

# **REPORT OF THE ANTI-BLACK RACISM COMMITTEE**

University of Windsor, Faculty of Law

February 23, 2022



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## Historical Background of the Anti-Black Racism Committee

In the winter of 2020, the Black Law Students' Association of Windsor (BLSA) met with then Dean, Christopher Waters, and asked that an anti-Black racism committee or task force be struck to work on addressing issues of anti-Black racism at the University of Windsor, Faculty of Law. At the March 11, 2020, Faculty Council meeting, the faculty agreed to strike a committee with certain people/faculty/staff volunteering to sit on the committee. During the spring/summer months of 2020, under the leadership of Jhanel Dundas, BLSA wrote to Dean Waters laying out their framework for the proposed committee, its terms of reference, as well as its membership.<sup>1</sup> It was clear that the desire was for BLSA to appoint all of the student members of the committee and make recommendations with respect to faculty or staff membership. In September of 2020, the Anti-Black Racism Committee (ABRC) had the following composition:

**Co-Chairs:** Dr. Laverne Jacobs and Jhanel Dundas (BLSA President)

**BLSA Law Student Members:** Aucha Stewart, Jordan Afolabi, Winta T-Michael

**Alumni Member:** Nashara Peart

**Faculty Members:** Professor Ocheje, Professor Senthe, Professor Bahdi, Professor Rogin, Professor Jones (as of Jan. 2021)

The bulk of this Report was completed in the spring of 2021 by the above-mentioned members of the ABRC. Notably, the proposed general institutional framework for addressing anti-Black racism was the work of Professor Bahdi.<sup>2</sup> In the summer of 2021, the ABRC also benefitted from the work of our Research Assistant, Abygail Cross (Dual JD, Class of 2023).

In the fall of 2021, the ABRC was reconstituted with the below membership:

**Co-Chairs:** Professor Ocheje and Aucha Stewart (BLSA President)

**BLSA Law Student Members:** Abigail Anderson, Timi Robert, Kevin Limbombe, Natasha Daley (Research Assistant, MSW/JD, Class of 2022)

**Alumni Member:** Nashara Peart

**Faculty Members:** Professor Shanthi Senthe, Professor Claire Mummé, Professor Danardo Jones, Professor Tess Sheldon, Professor Jill Rogin

The current members of the committee familiarized themselves with the report, made some minor revisions, and presented a draft of the report to Faculty Council at the December 2021 meeting. Further revisions were then made. Below we note the timelines of the report so that it is clear which administration (within both the Faculty of Law as well as the broader university) and who the report is directed to, as well as which composition of the ABRC was involved in which

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<sup>1</sup> The BLSA terms of reference and other related documents are incorporated in this report and will be introduced, *infra*.

<sup>2</sup> Reem Bahdi's contribution to this work was premised on her work in progress regarding institutional change and structural accountability.

aspects of the report and its demands. We also include a section that is directed specifically to the current administration (as of Feb. 1, 2022).

## Anti-Black Racism Report Card - SPRING 2021

### Introduction<sup>3</sup>

We, the Anti-Black Racism Committee (ABRC) at the Faculty of Law, write this report as a mechanism to foster accountability and one that documents this particular moment of history in the life of the faculty. The purpose of this report is to outline the challenges faced by Black law students at the Faculty of Law in the past number of years, to examine what the faculty has committed to in terms of redressing anti-Black racism at the law school, and to detail concrete avenues for change.

Within the report, we also clarify the mandate of the ABRC. A separate document outlines the ABRC's Terms of Reference. Within this report however, we outline in a broad sense what our mandate is and how this mandate fits into the framework for addressing anti-Black racism at an institutional level. The ABRC exists to support Black law students. It is not a committee that will take on the task of developing and implementing institutional changes and policy work, though the faculty who sit on the Committee may engage in this type of work if there is capacity and the need to do so. Addressing anti-Black racism, intersecting identities, and all forms of oppression is the responsibility of each and every one of us. We should all be turning our attention to anti-Black racism in all aspects of our work.

