

LEGAL AND TACTICAL GUIDE



**Palestine Legal Resources Canada
(PLRC)**

CAMPUS SPECIFIC ISSUES | SEPTEMBER 2020



**Just Peace Advocates
Mouvement Pour Une Paix Juste**

CAMPUS SPECIFIC ISSUES

ENGAGING WITH UNIVERSITY OR COLLEGE ADMINISTRATION

- **Building relationships with faculty, staff, other student groups and community organizations** is important in order to have a support network and connect your group's work with other social justice issues.
- **Most administrators want to avoid exposing their institutions to public scrutiny and possible condemnation for intolerant reactions to student activism.** In any case, it is important to document your communications with university or college officials to show your efforts to communicate in good faith. If you meet in person with a university or college official, send a written note summarizing your understanding of the conversation and ask for their confirmation of your understanding.
- **Build relationships with university or college administrators before you need their assistance, so that a trusting relationship is forged before situations arise.** It may help to minimize problems later if you establish your trustworthiness by getting necessary approvals from administrators for your events and making them familiar with your group's mission and goals.

UNIVERSITY OR COLLEGE DISCIPLINE ISSUES

- **Be familiar with your school's policies, regulations and codes of conduct** before organizing events and engaging in activities, and follow the applicable procedures to get approval before an event when necessary.

- **Be prepared that Palestinian rights activism and related academic discourse on campuses are often targeted** by claims that it discriminates against pro-Israel Jewish student groups on campuses.
- **Universities and colleges typically enact by-laws, regulations and/or policies for the conduct of the University's affairs, including the discipline of students for academic and non-academic conduct.**⁴² Review these in detail and familiarize yourself with processes in place at your institution. Note that university disciplinary procedures often include an appeals procedure, which involves some type of hearing, but you do NOT have the same rights as a criminal defendant (e.g., rights to counsel, to call and ask questions of adverse witnesses, to a formal hearing, to a high burden of proof, etc.). Accordingly, it is important that you review each institution's code or policy in detail, as the same process may not apply from one university to the next.
- **Make sure that the school's disciplinary procedures are being properly followed.** If the university or college does not follow its own rules and procedures, that may be a way to challenge them.
- **Ask for all procedural safeguards that seem reasonable to you, even if they're not officially enforceable under student conduct codes or law.** Safeguards to request include: a clear and reliable recording of the proceedings in question; your own unofficial recording of discussions, investigatory interviews, and hearings; being allowed to bring a trustworthy uninvolved third person (another student, faculty, staff member or lawyer) to all discussions, investigations, and hearings; more time to gather papers, witnesses, and other evidence that you think would help your side of the case. They may refuse these requests, but it's worth asking.

⁴² See for example, McGill University Code of Student Conduct and Disciplinary Procedures: https://www.mcgill.ca/secretariat/files/secretariat/code_of_student_conduct_and_disciplinary_procedures.pdf; University of Alberta Discipline Process: <https://www.ualberta.ca/provost/dean-of-students/student-conduct-and-accountability/discipline-process.html>; University of Manitoba Student Discipline Bylaw: http://www.umanitoba.ca/admin/governance/governing_documents/students/student_discipline.html; Western University Code of Student Conduct: <https://www.uwo.ca/univsec/pdf/board/code.pdf>; York University Code of Student Rights & Responsibilities: <https://oscr.students.yorku.ca/student-conduct#hearing>

- **There has been some movement by Canadian universities and colleges to update Codes of Conduct to reflect that criticism of Israeli policies could be considered problematic.**⁴³ As well, at least one university Student Union has included the Ottawa Protocol⁴⁴ in their handbook. If you believe your university administration and/or student union has protocols or Codes of Conduct that are inherently discriminatory you are encouraged to obtain expertise and support.
- **Consider exposing any abusive, intolerant, unfair or discriminatory administrative conduct** to the media and public scrutiny, and do so before there is a decision. Trying to influence a fair outcome is usually easier than challenging the outcome after the fact, when the decision-maker is compelled to defend the decision. Also, **consider if there has been discrimination based on one of the protected grounds in your provincial or territorial human rights legislation or a *Charter* violation**, and if these types of claims should be raised.

- **One tactic that has been used in several universities is to have student groups de-certified.** If this is a concern, you should take steps as soon as possible to consult the relevant policy and procedures of your institution, and garner expertise and support from others who can assist your student group in challenging decertification.
- **Students may take initiative to do work related to Palestine, such as arrange an internship or study abroad period, but be prevented from doing so by their university or college.** In such instances, further investigation is required and proactive steps are needed to understand if the denial is a result of an anti-Palestinian bias by the university decision makers.

⁴³ Universities Canada was lobbied by several Zionist groups to have their 97 university and college presidents update their institution's Code of Conduct to reflect place of origin as a grounds to protect criticism against the state of Israel.

⁴⁴ The Ottawa Protocol was signed by the Canadian government in 2011 with the objective to silence criticism of Israel by equating that criticism with antisemitism. See Government of Canada, News Release, "Canada becomes first country to sign the Ottawa Protocol" (19 September 2011), online: <https://www.canada.ca/en/news/archive/2011/09/canada-becomes-first-country-sign-ottawa-protocol.html>.

UNIVERSAL DECLARATION OF HUMAN RIGHTS | **ARTICLE 19**

EVERYONE HAS THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION; THIS RIGHT INCLUDES FREEDOM TO HOLD OPINIONS WITHOUT INTERFERENCE AND TO SEEK, RECEIVE AND IMPART INFORMATION AND IDEAS THROUGH ANY MEDIA AND REGARDLESS OF FRONTIERS. EVERYONE HAS THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION; THIS RIGHT INCLUDES FREEDOM TO HOLD OPINIONS WITHOUT INTERFERENCE AND TO SEEK, RECEIVE AND IMPART INFORMATION AND IDEAS THROUGH ANY MEDIA AND REGARDLESS OF FRONTIERS.

ABOUT

Just Peace Advocates is a Canadian, independent organization promoting the human rights of the Palestinian people and those that stand in solidarity for the human rights of the Palestinian people. Its vision is to provide a civil society voice focused on governmental, institutional, and societal accountability to the rule of law, and the standards of international human rights and humanitarian law for the rights of Palestinian people.

The work of Just Peace Advocates is accomplished through research, monitoring, education, communications, advocacy, programs, and service provision.

DISCLAIMER

This guide is meant to provide basic information on legal issues that Palestinian rights activists may face, and tips on how to navigate them. It provides some generally applicable information and some campus-specific information for student activists. Any legal information in this resource is intended for general educational purposes and is **NOT a substitute for legal advice** – federal and provincial laws differ, laws may change, and the application of all laws depends on the specific facts of a case. Make sure to consult with a lawyer before relying on any information you find here.

For legal advice on your campaign or about a specific issue you are facing, or to report incidents of repression of your activism, please email info@justpeaceadvocates.ca.

We are also glad to provide workshops or schedule meetings to discuss your particular needs, whenever possible.

Just Peace Advocates thanks Palestine Legal for allowing us to have access to their existing resources and giving us permission to update them to the applicable Canadian legal context. For more information about Palestine Legal, see palestinelegal.org.

JUST PEACE ADVOCATES

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