peaceful protests" in determining the administrative and security response.***

Direct action protests, even if ill-conceived, must be viewed as a fundamentally different class of activity than criminal or unlawful acts (break-ins, invasions, assaults, or criminal forced-entries). Accordingly, the self-identification of actors as peaceful protestors, and the activities as peaceful protest, should result in a different form of response than types of response appropriate to criminal or illegal acts. Clear identification of an activity as a "peaceful" protest should place it in a category that requires a response in keeping with protocols around civil protest. According to one submission, the confused response by staff and security to student actions clearly identified as peaceful protest contributed to the confused response by authorities to the events of Nov.10th:

> "the [Jutras] Report confirms that from the moment the occupiers of the James Building put their foot in the door, they made it clear that their intention was a "peaceful occupation" (21) of the offices, an act of political protest, neither violent nor criminal. It is interesting to note that, in Recommendation 1, Dean Jutras counsels that "clear signals from protestors, in words and deed, may reduce the risk of confusion and subjective fear" (40). As the Report itself shows, this is exactly what the protestors in fact did when they immediately and repeatedly (23) declared their intention to be a peaceful occupation."[26]

The failure, or refusal, of authorities to recognize actions as expressions of peaceful civic protest, and to adjust their response accordingly, can lead to unnecessary forms of escalation.

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[26] Faculty member

5. ***A protocol should be sensitive to the range and complexity of various forms of student protest and its significance in the life of the university.***

Student protest has been a long-standing feature of university life going back to the foundations of the Western University. The tradition of university autonomy has created traditions of student activism and protest even within fairly authoritarian societies (Lipset 1967, Gill & DeFronzo, 2009).

A number of submissions highlighted the importance of dissent and protest in the life of the university:

> "Across North America, student protest has led to the creation of important academic programs and services for students and faculties. Administrators who are unaware of these histories are simply not doing their jobs." [27]

This submission points to truncated appreciation of the nature and significance of student protest exemplified in the "embarrassing" public comment by one senior administrator who asserted that students had "no right to protest." [28]

While the recommendations of the Jutras Report highlight the need to assess the place of civic protest within university contexts, nevertheless the report does not provide any analysis of the distinctive and diverse forms of student protest. The range and complexity of student protest movements have engendered a significant body of research literature from the classic studies of Seymour Martin Lipset (Lipset, 1967, 1969, 1976) to contemporary attempts to build on social movement theories (Gill & DeFronzo, 2009). Traditions of student activism vary across the ideological spectrum from the far left to the far right. In many ways student activism is a distinct genre of protest. Even protest tactics (peaceful direct action or communicative protest) seem specific to university contexts. Gaging the diverse forms of student protest as a long-standing but evolving dimension of university life should be directly relevant to the construction of protocols and defining appropriate administrative, security and police response.

6. ***A protocol should carefully consider the legitimacy and possible place of occupations and/or sit-ins as forms of student protest.***

Civic protest will annoy, disturb, offend, disrupt, or cause inconvenience to others. As long as disruption is not "disproportionately great" it should be viewed "as part and parcel of living in a healthy democracy" (Mead, 418). Within the confined geography of a university, direct action forms of protest (occupations, sit-ins and theatrical interventions) often seem to loom larger than more communicative forms of protest (peaceful assemblies and rallies). For example, while building occupations and sit-ins seem to be a-typical tactics in most civic protests in wider civil society, and rarely tolerated as licit, yet they have been more regular occurrences in student protests.

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[27] Faculty member
[28] Faculty member

Furthermore, a straight-forward application of laws of private property and aggravated trespass to all student occupations and sit-ins may be more problematic than similar forms of protest in other settings given the constitutive place of students in the university.

