

**To:** Adam Dodek, Dean of the Common Law Section at the University of Ottawa Faculty of Law and Rachel Leck, Assistant Dean of the Common Law Section at the University of Ottawa Faculty of Law

**From:** The Black Law Students' Association, University of Ottawa Chapter

**Date:** November 4, 2020

**Re:** CALL TO ACTION - Addressing white supremacy, anti-Black racism, and systemic racism at the University of Ottawa Faculty of Law - Common Law Section

On Thursday, June 3rd, 2020, we had our first meeting with you both. Dean Dodek reached out to us, the Co-Presidents of the Black Law Students' Association, University of Ottawa Chapter (BLSA Ottawa), to offer solidarity and support for BLSA Ottawa and for the Black law students at the University of Ottawa, Faculty of Law - Common Law Section (CLS) at large, stating that "**words are important, but they are insufficient**". We were then asked to provide recommendations regarding ways in which the Faculty of Law (CLS) can support BLSA Ottawa specifically, and Black law students generally.

The following is a **timeline of our meetings and conversations with members of the University of Ottawa's Faculty of Law (CLS)** regarding anti-Blackness at the Faculty:

- June 11, 2020 - Jessica Simon, the Equity and Student Success Counsellor;
- June 17, 2020 - Erin Fitzpatrick, the Mental Health & Wellness Counsellor for the Faculty of Law;
- June 30, 2020 - Noël Badiou, the Director of the Human Rights Office;
- June 25th, 2020 - Adam Dodek and Rachel Leck, the Dean and Assistant Dean of the Faculty of Law (CLS); and
- July 13, 2020, July 23, 2020, August 21, 2020, and September 8, 2020 - Rachel Leck, the Assistant Dean of the Faculty of Law (CLS).

During these meetings, we re-emphasized the recommendations made in our initial meeting of June 3, 2020. On August 20, we provided Dean Dodek and Assistant Dean Leck with a memorandum citing BLSA Ottawa's recommendations in order to ensure that our suggestions were clear, formal and in writing. After five months of meetings, discussions, and recommendations, besides statements of solidarity, the Faculty of Law (CLS) has done little to nothing to address the issue of anti-Black racism at the University of Ottawa Faculty of Law (CLS). In an email sent to us on June 2, 2020, Dean Dodek said it himself "words are important, but they are insufficient". However, the Administration's inaction is in opposition to his statement.

BLSA Ottawa believes that more action is necessary in order to truly support and provide a safe learning environment for Black law students at the University of Ottawa Faculty of Law (CLS). Accordingly, we demand to see the University of Ottawa Faculty of Law (CLS) take action to support their Black law students.

The following call to action provides tangible steps for the Administration to take that will directly aid and protect Black law students at the Faculty of Law. The following demands are based on

feedback collected from students, staff, and Faculty with lived experiences of anti-Black racism at the University of Ottawa Faculty of Law (CLS).

While the Common Law Section of the Faculty prides itself on being a social justice institution committed to cultural diversity, it is not. Accordingly, we expect the University of Ottawa Faculty of Law (CLS) to reflect on its role in perpetuating both individual and systemic anti-Black racism within the Faculty. We also ask the Faculty of Law (CLS) to commit to fighting systemic racism by implementing our demands in order to support historically marginalized Black law students.

The list that follows is by no means exhaustive. There is a lot of work to be done to dismantle anti-Black racism at the University of Ottawa Faculty of Law (CLS). We demand that not only the Administration take action in fighting anti-Black racism in the Faculty, but that the Administration engage with our demands promptly and publicly. Moreover, we expect that the Administration will involve BLSA Ottawa in any new initiatives and developments specific to anti-Black racism at the Faculty of Law.