The first part of this report details the work of the ABRC to date, including the development of our mandate, the role of the Committee, and how our work fits into the existing mechanisms within the faculty to address anti-Black racism. The second part of the report sets out a mechanism for accountability on an ongoing basis. We set forward nine elements of a holistic framework for addressing anti-Black racism and for measuring our successes and failures as an institution. It is this constant assessment and re-evaluation that will lead to sustained institutional changes aimed at enhancing Black student experiences at Windsor Law.

As this report makes clear, the central role of the ABRC is to provide a space of support for Black law students and to ensure institutional accountability. We want to emphasize that no one Committee can be solely responsible for addressing anti-Black racism. Addressing anti-Black racism and all forms of oppression must be a shared responsibility; each and every faculty Committee, and all faculty and all staff, can and should be addressing anti-Black racism on an ongoing basis in all aspects of our work. The ABRC will not shoulder the institutional responsibility of addressing and redressing anti-Black racism. Rather, we exist to provide a space of support to Black law students, to act as a mirror to the administration, and to ensure accountability on an

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<sup>3</sup> The ABRC would like to thank Abygail Cross and Natasha Daley for their excellent research assistance in the preparation of this report.

ongoing basis to prevent institutional amnesia when it comes to anti-Black racism and intersecting forms of discrimination.

We endorse both a hierarchal and a collegial governance approach to addressing anti-Black racism and all forms of discrimination. Institutional leaders of course have an important role to play in changing the structures, policies, and practices that culminate in an atmosphere of racism and White Supremacy (hierarchal governance). However, equally as important is that we (faculty, students, staff, and leadership) all have important roles to play and that system changes also emanate from a collegial governance approach. Institutional change requires commitment and the need to look at the institution holistically, including leadership, but also including all of us that contribute to the creation of the whole (collegial governance). We need to disperse responsibility in recognition that there are many points of responsibility across the institution. A dispersion of the responsibility to challenge anti-Black racism should be clear to all who encounter Windsor law. It should be clear who we are and who we say we are as an institution; in this sense we all have a role to play in creating the institutional whole.

## PART 1

### Background

Anti-Black racism and intersectional forms of discrimination are not new to the University of Windsor. There have been decades of documented incidents that lead to the conclusion that anti-Black racism is endemic to the University as an institution. We know that even though many of these incidents have been recorded and made visible – there are invariably hundreds, thousands more that have been invisibilized. In response to racism and anti-Black racism that has drawn the attention of the administration, multiple reports have been commissioned over the years including:

- The Ombudsperson Race [Relations](#) Officer Report (1989 – 1990);
- The Report of the President’s Commission on Traditional Prejudice & Discrimination (1993);
- The [Coulter Report](#) (2006);
- The [Allen Report](#) (2007);
- The Senate Advisory Committee on Diversity and Inclusion: [Report](#) on Activities to Date and Proposed Workplan (2008-2009).

All of these reports have largely been shelved with no action being taken on them. To the extent that action was taken, it was not sustained. It is not surprising then that in the past number of years, anti-Black racism has prevailed and has created an atmosphere that is unsafe, hostile, and violent for Black students; racism is encountered on a daily basis.

In the past number of years, anti-Black racism has taken many forms within the Faculty of Law and have included:

- The use of the N-word both by law students and by Instructors in classroom settings;