Some submissions expressed empathy for the student protests, but serious reservations about occupation as a method of protest. Some argue that occupation is an "ineffective" method of protest that causes confusion rather than advancing legitimate concerns and grievances:

> "Given the political climate felt around the world in the last 2 years, I find it natural that our community members would be inspired to air their complaints and to show dissent. That said, I find some of the methods employed by my fellow students to be ineffective and somewhat mocking of the liberties that our society values. There are more effective means of airing grievances that should be employed and embraced, 'occupying' a building and disrupting normal business will only lend to more confusion. I am concerned that if this current climate persists, without diffusion and real discussion of the grievances brought up, the students will be the ones to suffer. The administration needs to make an effort to connect with the students, to hear their opinions, but students need to remain respectful to the community."[29]

There are diverse approaches to the organization, extent, and objectives of occupations. One student writes:

> "McGill should give a broad interpretation to 'freedom of expression.' However, when there is a serious disruption to university services (beyond the occupation of a single administrator's office) McGill should take peaceful and civil steps to end the disruption."[30]

This comment suggests the need for a distinction between short-lived symbolic occupations aimed at drawing attention to grievances as compared to occupations that have as their main objective a "serious disruption" of established university services or activities. These discrepancies often reflect very divergent visions of protest (Aitchison, 2011). An overview of the range and characteristic features of student protests would be helpful in assessing proposals for complete bans on all forms of peaceful occupations or sit-ins on campus or the recognition of a legitimate place for some forms of direct action protest.

7. *A protocol should establish guidelines on counter-demonstrations and civic protest in the university setting.*

The issue of counter-demonstrations is a conundrum in laws and protocols on protest (Mead, 114, 68, 104). In certain socio-political contexts, counter-demonstrations can

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[29] Student
[30] Student

pose serious risks of violence. In the university context counter-demonstrations have raised important issues around freedom of expression and assembly. A protocol should address this difficult issue. The vibrant space of the academy should normally allow for peaceful counter-demonstrations and protests. However, counter-demonstrations that directly aim at seriously disrupting or obstructing the freedom of speech, expression or peaceful assembly of others should be not viewed as a legitimate forms of civic protest since their direct objective is the suppression of the civic rights of their opponents, rather than the advancement of alternative positions through civic discourse and dissent.

8. *A protocol should address the question of mediation for disputed protests.*

As the Jutras Report notes, protocols are limited instruments. When there is significant dispute about the validity of certain protest tactics, then the use of negotiation or mediation is recommended (ODIHR, 2010, A 5:4). The facilitation of mediated dialogue is usually best conducted by parties not affiliated with either the regulatory authority or the protestors.

9. *A protocol should require basic analysis of the specific incidents of student protests taking place in the university*.

The chronological account of the Nov.10th protest in the Jutras Report attempts no explanation of the motives of the occupiers, their understanding of the significance of occupation as a form of protest, or information on the profile or background of the protestors. It simply states that the protestors "refused to express grievances or make demands to McGill staff or administration during their occupation, and limited themselves to the highly symbolic occupation of a primary space of University governance as a manifestation of their challenge to the existing power structures within the University"(14) Arguably, this approach reflects the report's attempt to avoid any direct normative assessment of protestors, their actions, or the actions of other actors involved in the events. However, the fact-based description could leave the impression of a blind, somewhat pointless, act of protest by a group of radicalized malcontents. While the motivations and profile of the occupiers do remain obscure, they might have merited more investigation. One of the student occupiers, Matthew Crawford (a student representative on McGill's Senate), stated that the occupation deliberately avoided advancing a list of grievances since it was attempting to draw attention to a more critical issue. According to Crawford, the occupation was a performance, a symbolic attempt to "break down" the walls of "alienation" between students and the senior administration (see the second intervention by Matthew Crawford to the McGill Senate meeting of Jan.18, 2012).[31] In this account, the protestors were struggling to draw attention to what they perceived to be institutional malaises within the university community, particularly the sense that key sectors in the university community were

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[31] *Senate Meeting* (live-streamed discussion of Jutras Report)*, Jan.18, 2012. http://bcooltv.mcgill.ca/Viewer1/?EventID=201201101279

being institutionally, and physically, quarantined from one another. In short, understanding a protest event typically involves some analysis of the intent, design, and aims of the protest, as well as basic profiles of the activists, rather than a rudimentary sketch of actions devoid of any contextual inquiry.