## **CALL TO ACTION**

### **1. Implement an Anti-Black and Anti-racism Policy**

- Create a permanent page on the Faculty of Law (CLS) website regarding anti-Black racism along with newly developed anti-Black racism policy;
- Establish an Anti-Black Racism Policy at the University of Ottawa Common Law Faculty (Making us the first Canadian University to acknowledge the specificity of the issue of anti-Black racism);
  - Examples have already been provided to you both in the June 25, 2020 meeting, including the Ontario Human Rights Commission's [Policy and Guidelines on Racism and Racial Discrimination](#)
  - The proposed policy would include the following:
    - Definitions (examples: what is an incident, what is anti-black racism, what is a microaggression; what is discrimination; what is harassment; what is misogynoir, etc.)
    - A clear and detailed trauma-informed complaint procedure (examples: where to report; how to file a complaint; what are your rights and obligations under the law, etc.) for students to directly report incidents of anti-Black racism, including providing options outside of formalized processes;
    - Explicit language detailing infractions and the consequences for students and staff who breach the policy;
    - An appeal process;
    - and more

**UPDATE AS OF November 4, 2020:** We have yet to see any action from the Faculty of Law (CLS) regarding this demand. BLSA has offered to draft a policy and the Faculty of Law has insisted that they have the staff or/and contacts to write said policy. As a result of the Faculty's

inaction to date, BLSA Ottawa has created a [form](#) for law students to report incidents of anti-Black racism at the Faculty of Law (CLS).

## **2. Conduct unconscious and conscious bias training for PROFESSORS, ADMINISTRATION, STAFF & STUDENTS**

- According to the feedback collected, most students face anti-Black racism from their professors, the administration, and staff. The following are a few of the examples provided during our meetings:
  - The open use of the "N-word" in class by professors;
  - The use of the term "lynching" out of context by professors;
  - Guest speakers with anti-Black biases and stereotypes;
  - and many more.
- Training sessions for professors, staff, and administration:
  - Mandatory;
  - Once or twice PER year (reasoning: unlearning racism is a lifelong process);
  - The professional facilitator should be hired externally (outside perspective to ensure no bias);
  - The professional facilitator should also have lived experiences of anti-Black racism;
  - There needs to be a minimum requirement to pass the training in order to ensure that attendees paid attention and truly learned how to continue unlearning racism on their own.
- Training sessions for 1L students:
  - In addition to the sexual harassment and violence training, there should be a **mandatory** anti-Black/anti-Indigenous racism training session held EVERY September orientation (annual);
  - The professional facilitator should be hired externally (reasoning provides an outside perspective, which ensures no bias);
  - The professional facilitator should also have lived experiences of anti-Black racism;
  - A required minimum grade to pass the training in order to ensure that attendees paid sufficient attention and learned enough information to continue unlearning racism on their own.
- Ongoing training for students:
  - CURRICULUM CHANGE - Target date of implementation: Fall 2021
    1. A mandatory course for graduation qualification: Race, Racism, and the Law (English & French)
    2. Including a unit on anti-Black and anti-Indigenous racism in the legal field (this aligns with the Faculty's dedication to social justice, and "creating better, morally sound lawyers") in Professional Responsibility classes. Ways to do so:
      - Case studies
        - Example: Studying landmark cases that engage in Feminist, Queer and Critical Race Theory analysis.

- Study statistics
  - Compare statistics for arrests, court outcomes, sentencing, convictions of Black versus non-Black Canadians;
  - Qualitative studies of judicial decisions and lawyers' arguments.
- Self-reflection and class discussions
  - Facilitate introspection reflection
    - Example: How do [I/we] contribute to the problem and what can we do to help?
  - Asking the tough questions
  - Educating students from less diverse areas
- 3. Integrate Black history and examples/cases of anti-Black racism in jurisprudence into EVERY course
  - Examples of Canadian jurisprudence dealing with the realities of anti-Black systemic racism:
    - [R v S \(R.D.\), \[1997\] 3 SCR 484;](#)
    - [R v Spence, 2005 SCC 71;](#)
    - [R v Brown, \[2003\] O.J No. 1251;](#)
    - [R v Grant, 2009 SCC 32;](#)
    - Case of Africville;
    - Racism and Public Health
  - Further study of cases and legal writings that engage in Feminist, Queer and Critical Race Theory analysis.