- Online and other forms of harassment targeting Black law students including anti-Black sanism, anti-Black homophobia, and misogynoir;
- Lack of awareness of anti-Black racism demonstrated by students, faculty, staff, and administrators resulting in micro-aggressions and overt anti-Black racism directed at Black law students;
- The targeting of both faculty and students who speak up against issues of anti-Black racism in the form of violent threats and formal complaints being filed with the Office of Student Experience;
- A lack of Black faculty, staff, and administrators, which has often resulted in inappropriate curriculum and a lack of proper support for Black law students;
- A lack of understanding and pedagogical awareness of how to facilitate discussions about anti-Black racism and other forms of discrimination (often intersecting) within classroom settings, as well as the outright denial to engage in race-based discussions when raised by students in class and relevant to course content;
- A lack of mechanisms available for redress which has resulted in a lack of accountability;
- A piecemeal approach to addressing anti-Black racism which ignores the systemic nature of it;
- Continued underrepresentation of Black law students in Single and Dual JD admissions, particularly Black male law students, as well as a lack of Black student members on the Admissions Committee;
- A lack of tracking/focus and outreach mechanisms for admissions in the Dual JD Program
- A lack of tracking of data relating to Black law students particularly in terms of awards, summer job and articling opportunities, including clerkships, and in Clinic and Experiential Learning opportunities;
- A lack of anti-Black racism-related emphasis on curriculum and career development;
- Black law students having to bear the burden of doing the often-unacknowledged work needed to address anti-Black racism, including an assumption that the role of the Black Law Students' Association of Windsor is to be responsible for taking leadership on addressing anti-Black racism within the institution.<sup>4</sup>

In more recent years, several Black students, faculty, and alumni have spoken up and insisted on change including making several demands of the institution and in relation to the law school. The following paragraph lists those demands, although our Committee does not necessarily take a position on their content.

- Jordan Afolabi and the “[Expose UWindsor](#)” campaign;
- Josh Lamers – [demand letter](#) (demands specific to the Faculty of Law and the University more broadly at the end of the letter);
- BLSA Windsor [open letter](#) (Nov. 6, 2020)
- [Alumni Letter](#) to the Faculty of Law spearheaded by alumnus Kayla Smith and Roz Taylor;

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<sup>4</sup> This list is not exhaustive and is merely intended to provide an overview of some of the major incidents and problems. Anti-Black racism and intersecting forms of violence indeed have taken many forms and it would be impossible to capture all of the problems in a taxonomic list.

- RAACES - [demands](#).<sup>5</sup>

In response to multiple incidents of anti-Black racism, anti-Black sanism, misogynoir, and anti-Black queerphobic incidents at the law school, BLSA lobbied for the creation of an anti-Black racism Faculty Committee to create space for law students to articulate their experiences of anti-Black racism with the support of faculty to assist with addressing and redressing the continuing harm experienced by Black law students.

Over the past number of years, many faculty have informally been approached by individuals or small groups of students to provide support given the adverse impact of anti-Black racism at the law school. Faculty have often been ineffective as historically there has been little that can be done unless the student wishes to make a formal complaint. However, it is abundantly clear that students do not have faith in formal complaint processes for fear of reprisal, their personal mental and emotional safety, and many other reasons. As well, it has become increasingly clear that the broader University-wide services available, including the Office of Human Rights, Equity & Accessibility (OHREA) and the Office of Student Experience, are ineffective and have lost the confidence of many students and faculty members. They have caused more harm than good.

#### Action Taken by the Law School to Date (as of Spring 2021)

In the past number of years, the Faculty of Law has taken a number of actions to address anti-Black racism and to remedy its impact on Black law students. These initiatives are detailed on the Windsor Law [website](#) and can be summarized as follows:

- the creation of a roster of lawyers that the law school will resource and provide to Black law students who wish to have representation with respect to making statements to Campus Police or the Windsor Police regarding hateful messaging received;
- the creation of an independent review of online harassment that has predominantly targeted Black law students;
- the addition of a new clinical therapist to specifically support Black-identified students, as well as the addition of a careers counsellor to specifically assist 'equity-seeking' law students;
- the creation of scholarships specifically for Black law students;
- the creation of specific policies to address anti-Black racism;
- ongoing anti-Black racism training for staff (mandatory) and faculty (optional); and
- hiring a Black/Indigenous Professor to teach in the Indigenous Legal Orders course and advocating for more Black faculty hires.

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<sup>5</sup> This list of groups and individuals is by no means exhaustive. There are a multitude of Black and racialized Faculty and students who have been vocal about anti-Black racism and have been leaders in addressing it. The list includes those who have made public statements and formal demands and in no way should be read as erasing the work of countless others.

