

MEMORANDUM

Office of the Dean

4700 KEELE ST.
TORONTO ON
CANADA M3J 1P3
T 416 736 5199
F 416 736 5736
lawdean@osgoode.yorku.ca
www.osgoode.yorku.ca

TO: Black Law Students Association (BLSA)

FROM: Lorne Sossin, Dean

DATE: March 21, 2018

RE: Response to Recommendations on Anti-Black Racism at Osgoode

The BLSA March Recommendations to Address Anti-Black Racism (the “BLSA Recommendations”) is a welcome and powerful call for Osgoode to further deepen the Law School’s commitment to inclusion. The BLSA Recommendations also represent a meaningful response to the unacceptable incident defacing BLSA’s photo installation to mark Black History Month. As we discussed at our meeting on March 14, 2018, we are keen to move forward on a number of these recommendations, building on past collaborations and initiatives with BLSA.

Below, I set out responses and next steps to each of the recommendations made – mindful of some specific priorities you flagged in the above noted meeting – particularly the recommendation for an equity officer, equity training for Osgoode faculty and other curricular changes to the J.D. program.

#1 Black Excellence Events

The 2016 Black Excellence event and composite project showcasing and celebrating the Black graduates of Osgoode throughout its history was a landmark event, and one the Law School was proud to support. We would be very keen to see this become an annual event – whether as a standalone event or paired with other events (like the annual Lincoln Alexander Awards event at the end of Black History Month) — and are committed to continuing to support BLSA in this initiative.

#2, #3 and #5 Mandatory 1L Session/ Curriculum Change/ ELGC

I group these three recommendations together because each relates in one way to another to Osgoode’s curriculum and pedagogy. As discussed, any enduring change to Osgoode’s JD curriculum and pedagogy would need to respect the Law School’s collegial governance and the University’s respect for each instructor’s academic freedom. Working through Osgoode’s Academic Planning and Policy Committee (APPC) has resulted in significant reform to

Osgoode's JD curriculum, most recently the first Indigenous and Aboriginal Law Requirement in the Law School's history. I believe APPC would welcome the BLSA Recommendations, both as a standalone item for consideration, and as part of the ongoing APPC First Year program review. We will also be sharing the BLSA Recommendations with other Faculty Council committees with a mandate to advance Osgoode's academic policies and practices, including highlighting the importance of the selection of course materials as part of a module which could be developed by the Standing Committee on Teaching and Learning (SCOTL) on Anti-oppression and Anti-Black racism.

While the above collegial process is a pathway to longer term reforms to the JD experience for students, there are a number of other more direct short-term measures which might respond to different aspects of these curricular recommendations. These include (but would not be limited to):

- Including a presentation from BLSA or BLSA participation in a discussion of Anti-Black racism at the June First Year Instructor's meeting;
- Engaging ELGC and/or Legal Process instructors for 2018-19 to explore a module or plenary session on Anti-Black racism (either stand-alone or in context of a broader discussion of anti-racism and lawyering);
- Working with the Associate Dean (Students) and other student groups who are collaborating on an approach to anti-oppression training as a feature of Orientation Week or plenary sessions for 1L students, as soon as the fall of 2018.

#4 Faculty Diversity

Faculty diversity has been a longstanding priority at Osgoode. We recognize the important role of faculty as mentors, as well as in reflecting success and knowledge to 1L students from historically underrepresented communities, including the community of Black law students.

Since 2010, 20 new full time faculty have joined Osgoode. Of this group, 7 have been faculty from racialized communities.

While these numbers speak to the increasing role equity and inclusion play in faculty hiring, this sphere remains one guided primarily by collegial governance, and specifically the key roles played by the Faculty Recruitment Committee and the Faculty Appointments Committee as Faculty Council Committees, advancing robust employment equity policies and practices.

With the announcement shortly of 4 new faculty joining Osgoode in 2018, we expect to see further enhancements to the goals set out above, and to the diversity of Osgoode faculty specifically.

We also commit to ensure diversity, equity and inclusion will be important considerations in appointing Osgoode's adjunct faculty, mindful of the important role of adjunct faculty play as mentors and reflections of success to historically underrepresented communities in the legal academy.

#6 Equity Training for Faculty

The Standing Committee on Teaching and Learning, referred to above, has over the past years arranged several educational retreats and programs to heighten Osgoode's full time faculty's awareness of inclusion, and the Associate Dean (Academic) provides resources for Osgoode's adjunct faculty which relate to inclusion as well. Each will be encouraged to discuss programming that would focus on Anti-Black racism and equity training. Additionally, as we explore greater collaboration with York's Centre for Human Rights, Equity and Inclusion, we may well call upon the Centre's resources for programs and resources for Osgoode faculty (along with York's Teaching Commons, which is also actively engaged in issues of inclusion in the classroom),

While the Law School is committed to providing resources to enhance faculty education in areas of inclusion and equity generally, and Anti-Black racism specifically, the issue of mandatory training for faculty would need to be explored together with the Osgoode Hall Faculty Association (OHFA) and would be subject to the provisions set out in the Collective Agreement between OHFA and York University.

#7 Equity Officer at Osgoode and #8 Black Wellness Officer

I group these two recommendations together as they both speak to Osgoode's staff and administrative capacity.

We agree that enhancing administrative capacities to better address the needs of students from equity seeking communities is an important goal. This year Osgoode is establishing its first Office of Indigenous and Reconciliation Initiatives with analogous goals in mind for Indigenous students. Based on the development of this role, a potential new staff role would require consultations on the duties, scope, and qualifications of such a position, and how it would interact with existing offices and individuals who play some of these functions at Osgoode today – the “safe counsel” role of the Assistant Dean, Students, for example, as well as the Associate Dean (Students).

