

CANADIAN
CIVIL LIBERTIES
ASSOCIATION

90 Eglinton Ave E., Suite 900
Toronto, ON M4P 2Y3
Telephone (416) 363-0321
FAX (416)861-1291
Email: mail@ccla.org



ASSOCIATION
CANADIENNE DES
LIBERTIÉS CIVILES

90 ave Eglinton Bureau 900
Toronto, ON M4P 2Y3
Téléphone (416) 363-0321
Télécopieur (416)861-1291
Courriel: mail@ccla.org

May 30, 2018

Lucy Fromowitz
Vice Provost, Students
N303 Bennett Centre for Student Services
York University, 4700 Keele Street
Toronto, ON M3J 1P3
vpstdnts@yorku.ca

Dear Ms. Fromowitz,

On March 28, 2018 CCLA's Executive Director, Michael Bryant, spoke to, and then received a letter from, York University President Rhonda Lenton. In that letter, she stated that York takes the protection of civil liberties seriously.

I am writing to ask you to confirm that commitment remains true today.

In your letter of April 26, 2018 directed at students conducting a peaceful sit-in of York's Senate Chamber, you state that while York values freedom of expression, "freedom to express divergent opinions does not extend to compromising and disruptive activities." While free expression is at the heart of the right to dissent, protest is about more than free speech or being heard. It is about attempting to effect change.

York U students have shown remarkable dedication to their cause throughout the many weeks of this strike. Doubtless their sit-in is inconvenient for the University, but respectfully, disruptions to the social order are in fact regularly part of the legitimate intent of an act of protest. The peaceful occupation of this symbolic place on campus is an act of dissent that should be an activity not just protected as a core value of Canadian society, but also protected under section 2 of your *Code of Student Rights and Responsibilities*, which explicitly states that nothing in the Code "is intended as a method or excuse to suppress peaceful protest, civil debate or other lawful conduct so long as student responsibilities as outlined in section 4 are being upheld." The qualifying clause at the end of that provision should be considered in relation to a university's role in society as a place to encourage debate, political and social engagement, and in the context of the high duty of care necessary to ensure that a public institution's policies are not constructed or construed in such a way as to actively deter, prevent, or obstruct acts of protest.

This brings us to your letter of May 25th. We hope that you will reconsider the use of a policy instrument to impose sanctions on a group of young people who are exercising their right to protest, and who so clearly epitomize the commitment to social justice and critical thinking that it is York's stated mission to inculcate in its student body. We would be happy to discuss this further with you, should you wish to do so.

Sincerely,

Brenda McPhail
Director, Privacy, Technology & Surveillance
Canadian Civil Liberties Association
bmcphail@ccla.org / 416-646-1406