We applaud the work that has gone into the above initiatives; however, we also believe that more work is needed to address the structural problems that give rise to anti-Black racism. We advocate that a holistic framework to address anti-Black racism, intersecting forms of discrimination, and all discrimination faced by students at Windsor Law, is needed. We hope that the work of the ABRC will fit within a larger framework that *holistically* addresses anti-Black racism.

### Demands Not Met (as of Spring 2021)

Reading the demands of BLSA, Expose UWindsor, Josh Lamers, RAACES, and that of alumnus Kayla Smith and Roz Taylor, we outline the key demands that are specific to the Faculty of Law, that remain unmet.<sup>6</sup> To reiterate, this Committee does not necessarily take a position on each and every demand. However, an update from the administration on which demands the Faculty will be adopting and the progress of each remains outstanding. We look forward to an update on the following unmet demands – including an update on certain demands that will *not* be acceded to and *explicitly why* such a decision has been made:

- Strong and unequivocal anti-discrimination policies on anti-racism, anti-homophobia, anti-sanism, misogynoir, transphobia, disability, and intersecting identities/forms of discrimination, and policy reform in terms of mechanisms to address discrimination;
- The creation of a safe space where Black law students can report incidents of anti-Black racism to the Administration without fear of reprisal;
- Broad-based data collection that includes statistics on Black law students;
- An examination into the experiences of law students including anti-Black racism, anti-Indigenous racism, sexism, xenophobia, transphobia, homophobia, ableism, sanism, Islamophobia, anti-Jewish racism, anti-Arab racism, anti-Palestinian racism and erasure, classism, and sexism;
- Appropriately fund the Anti-Black Racism Committee, dedicate financial support to BLSA Windsor events that promote combating anti-Black racism, and continue to seek further funding opportunities for Black law students;
- Curricular reform to ensure the law school curriculum includes material on anti-Black racism and Black scholarship in our core curriculum (at least two courses) as well as the creation of a course on Child Protection taught by a Black child protection lawyer;
- Hiring three Black faculty by the end of 2022;
- Hire a Black person to work in the Career Services Office;
- Stop relying on BLSA and Black law students to identify incidents of anti-Black racism and relying on BLSA to brainstorm resolutions – instead, hire a permanent but independently operating, Black-identified anti-racism strategist specific to the law school, who is trauma-informed and knowledgeable about anti-racism and anti-oppression, including anti-Black racism;

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<sup>6</sup> Here we have summarized the unmet demands. Please refer to the original documents to read the demands in full as articulated by the original authors.



- Addressing the Indigenous Legal Orders (ILO) course to ensure it includes content on Black and Indigenous solidarity/co-conspiratorship and Black Indigeneity or addressing the breakdown in the relationship between ILO and Black students;
- Issuing a public apology that fosters accountability and confidence;
- The creation of a well-funded low-barrier Black student initiative fund;
- Take action to support the broader institutional demands as articulated by RAACES, Josh Lamers, and Jordan Afolabi (the law school has taken no action that we are aware of);
- Ensuring that the work of addressing anti-Black racism is not borne by Black law students, Black faculty, and Black staff;
- Financially compensating Black law students, Black faculty, and Black staff for their work done on addressing anti-Black racism;
- Establishing linkages and support systems for Black law students in the Dual JD Program;
- Timelines to address all of the above to ensure the institution remains accountable.

As identified above, there are a lot of unmet demands. Although we do recognize that some steps toward *initiatives* addressing anti-Black racism have been taken by the Faculty of Law, a lack of confidence in the institution's ability to *effectively* address anti-Black racism remains. For Black law students, anti-Black racism is a pandemic in need of urgent, immediate, and effective action. Slow progress is not good enough and it has resulted in Black law students experiencing continued harm without faith or trust that the institution can act in an appropriately responsive manner.