**UPDATE AS OF November 4, 2020:**

- An anti-Black racism session for 1L students was held during orientation. The session was optional for students, faculty and staff.
- The administration claims that mandatory anti-Black racism training is not possible due to the University's Collective Agreement. We have asked that this be part of the renegotiation of the Collective Agreement in 2021 to change the provision that prevents these important training sessions from being mandatory.
- In September 2020, during a zoom classroom breakout session a student made racist comments. No disciplinary action was taken against this student.
- The use of the N-word at the University of Ottawa classrooms has been an ongoing problem, the [most recent incident](#) being as recent as October 2020.

**3. Commit to ensuring the diversity of professors, administration, staff, and Faculty**

- Hiring Black professors, Black staff, and Black administrators to address the lack of diversity in the Faculty.
- Targeted recruitment for Black pre-law students
  - Financial support and institutionalization of Youth Futures; and
  - Provide scholarships for incoming Black law students/applicants with financial need.

- Provide information specially curated for incoming Black law students as a recruitment tool:
  - Similar to the University of Toronto Faculty of Law's Black Future Lawyers:
    - <https://bfl.law.utoronto.ca/>
    - <https://www.law.utoronto.ca/admissions/jd-admissions/black-future-lawyers>

**UPDATE AS OF November 4, 2020:** At this time, the Faculty of Law (CLS) has hired one part-time Black Legal Mentor-in-Residence for the 2020-2021 academic year. We expect to see Black professors hired and more recruitment efforts as outlined above.

#### **4. Dedicate Financial Support & Institutionalize BLSA Ottawa Events**

- Dedicate funding to BLSA Ottawa to support our goals of:
  - SUPPORTING BLACK LAW STUDENTS
    - Provide resources to support the specific needs of Black law students (academic, mentorship, networking, mental health, etc.)
      - Please note: the importance of representation, that is to say, people who look like us and understand what Black students go through need to be in positions of power and leadership
  - SPREADING AWARENESS & EDUCATION
  - PROMOTING DIVERSITY
    - Attract more Black applicants to the University of Ottawa Faculty of Law (CLS) in order to increase diversity at the Faculty of Law (CLS)
    - Implementing a scholarship for incoming Black law students with a need for financial aid.
- We have sent BLSA Ottawa's budget for events to the Faculty. BLSA Ottawa's expenses include, but are not limited to the following:
  - General Events:
    - The intersections of Blackness, Queerness and Activism: A conversation with Desmond Cole and Reakash Walters
    - Black Lawyers Panel + Networking Event (REPRESENTATION! Black students don't often have the chance to network with other Black lawyers)
    - Black Bodies and Anti-Black Racism Panel (a much needed discussion about anti-Black racism)
    - BLSA National Conference (Financial aid for students in need that would like to attend)
    - End of Year Community-Building BBQ (depending on COVID-19)
  - Mentorship and Recruitment Programs:
    - Peer Legal Mentorship Program
    - Student-Lawyer Legal Mentorship Program
    - Youth Futures (Weekend long event with Black high school and undergraduate students - RECRUITMENT)
    - See Yourself Here (A day of shadowing a law student - RECRUITMENT)
  - Academic Events:

- OCI Preparation Information Panel
  - 1L Exam Preparation
  - Ottawa Market Application Worksop
  - Networking events
- Support with event promotion:
  - Have the Faculty of Law promote BLSA Ottawa events and opportunities in emails sent out to the student body (example: Dictum)
  - Have the Faculty of Law partner and/or sponsor BLSA Ottawa annual events and have said events institutionalized

**UPDATE AS OF November 4, 2020:** During our meeting on August 21, 2020 with Assistant Dean Leck, she stated that if BLSA Ottawa could provide detailed event proposals to the Common Law Administration, the Faculty of Law (CLS) could partner with us for events and support BLSA Ottawa with funding.

- Thus far, \$1,000 has been provided to BLSA Ottawa for our “Black Bodies and Anti-Black Racism” event. The majority of the expenses have been covered by independent organizations.