10. ***A protocol should address issues of civil speech in protests as well as responsible communication in the response to civic protest.***

A protocol on protest and peaceful assembly should address issues of civility in public discourse. The use of words in protests or demonstrations which "threaten violence or bodily harm to any group or individual" or "incite others to such behavior" are universally recognized offences.[32] Furthermore, there probably is general agreement within the academy that civil speech should be encouraged, though conceptions of civility will vary. However, proposals to enforce disciplines or sanctions to suppress forms of speech perceived to be insulting, harassing or offensive are fraught with more difficulty. One potential danger here is the establishment of an "audience veto" in which "the right to express oneself is 'entirely dependent on the internal feelings of irritation generated' in the audience." (Mead, 235, citing Geddis) The university protocol should refrain from adding additional institutional sanctions on free speech but work within the existing legal constraints on speech established by provincial and federal law.

Some of the submissions we received drew attention to the administration's representation of the protest and protestors.   The actions of the protestors (and MUNACA strikers) were often characterized as posing serious subjective or objective threats, risks, or dangers to staff, administrators, and the wider university community. The administration does need to immediately notify the community of real emergencies or threats to safety, and respond to those threats.   However, authorities need to carefully consider the rhetorical tone of administrative reaction to a protest since certain forms of rhetoric can foster unnecessary fear and anxiety, and can even incite dangerous forms of response.   According to one submission, to respond to student protests as "a dangerous or criminal intrusion" or as an imminent "criminal threat" can expose those students to increased risk.[33] We would recommend that the protocol urge caution in the rhetorical tone of communications in responding to student protests. Communications should be clear, restrained and factual, and avoid language that pre-judges or incites fear.

Another submission expressed concern that administrative channels of communication were being used for advocacy and special pleading—"to promote quite controversial positions held by administrators as 'fact'"—rather than "for honest administrative business and updates."[34] Protests do provoke argument and conflict. However, normal channels of administrative communication should not be used as venues for communicating positions in such conflicts.

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[32] *The Handbook of Student Rights and Responsibilities,* 6:13, p.24.
[33] Faculty member
[34] Faculth member

11. ***A protocol should clarify whether student participation in various protests, peaceful assemblies and demonstrations are excluded from the list of "non-academic offences" and the student "disciplinary record."***

The *Handbook on Student Rights and Responsibilities* includes a reference to student civic protest in the section on non-academic offences that lead to the disruption of University activities. It states that, regarding offences relating to non-academic "disruption," that "*Nothing in this Article or Code shall be construed to prohibit peaceful assemblies and demonstrations, lawful picketing, or to inhibit free speech.*"[35] Clearly peaceful civic protest, a core feature of liberal democracies, falls into radically different moral and legal category than "offences" such as plagiarism, cheating, theft, physical abuse, or sexual harassment. Peaceful protest, even if ill-conceived or excessively disruptive, should not be conflated with illicit actions such as theft, abuse or fraud. Furthermore, given the lack of clarity around the limits of civic protest on campus, as well as the heightened surveillance and security video-taping of rallies and demonstrations, some students have expressed concern that certain forms of protest involvement are being interpreted as disciplinary offences and filed in their "disciplinary record." Until there is a settled university protocol on the limits of civic protest on campus, a construal of the "disruption" as an offence that includes certain forms of peaceful protest that are in dispute would violate the broad provision in the *Handbook on Student Rights and Responsibilities* (5c) against such expanded interpretations.

III.   RECOMMENDATIONS ON GUIDELINES RELATING TO SECURITY AND POLICING

The events of Nov.10th, as well as tensions and conflicts leading up to and following these events, have raised an array of issues related to security and policing. They have provoked strong and diverse reactions from different sectors of the community ranging from feelings of "intimidation" in the face of the increased securitization of campus to a loss of confidence in the administration's ability "to ensure a secure working environment" in the face of student unrest.[36] In different ways, these diverse responses converge on concerns about security and policing in the university.

