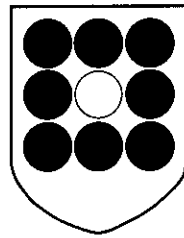


# CANADIAN CIVIL LIBERTIES ASSOCIATION

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# ASSOCIATION CANADIENNE DES LIBERTES CIVILES

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March 8, 2010

Toronto District School Board Trustees  
c/o David Tomczak, Senior Manager, Board Services

Fax: (416) 393-9969

E-mail: [david.tomczak@tdsb.on.ca](mailto:david.tomczak@tdsb.on.ca)

Dear Trustees:

I am writing on behalf of the Canadian Civil Liberties Association (CCLA) to express our concern regarding the TDSB's response to potential "Israeli Apartheid Week" events.

According to the TDSB Website, the following statement was released by Chris Spence, the TDSB Director of Education, and shared with all schools, departments and the larger TDSB community:

"Our educational goal includes the building of understanding, trust and co-operation among groups and individuals in the TDSB. The event called "Israeli Apartheid Week" has the effect of fostering ill-will and disharmony among groups and individuals. The Government of Ontario and the opposition parties have unanimously adopted a resolution condemning "Israeli Apartheid Week". The Toronto District School Board therefore affirms that "Israeli Apartheid Week" and its activities are not permitted to take place on school or Board property, or as part of any activity under the jurisdiction of the TDSB."

We also understand that some Trustees may be considering further action on this subject, including writing to David Naylor, the President of the University of Toronto, to urge the University of Toronto to decline to provide space to IAW organizers.

The CCLA urges the TDSB to carefully consider the propriety of these responses, and would like to draw particular attention to the implication these actions have for students' and teachers' freedom of expression and freedom of association rights – both within the TDSB and within the University of Toronto community.

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Students' rights to express their opinions and associate with others to advance causes are fully protected under the *Charter of Rights and Freedoms*. Political expression goes to the core of *Charter* protection, and any restrictions – particularly ones based on the content of such expression – must be fully justified and carefully tailored. A blanket ban such as that imposed by the Director of Education cannot meet this standard.

As a general rule, schools and the school board should not limit the activities and causes that students can champion, support or engage with. Students may voice opinions and advance causes that teachers, schools, or the school board may find unacceptable from a variety of perspectives. Barring truly exceptional circumstances, however, the appropriate response to such student initiatives is not banning and silencing a given discourse, but questioning, discussing and teaching.

Teachers may also choose to use controversial topics that students are already engaged with as 'teachable' moments to foster critical thinking, debate and discussion. Forbidding all elements of "Israeli Apartheid Week" from all public school activities prevents teachers from sensitively addressing important topics and viewpoints that may already be present in the classroom.

It is CCLA's position, therefore, that a blanket ban on a student discourse or movement is an unjustifiable violation of *Charter* rights, and an unhelpful response to a controversial subject. It should be noted that CCLA would not object should the TDSB adopt a resolution expressing disapproval of what it judged to be an unconstructive dialogue. This is precisely what the Ontario Legislature did on February 25<sup>th</sup>, 2010, when they adopted a resolution stating that "in the opinion of this House, the term "Israeli Apartheid Week" is condemned." The MPP who presented this motion specifically stated that "Resolutions here do one thing only: They send a message, moral suasion pertinent to any given subject." Unfortunately, the TDSB has moved from moral suasion to censorship. For a governmental institution such a shift is unacceptable.

CCLA therefore urges the Board to take whatever measures are necessary to rescind the TDSB ban on "Israeli Apartheid Week" and to resist any suggestions that a letter to be sent to the University of Toronto.

Sincerely,

A handwritten signature in black ink, appearing to read 'Abby Deshman', with a long horizontal flourish extending to the right.

Abby Deshman  
Project Director