### The Mandate of the Anti-Black Racism Committee

It is abundantly clear that there is a need for broad-based action and systemic change. Addressing and redressing anti-Black racism cannot be the responsibility of Black students or racialized or Black faculty. In the summer of 2020, BLSA proposed a mandate<sup>7</sup> of the Anti-Black Racism Committee (ABRC) and since the Committee began to meet in the fall of 2020, we have had the opportunity to discuss that proposed mandate. As a result of the work initially done by BLSA and within the ABRC, we propose the following mandate for the ABRC:

The ABRC offers a **trustworthy and anonymous space** for Black students at Windsor Law to share their experiences of anti-Black racism. The ABRC ensures that shared experiences are documented, and patterns are identified. It does so to benefit individual students, Black students as a community, and Windsor Law as a whole by creating opportunities for student-faculty solidarity and problem-solving.

The ABRC also has an **oversight** role. It monitors and reports on institutional progress towards eliminating anti-Black racism. The ABRC is uniquely positioned to do so because of its truth-telling role and because of some of its members' expertise in anti-Black racism. The ABRC's oversight role benefits all individuals within Windsor Law and Windsor Law as

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<sup>7</sup> We have also included aspects of the mandate proposed by BLSA into our Terms of Reference that is in a separate document.

an institution. Through ABRC Reports, teachers, service providers, and decision-makers can better understand anti-Black racism, including its dynamics and manifestations at Windsor Law. Though the ABRC should not be considered the only source of such information, ABRC Reports are intended to further understanding, inform policy development, and inspire institutional action directed at eliminating anti-Black racism at Windsor Law.

The ABRC also **advocates** for Black law students, individually and collectively, on a case-by-case basis, through engagement with Windsor Law's other existing initiatives to address anti-Black racism.

The ABRC regards itself as one part of a much-needed holistic framework of anti-Black racism work at Windsor Law. Within the broader anti-Black racism framework, the ABRC primarily serves a **truth-telling** function.

### A Holistic Institutional Change Framework

The ABRC has chosen to adopt a holistic approach to institutional change. The holistic institutional change framework was initially presented to the Committee through the work in



progress research of Professor Reem Bahdi.<sup>8</sup> As Professor Bahdi has noted, “partial measures produce partial results”. This framework encompasses nine mechanisms that must operate in tandem to bring about sustained institutional change and can be conceptualized as follows:

***A Holistic Anti-Black Racism Framework is Needed***

It is the view of the ABRC that a holistic framework is urgently needed to effectively address anti-Black racism at Windsor Law. The work of the ABRC can and should be situated within a holistic framework adopted by the Faculty of Law. The Committee’s proposed anti-Black racism framework mirrors the holistic institutional change framework diagram above and may need to be revisited as lessons are learned and experience is gained. The key points, however, are that any plans to redress anti-Black racism must be *holistic* and it must address all activities at Windsor Law.

Institutional commitment and effort are needed to identify, acknowledge, and eliminate anti-Black racism at the law school. We encourage Windsor Law to consider adopting the following framework and guiding principles:

- Windsor Law commits to valuing the equal and inherent dignity and worth of every individual and community;
- Windsor Law also recognizes that structural and systemic racism alongside individual biases devalue people and communities based on Black and intersecting identities;
- Windsor Law has undertaken reforms that are designed to eliminate anti-Black racism and to emphasize that we want the future to look different from the past;
- Windsor Law recognizes that a holistic framework to address anti-Black racism is needed that builds on the reforms already introduced—because partial measures produce partial results.

One example of a partial measure is the offering of training sessions in the absence of oversight and accountability. With no accountability mechanism in place, those who attend training sessions are not held accountable to change or even to genuinely learn from the sessions. With no oversight, there is no way of measuring the success of trainings and no ability to understand whether progress has been made. Considering these deficits, there are impediments to truth-telling by those most impacted by anti-Black racism. Lack of accountability and oversight can lead to fear and/or uncertainty on the part of individuals and communities experiencing anti-Black racism. It has also led to the general disdain and mistrust many Black students have regarding the Faculty’s willingness and capacity to address systemic anti-Black racism.

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<sup>8</sup> Bahdi, R. *A Holistic Institutional Change Framework* (work in progress).

