



Honourable J. Michael MacDonald
TMU External Reviewer

March 8, 2024

RE: Attachment to the Submissions of Professor Sealy-Harrington - Constitutionally protected student freedom of expression does not violate the Code of Conduct and must be protected from reprisals

We provide these submissions to you in your capacity as independent reviewer in relation to an investigation as to whether the Toronto Metropolitan University (TMU) Code of Conduct (the “Code”) was violated by TMU law students who signed onto a letter of October 20, 2023, (the “Letter”) in support of Palestine (the “Investigation”). The public student letter was addressed to the Dean and other personnel of the TMU Faculty of Law. These submissions are an attachment to Professor Sealy-Harrington’s submissions.

Please refer to our attached correspondence of December 19, 2023, to the Ontario Ministry of Attorney General which details our deep concerns regarding the unconstitutionality of the Ministry’s retaliatory policy adopted against Letter signatories in their employment. The same analysis applies to this Investigation.

The Letter is legitimate, legal political expression that is not antisemitic or hateful and which in the BCCLA’s view creates no basis for an investigation of a violation of the Code. Rather the Letter constitutes constitutionally protected freedom of expression. Freedom of expression is imperative to the functioning of our democracy, particularly during challenging social moments, and especially in the academic context.

What’s more, a public academic institution launching an investigation and threatening reprisals for this type of Charter-protected political speech perpetuates anti-Palestinian discrimination and is contrary to the Code’s stated values of freedom of expression and safety and equality for all.

We are deeply concerned with the chilling impacts of the Investigation on constitutionally protected freedom of expression. Since October, we have seen alarming levels of repression of public participation and a rise in anti-Palestinian racism from all levels of government—and particularly in academic institutions across the country. It is hard to understate the chill that actions like the Investigation and the resulting fear of repercussions have on free expression not only for TMU students, but for all people in Canada.

We urge you to dismiss this investigation which has brought unnecessary and significant chilling effects and to underscore the importance of freedom of expression in all our academic institutions. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ga Grant', is written over a light blue horizontal line.

Ga Grant (she/her)
Litigation Staff Counsel
BC Civil Liberties Association