In liberal democracies any occurrence of coercive force or even the threats of force, directed against citizens involved in civic protest should provoke grave public concern. Security and policing are meant to keep the sphere of civil society free from coercive force. Coercive force is intended to provide protection for fundamental rights and freedoms, not curtail them.

Concerns about security are not marginal to the life of the university. The unique space that a university occupies in civil society, the fundamental importance of academic freedom and dissent in academic life, raises critical concerns that go back to the very foundations of the

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[35] *Handbook on Student Rights and Responsibilities,* McGill University, 2010, 6.II.5c, p.23.

[36] Comment on intimidation by staff member, on secure working environment by student.

university in the Western world. The first major student protest and strike took place in the University of Paris (1229-1231) and the resolution of this conflict had to address a range of issues including the relationship between the university and external civic policing. Protest in university settings typically poses more risks to students actually engaged in protest than to other sectors of the community. Universities need to give careful attention to issues around security and its relationship to these sensitive areas of peaceful assembly and civic protest.

The Jutras Report highlights the need to address security and policing concerns. Given the terms of reference and the short time-frame for delivery of the report, the investigative part of the Jutras inquiry focuses on providing a detailed chronology of the events of that day. However, Dean Jutras does note that these events took place within wider context: "the widespread phenomenon of occupation of public space in urban settings, the concomitant student protest on impending tuition increases, the strike of MUNACA employees at McGill and the general climate of governance at McGill" (Jutras, 4).

Furthermore, the trajectory of research and analysis on issues of policing, accountability and review has shifted away from a narrow focus on documenting particular incidents and, in the words of one submission, a concentration on "proximate security issues."[37] Current work in this field highlights the need for a more systemic analysis of factors at play in the institutional culture. Arguably such events cannot be properly understood or explained by a narrow chronological approach focused on specific actions of specific actors on a specific day that brackets out critical analysis of contributing organizational and institutional factors (Walker, Sen).

Despite the constraints of mandate and time placed on the investigation, the key recommendations of the Jutras Report (recommendations 2-6) do suggest the need for a fairly systemic review of security protocols, procedures and lines of communication. Dean Jutras' recommendations include:

> (2) "University Authorities should revisit the standard operating procedures of McGill's Security Services, with a view to articulating clear directives or frameworks in relation to demonstrations, protests and occupations on campus."

> (3) "Security Services should intensify its community partnership activities and establish fixed lines of communication with the different constituencies on campus, particularly with student groups and University community organizations. University Authorities should revisit the lines of authority, chain of command and channels of communication between senior administration and Security Services."

> (4) "University authorities should review their immediate response to the events of November 10 from the point of view of emergency management, and publicly address any concerns that may emerge from this review."

> (5) "University authorities should establish clear guidelines allocating authority to call for police assistance in the specific context of demonstrations, occupations and other forms of civic protest."

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[37] Staff member

(6) "McGill senior administrators and Security Services should continue to develop a working relationship with the authorities of the neighborhood police stations (Postes de Quartier) and the authorities of the SPVM, with a view to establishing a shared understanding of the role to be played by the police, particularly its Intervention Group, in the context of demonstrations, occupations and other forms of civic protest on campus."

The report draws attention to multiple concerns in security and response protocols and procedures that became evident in the events of Nov.10th. It recognizes that the development of a distinct framework requires a clear and qualitative distinction between protocols dealing with civic protest on campus and those dealing with threats to the safety of people and property. Finally, it identifies a number of areas of expertise, constituencies, and safety issues that need to be factored into the development of effective protocols.

Moving forward, all of these concerns will need to be addressed. To assist this work, we propose a number of additional recommendations relating to process and content:

RECOMMENDATIONS: PROCESS

There is growing international recognition that police accountability is a vital principle of democratic civic life (Lewis, 20). The coercive power of police or security forces requires "citizens oversight," an oversight that includes representation from sectors of the community most vulnerable to enforcement. Policing and security personnel need to be accountable to all sectors of the community, especially sectors directly under policing and surveillance activity. Security and policing in democratic societies need to be primarily geared toward the protection of citizens, as well as their facilities and activities.