## PART 2 – A Holistic Institutional Change Framework: mechanisms for accountability and measuring success with respect to addressing and redressing anti-Black racism at Windsor Law

As noted in the above diagram, our proposed holistic anti-Black racism framework is a model that includes nine mechanisms within the law school that are needed to create and maintain a holistic approach to addressing and redressing anti-Black racism. In this section, we elaborate on what each of those nine mechanisms might entail and how we might review them to ensure accountability on an ongoing basis.

### ***Leaders demonstrate commitment to structural changes***

In the past year, we have consistently seen a lack of trust in institutional leaders which has been evidenced in several ways. When students take to social media to express their frustrations with institutionalized anti-Black racism and connected forms of discrimination, it signals a lack of faith in the institution and leaders within that institution. As well, many of the demands emanating from law students and alumni indicate a desire to have faculty and staff attend mandatory training in certain areas. In the past when such training has been offered, they have been optional for faculty. That the same select faculty tend to attend this training erodes trust in terms of a concerted commitment to *institutional* change.

An unequivocal perception and ongoing evidence that leaders are demonstrating a commitment to institutional change are needed so that trust and faith in the law school and the broader University can be restored. This commitment might be measured in several ways on an ongoing basis, including but certainly not limited to:

- Whether there is evidence that institutional leaders are directly engaging with staff, students, and faculty to effect change;
- Whether there is confidence that the leaders in the law school are demonstrating a commitment to institutional change by:
  - attending training and relevant events;
  - engaging in the work needed to effect institutional change including directing attention to the many issues and demands raised in this report;
  - consulting with the ABRC on issues relating to anti-Black racism;
  - institutional engagement with anti-Black racism including curriculum development; the hiring of Black faculty and staff; institutional and individual commitment to addressing anti-Black racism;
  - ongoing reporting structures that ensure accountability and whether leaders are utilizing these structures to report back to students on progress and setbacks; and
  - supporting Black law students both formally and informally.

### ***Truth-telling and oversight***

Effecting changes concerning anti-Black racism must entail space and place for truth-telling and oversight. Truth-telling includes the ability of those impacted by anti-Black racism to speak the truth about their experiences without fear of judgement or repercussions. The ABRC can play an important role in terms of providing a space for truth-telling and oversight.

As per the BLSA mandate for the ABRC, we hope to create a space where Black law students can come to have their experiences heard and documented, and faculty on the Committee can provide insight and advice on what options are available to redress the harm caused.

### ***Training and education***

Training and education surrounding anti-Black racism can be an important part of institutional change and can refer both to the law school curriculum as well as training and educational opportunities offered to faculty, staff, and students. While training and education are of course crucially important in addressing anti-Black racism, there needs to be mechanisms in place to measure the success of any given training or educational opportunity. How do we know whether any given training or curricular offering achieves the intended goal of abolishing anti-Black racism within the law school?

Ongoing review of our curriculum, as well as ongoing evaluation and tracking of educational and training opportunities, should be put into place to ensure efficacy. As one example, Student Evaluation of Teaching assessments might include some questions about the Professors' ability to acknowledge/address/include course content on anti-Black racism and other forms of oppression and racism relevant to the course material taught. This might be one mechanism to enhance accountability, and we strongly encourage its implementation. This will also serve to underscore the notion that anti-Black racism is not only relevant to criminal law, but to all areas of the law, such as civil procedure, property law, and constitutional law.

### ***Diverse representation***

For decades, recommendations have been made to increase the diversity of representation of faculty including sessional instructors, staff, and students both at the University of Windsor and at the law school more specifically. While acknowledging that representation does not necessarily end anti-Black racism, it is an important aspect of achieving equity. Students need to see themselves reflected in the institutions to which they belong. Just as gender parity has become common parlance at many institutions, including the University of Windsor, so should racial equity with a specific goal of hiring more Black faculty, including sessional instructors, as well as increasing the Black law student population.

Targets should be set for increasing the numbers of Black faculty and sessional instructors and Black law students, having regard to intersecting Black identities. A timeline should be established and followed with reasons provided if the targets are not met.