It may also be worthwhile to survey how Law Schools across the country and at peer institutions globally are meeting this need. Our goal should be not simply to create a new position, but rather to meet the needs of our students in the most effective and sustainable way possible. The Equality Committee of Faculty Council, on which students, faculty and staff all participate, is one body which may

be well suited to the task of undertaking such consultations, as well as a review of the structure and operation of Osgoode's Equality Procedures.

In the short term, and in addition to embarking on the consultations indicated above, we are keen to explore how best to draw on the mandate and expertise of the Centre for Human Rights, Equity and Inclusion to develop Osgoode specific services. In 2014, for example, the Centre provided staff-wide training and education on unconscious bias as a partial response to an earlier allegation of racial profiling in the Law Library.

In 2012, Osgoode became the first Law School in Canada to embed a Student Success and Wellness Counselor and have continued to expand services and programs aimed at mental health and wellness in the years since. If there are gaps in services which are responsive to the needs of Black law students at Osgoode, additional resources may well be called for; again, consulting with both staff and students on the form such resources should take represents an important first step to ensure that additional resources are as well-tailored to student need and sustainable as possible. I know BLSA's own proactive outreach to students in this area has yielded important insights about the student experience at Osgoode, which I hope will inform the Law School's next steps.

#9 Public Statement

On January 31, 2018, I wrote the following note to all Osgoode students:

Dear Osgoode Students:

As some of you may know, some time late last night or early this morning, two of the posters that formed part of a moving and important display put up by the Black Law Students Association (BLSA) to mark the launch of Black History Month at Osgoode were defaced. The posters were removed and will be replaced, but this is indeed a very serious and troubling incident.

The Toronto Police Service and York Security have responded and an investigation is underway to determine who was responsible for the vandalism. York Security has also agreed to provide additional security resources for the Osgoode building over the next number of days. The Executive Office will be doing its best to monitor the display and if you notice any further damage, please report it immediately to oeo@osgoode.yorku.ca

I trust and hope this incident was not the result of any actions by a member of the Osgoode community. That said, this incident also provides a reminder that we need to remain steadfast in our commitment to building and sustaining an inclusive and welcoming

community.

I know many at Osgoode who have learned of this incident have shared our deep concern. Associate Dean Ben Berger is coordinating Osgoode's response and is available should any students wish further information or to discuss this situation. I am grateful to the many students and staff who have shown leadership in responding to this disturbing incident. I am especially grateful to BLSA for the wonderful Black History Month launch event today and for bringing such powerful images to the Law School to reflect the strength and courage of so many in the legal community who have strived for and achieved change.

Lorne Sossin

At Osgoode's Faculty Council meeting held on February 5, 2018, I reiterated on behalf of the entire Osgoode community and Law School administration that the Black History Month launch incident is not who we are and is not what we stand for, and that combatting Anti-Black racism is not a destination but an ongoing journey. Some participants in that discussion pointed out that while it may be true that the incident was out of character with respect to who we want to be, or how many see ourselves, this does not mean it does not reflect "who we are" right now. I have to accept that reality, though it runs counter to all my aspirations for the Law School and our broader Osgoode community.

As a Law School with one of the most diverse student bodies in Canada – a point of pride for Osgoode's community – it is vital that we lead the discussion on inclusive legal education generally and addressing racism specifically. As I welcome the BLSA Recommendations, this is also an occasion to reflect on how much further we have to go as a community to ensure that every student feels welcome and empowered to achieve their aspirations at Osgoode. I wish to underscore our commitment both to address Anti-Black racism, as well as barriers of any kind which may prevent any Osgoode student from having a positive academic experience.

#10 Art in Gowlings Hall

We have seen the Gowlings Hall space in the renovated Law School building as a space to reflect who we are and where we are heading. For this reason, this space is open, filled with windows and places for students to connect and find sustenance (nutritional, intellectual and social).

It is for this reason that the launch of Black History Month has featured art in Gowlings Hall since the renovation in 2011. In May of 2014, the Osgoode Law Library hosted the unveiling of the bust of George Carter – an Osgoode graduate and the first Canadian born black judge in Canada's history.

Later in 2014, the Osgoode Hawk and Eagle carvings by Ya'Ya Heit were unveiled as we marked the 125th Anniversary of the Law School with images of Indigenous approaches to law and Reconciliation.

Either as part of the “Osgoode Then and Now” niche in Gowlings Hall or elsewhere in Gowlings Hall, an art installation reflecting on the Law School’s commitment to reflecting the experiences of both exclusion and injustice as well as the ways in which the Black Legal community continues to overcome those barriers, and the critical role Osgoode has played and will continue to play in those efforts..

Art, of course, may consist of other media beyond physical space in the building – just as Nadine Valcin demonstrated with her powerful film – “Whitewash” – developed with Osgoode students as part of her Artist in Residence fellowship in 2015-2016. So, while an art installation would be an important goal, I would not want to see this limit other ways to use art to advance the goal of eliminating Anti-Black racism and other forms of exclusion in and through law.

Concluding Thoughts

At the end of the meeting on March 14, 2018, you spoke of a plan to make the document and recommendations public. Raising the profile of these issues is important and there is much to be gained by broadening the discussion of Anti-Black racism throughout the legal, academic and wider communities. Osgoode has and will continue to stand with BLSA.