A core mission of policing in a democratic society is the protection of and accountability to the community it serves. Accountability within management contexts is typically defined in terms of effective implementation and accomplishment of goals and objectives established by the organizational leadership. However, civic accountability is defined in terms of accountability to the citizens served by those institutional structures. Civic accountability requires active participation, input and oversight by those impacted by such decision-making.

1. ***The establishment of an independent university civilian oversight board on policing and security that reports to Senate***

   Civilian Oversight Board
   The Jutras Report appears to suggest that "university authorities" and security would be the two key units eventually implementing protocols, overseeing concerns, and vetting activities related to peaceful assembly and protest. However, the legitimacy of this exercise might be compromised by having the responsibility for oversight entrusted to the senior administrators and security managers responsible for the execution of security response. There should be a wider range of representation in any oversight body that deals with issues relating to security on campus. Because of the rights of university

citizens involved, the responsibility for this review should not be spearheaded by "university authorities" but by a broader and more independent board.

Promoting good patterns of communication with constituencies in the community is important, but not sufficient. However, the institutional legitimacy of policies and protocols related to security, as well as civilian oversight, requires transparency, independence and collegial participation. The creation of an independent oversight board would allow for a broader participation, input and buy-in by the university community.

The oversight board should have a mandate not only to address particular situations, but to also assess how policing and security is interacting with various sectors of the community. Effective oversight "must look beyond the particular cases of misconduct to systemic issues implicating policy and training" (M. Gennaco quoted from Walker 2005, p. 135). Oversight bodies that devote resources to proactive and non-adversarial review of processes and policy have "greater effect" than those which are "purely complaint driven" (Brereton, 123).

Reporting to Senate: The Jutras Report states that the protocol or framework for securityprocedures relating to protests and demonstrations "should be reviewed by the University's Legal Services, and approved by the University's senior administration." This recommendation would be problematic since it places approval of security concerns dealing with civil rights and freedoms in the hand of the regulative authority responsible to enforce security. This approach would probably compromise the institutional legitimacy of the protocol. The proposed framework should be developed by a representative independent board and submitted to Senate for discussion and approval.

RECOMMENDATIONS: CONTENT

1. ***Develop a collegial approach to campus security***
   We do not advocate an adversarial approach to security and enforcement. On the contrary, McGill security should be viewed as a vital player on campus ensuring the protection and safety of all sectors of the community and the healthy functioning of the university. However, security manages highly sensitive areas in the academy. It needs input and engagement from all the constituencies it deals with.

   One submission warns that,

   > "Securitization of campus and protocols are fostering an environment where [ ] staff, faculty and students feel that they are viewed as potential threats to an embattled administration and that they must use the strong arm of surveillance and security."[38]

   Another comment noted that security was moved into an increasingly adversarial relationship in relationship to McGill staff involved in a lawful strike:

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[38] Staff member.

> "There was much concern and anger about the huge presence of security and the almost constant photographing and video recording of the picket lines. At one event MUNACA picketed at, one of the security agents pointed at several MUNACA members and said 'I'm going to remember every one of you when you get back'."[39]

McGill Security should not be placed in a situation in which it is perceived to be primarily an instrument to defend the University's administration against internal as well as external threats. It should not be placed in a situation that compromises its collegial relationship to all sectors of the university community.

2. *Avoid the Securitization of University Civic Protest*

In the current global context, there are deep and legitimate concerns about misdirected approaches to security in democratic societies or societies struggling for democratization. Part of the unease around recent responses to unrest at McGill springs from the fact that the heightened concerns about security, securitization, and policing are arising as responses to vigorous expressions of civic life such as strikes and protests, rather than as responses to external or internal threats that pose clear and present dangers to the civic life of the university.

The University needs heightened security to address an array of potential threats to the life and well-being of the community. It doesn't need heightened security to constrain and control expressions of civic protest, even if those protests, in the view of some observers, occasionally become disruptive and unruly.