It is not enough to increase numbers. **We cannot invite Black faculty, staff, and students into historically white spaces and call that a victory.** All of the other aspects of the holistic framework need to be in place to ensure that increasing diversity is only one aspect of addressing anti-Black racism.

### ***Equal services***

Currently, we do not have concrete mechanisms in place for tracking the services offered by Windsor Law in terms of understanding whether we are currently serving all students in an equitable manner. All of the student services available at Windsor Law should track the number of Black law students that access those services and should also track to what extent the services have provided *meaningful* service to Black law students. Examples include:

- ***The Career Services Office*** – should track how many Black law students use their office and should track what jobs Black law students are securing, including information about the quality of those positions. Keeping lists of firms and organizations that tend to focus on legal issues that frequently impact Black people would also be helpful;
- ***The Office of Student Services*** – should track how many Black law students use their services including which students receive support (financial or otherwise);
- ***The Disability Advisor and Student Accessibility Services*** – should track how many Black law students use their services and implement strategies to provide support and accommodations to ensure Black law students excel during their law school journey despite any challenges they may face
- ***Clinical and Experiential Learning*** – Windsor Law provides a wide array of clinics and experiential learning opportunities but at present, we do not keep track of how many Black law students participate in these opportunities or what their experiences are in each program. Each program should track how many Black law students enroll in each program and what the students’ experience is in each;
- ***The Clerkship Committee*** – should track how many Black students are supported to apply for clerkships (formally and informally), how many receive interviews, and how many receive job offers;
- ***Counselling Services*** – should track how many Black students access counselling services and should implement mechanisms to assess the efficacy of service provided to Black law students;
- ***Representation on Committees*** – Gender parity with respect to committee membership is common throughout the [Senate by-laws](#). It is time that ‘diversity’ on committees, whether within the law school or the broader University, include race and intersecting identities. In addition to identity, committees should consider inviting or choosing membership based on demonstrated anti-racism and anti-Black racism expertise (whether student, faculty, or staff are the proposed committee members).

### ***Policy-driven decision-making***

Windsor Law needs to be more *proactive* about creating policies that effectively address and redress anti-Black racism. We need to be proactive about the creation of policies so that we ensure we are not simply being reactive to incidents of anti-Blackness when they arise. With policies in place, we will be better able to respond effectively when incidents arise. These policies will also make it very clear to members of the Windsor Law community, including guest speakers and visitors, that we take anti-Black racism seriously and that eradicating it is part of our institutional values.

### **Accountability**

At a minimum, accountability involves an acknowledgment of harms caused, acknowledgment of the failures that caused those harms, plans for concrete action to do better, and timelines for how changes will be implemented.

Unfortunately, statements released by Windsor Law amid recent incidents of anti-Black racism did not foster a sense of accountability.<sup>9</sup> Rather, many Black law students felt that the statements have caused further harm. The following outline the many ways the statements did not foster a sense of accountability:

- The inability of the institution to center anti-Black racism while also taking into account and addressing other forms of discrimination faced by students that resulted in other forms of discrimination co-opting anti-Black racism;
- Many of the statements do not sufficiently take responsibility for institutional failures resulting in racism faced by Black students at an institutional level, nor do they properly acknowledge the harms caused;
- Accountability should not include a list of what is being done but should be directed at those impacted and affected;
- There were some instances and incidents that were only acknowledged by the administration in the form of a tweet on social media without any other formal redress;
- The statements were received by many Black students as dismissive and offensive.

Moving forward, institutional accountability might include the following:

- An acknowledgment that BLSA is not responsible for addressing, fixing, mediating conversations about, or redressing anti-Black racism nor is any Black student as an individual or a collective;
- Accountability requires building and tending to a relationship between the law school and all of its students;
- Checklists of what is being done to address any particular problem including anti-Black racism are rarely ever appropriate – rather, commitments to specific actions moving

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<sup>9</sup> See here for the many statements released by the University of Windsor in light of numerous incidents of anti-Black racism both within the University (i.e. the Delta Chi affair) and in the broader community and more generally: <https://www.uwindsor.ca/antiblackracism/>

forward with timelines and other mechanisms for accountability are welcome. We understand that Charles Smith has been hired by the Law School to develop such an approach and this is a welcome initiative;