#### **5. Collect and analyze race-based data and statistics concerning racialized students**

- Surveys during orientation and throughout the year regarding student expectations;
- Surveys asking about the experience of Black and Indigenous law students; and
- The collection of enrolment-based data.
  - **FEEDBACK is key for improvement**

We would like to reiterate that these demands, though detailed, are just a starting point.

In our recommendation memorandum sent to Dean Dodek and Assistant Dean Leck on August 20, 2020, we asked that our recommendations be shared with the appropriate departments and individuals in order to get the ball rolling as soon as possible. We have had no updates regarding this.

Section 7 of the University’s incomplete and vague *Policy 67a - Prevention of Harassment and Discrimination* states: **“The University is committed to maintaining a learning and work environment that promotes the understanding and respect for dignity of the person as part of the University community and one that is free from harassment and discrimination.”** The University of Ottawa and its Faculty of Law (CLS) is neither an environment that promotes the understanding and respect for dignity of Black students nor a community that is free of harassment and discrimination. As an institution charged with providing education, the University of Ottawa’s Common Law Faculty and its Administration has a duty and professional obligation to create a safe environment for ALL students. It must ensure that ALL its students are provided with basic respect. Until the University takes ACTION to minimize, and eventually eradicate racism in the Faculty, it continues to send that message that this kind of behaviour is acceptable at our Faculty. Inaction by the Administration to prevent racism, bigotry and discrimination is the allowance of such actions and ideologies.

Black law students are sick and tired of attending an institution that does not care to take action in the face of anti-Black racism. Black students cannot be expected to remain silent without any remedy to these issues. Statements of solidarity are NOT enough and never will be. Incoming Black law students and future Black law students have a right to an environment free of anti-Black racism. They deserve to enter a law school which upholds the values it promotes. They deserve an Administration that truly cares about social justice and diversity, as advertised on the Faculty of Law's website. We expect the University of Ottawa Faculty of Law to live up to its claim of commitment to social justice and take the steps needed to implement these demands and more initiatives to fight anti-Black racism and all forms of systemic racism and discrimination at the University of Ottawa Faculty of Law.

While this Call to Action is not addressed to the University of Ottawa at large, our sentiments extend to the overall institution. The statements released by Jacques Frémont that engaged in false equivalencies of "both sides" were disappointing and insulting to Black students in every faculty of the University. BLSA Ottawa stands with all Black students at the University of Ottawa and rejects the false placation provided by the larger University Administration.

We call on all students, staff, professors, faculty, organizations, and Canadians of like mind to sign this petition and demand that the University of Ottawa Faculty of Law (CLS) commit to actionable steps in the fight against racism.

***Chanèle Couture & Elizabeth Adeseha***

Co-Presidents of the Black Law Students' Association, University of Ottawa Chapter

***Linda Fraser-Richardson***

Vice President Academic Affairs of the Black Law Students' Association, University of Ottawa Chapter

***Hannan Mohamud***

Vice President Advocacy of the Black Law Students' Association, University of Ottawa Chapter

***Shenille Lewis***

Vice President Communications of the Black Law Students' Association, University of Ottawa Chapter

***Destieny Burton***

Vice President Finance of the Black Law Students' Association, University of Ottawa Chapter

***Stacy Makuraza***

Vice President Francophone of the Black Law Students' Association, University of Ottawa Chapter

***Edwina Mayama***

Vice President Mentorship & Community Engagement of the Black Law Students' Association, University of Ottawa Chapter

***Ralitsa Harding***

Vice President Social Affairs of the Black Law Students' Association, University of Ottawa Chapter

***Nicole Beausoleil***

Moot Coordinator of the Black Law Students' Association, University of Ottawa Chapter

***Wiliston Mason***

1L Representative (English Common Law) of the Black Law Students' Association, University of Ottawa Chapter

***Gabrielle Saint-Juste***

1L Representative (French Common Law) of the Black Law Students' Association, University of Ottawa Chapter