A number of submissions suggest that we may be moving in the wrong direction. They express concern about an "over-securitization of campus" and its negative impact on the civic life of the University.[40] For some the tone and content of the *Provisional Protocol Regarding Demonstrations, Protests, and Occupations on McGill University Campuses* aggravates rather than ameliorates this problem since security concerns directly target protest and peaceful assembly:

> "rather than learning from the events of 10 November and taking concrete action to make the campus a safer place and a space which welcomes dialogue, the administration has made further attempts to stifle such dialogue and to further securitise our campus, leading to a climate of even greater fear and hostility."[41]

One submission concludes that the administrative response to recent protests suggests the following underlying principle: "you can protest what we do as long as it doesn't interfere with our business." [42] The submission adds: "None of the great non-violent civil

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[39] Staff member.

[40] Faculty member

[41] Faculty member

[42] Faculty member

protests that have significantly changed societies could have occurred if these guidelines were applied. "[43]

Security is a vital concern for the university. However, in the development of a university protocol on protest, security concerns should be kept subordinate to the core imperative of fostering a culture of respect for basic rights of civic protest and peaceful assembly.

3. ***Improve public knowledge of the codes of conduct that security forces are required to operate under.***

The Jutras Report suggests that codes and protocols relating to security "could also be a public document, although portions of it could remain confidential when necessary to protect the operations of McGill Security." (43) We would underscore the critical importance of public knowledge of basic codes of conduct for security. Healthy civic relationships exist when there is shared knowledge of codes and standards of conduct. Quebec's *Regulation respecting standards of conduct of agent licence holders carrying on a private security activity* (2011) establishes a wide range of norms regulating speech and conduct that strive "to preserve the trust required by the exercise of their functions."[44] These include prohibitions of the use of obscene, blasphemous or offensive language, the use of injurious language based on race, colour, sex, etc., disrespectful or impolite conduct, the use of threats, intimidation or harassment, and the use of greater forced than is necessary to accomplish what is required or permitted, among others. Clearly a McGill code on security would build on these norms attentive to the distinct characteristics of the university community. We recommend the addition of a section on security in the *Handbook on Student Rights and Responsibilities* that would delineate the code of conduct for security agents on campus, as well as indicating basic expectations of civil conduct for McGill students, faculty and staff interacting with security.

4. ***Review Confidentiality Issues***

Developments in security and enforcement are becoming increasingly entangled with sensitive issues around information gathering, privacy and confidentiality. The Jutras Report only cites confidentiality and privacy concerns that administration personnel raised regarding the student occupation of their offices. However, in the submissions to our committee other concerns were raised. Some submissions raised issues around the level of surveillance on campus. Are there protocols dealing with camera surveillance?[45] Who has access to this information? How is it used? Also concerns were raised around access to confidential information on McGill's network. *The Policy on the Responsible Use of McGill Information* (2010) does address issues of confidentiality in a general sense – 'authorized user' refers to any member of the McGill community with access to

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[43] Faculty member

[44] *Regulation respecting standards of conduct of agent licence holders carrying on a private security activity,* Éditeur officiel du Québec 2011. http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=3&file=/S_3_5/S3_5R3_A.HTM

[45] Faculty member.

McGill IT resources (1.2).[46]   However it does not offer any information on access to confidential information (personal emails, websites, etc.) by University administrators or security staff. What are the protocols around access to personal network information by administration and security? Who is allowed access? Under what circumstances and for what reasons is access granted to administrators or security? Is there effective oversight? To what extent is McGill operating under, or moving towards, a corporate model in which the communications network is, or could be, readily open to surveillance by management? The vague statement that users can have "a reasonable expectation of privacy" is not reassuring (2.3). Clear protocols and controls for access to and use of sensitive personal information, emails, surveillance, etc., need to be established.

7. ***Independent Civilian Oversight Board and SVPM***

The Jutras Report recommends the senior administration and security should develop a "working relationship" with neighbourhood police stations and the SVPM. We recommend that the development of this working relationship include input from a University civilian oversight board.

8. ***Consideration of a Formal Complaint***

While the establishment of good communication and collaboration with the police is vital, such an engagement with the SPVM should neither preclude nor prevent a consideration of whether a formal complaint should be filed regarding police intervention on Nov.10th

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