- Deep and genuine acknowledgment of institutional (and perhaps in some instances individual) failures that lead to instances of anti-Black racism is required;
- The documenting of incidents and making the history of anti-Black racism available to the public and for future generations of students is required to preserve institutional memory/to ensure accountability;
- Compensation is required to reckon with the harm that has been caused by anti-Black racism. Black students, professors, and staff need to be compensated for their work and the additional burdens they incur by virtue of their identity. Where the University and/or the law school relies on Black people to fix anti-Black racism, this should be recognized as labour and it ought to be compensated.

The law school and the broader University of Windsor need to be able to find ways to center anti-Black racism while addressing multiple forms of discrimination simultaneously, without diminishing one at the expense of the other. All forms of discrimination, including anti-Black racism, colonization, anti-Indigenous racism, anti-Asian racism, Islamophobia, anti-Arab and anti-Palestinian racism and erasure, anti-Jewish racism, ableism, homophobia, transphobia, sexism, xenophobia, classism, anti-Black sanism, heteronormativity – need to be addressed at all levels of the institution. Only when we adopt a truly anti-oppressive framework can it become possible to center one form of oppression where appropriate. The law school has failed in this regard and there is much work to be done to foster an atmosphere of accountability and support the student body, and racialized students in particular. The current approach has the effect of pitting students against one another and requires immediate change.

### ***Restorative mechanisms***

Many Black law students have been the targets of complaints as a direct result of being vocal about the anti-Black racism that they have experienced on campus. Recognizing that the complaints process that has been in place at the broader University has harmed Black students who have disproportionately been the subject of complaints, different processes for resolving disputes are sorely needed. Such mechanisms should steer away from carceral type sanctions and formal and overly legalistic processes. Rather, alternative dispute mechanisms should be explored albeit mechanisms that ensure fair processes.

### ***Compensation***

Throughout the existence of the ABRC, the issue of compensation has emerged repeatedly in two interrelated ways:

- 1) The harms that have been caused to Black law students need to be compensated. Black law students pay exorbitant tuition to attend law school. In the past years, Black law



students have endured immense harms caused by anti-Black racism that have permanent consequences. The law school needs to find ways to compensate for these harms; and

- 2) There is an unfairness that inheres when the very people who are experiencing harm are called upon to fix that harm and spend their additional energy doing the work that should be undertaken and paid for by the institution. There are professionals who are paid to work on resolving racism at an institutional level. While those most impacted *must be consulted* – Black students, staff, and faculty have taken on a huge burden of doing the work. This is unacceptable and needs to change. Even being consulted is a task that must be compensated.

## Conclusion

This report outlines some of the challenges faced by Black law students at the Faculty of Law, addresses the commitments made by the Windsor Law Faculty to redress anti-Black racism within the law school, and provides detailed concrete avenues for substantial change going forward.

Unfortunately, anti-Black racism is not new at the University of Windsor and this report is not the first of its kind. Therefore, transparent and sustainable action must be taken to prevent the detrimental impact of anti-Black racism on Black law students now and moving forward. The University of Windsor, Faculty of Law still has a long journey ahead to act on and implement the demands of BLSA, RAACES, Black law students, faculty, and alumni who have all spoken out demanding change.

Achieving our mandate will require the execution of the demands presented in this report, the implementation of the holistic anti-Black racism framework, and everyone doing their part to ensure Black law students feel safe during their law school journey at Windsor Law.

## WINTER 2022

There have been significant changes in the Windsor Law leadership and administration including the Dean of the law school, now, Dean Reem Bahdi. Although the bulk of this report details incidents, actions taken, omissions, and demands of a previous administration, as a committee, we felt that we should not revise the report to reflect any changes that have taken place. Rather, we hope that the report will serve as a mechanism of accountability both for the previous administration and also for the new administration. We look forward to an update from Dean Bahdi on progress made since the writing of this report.