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June 11, 2020

Mr. Jordan Afolabi

Via email: [REDACTED]

Dear Jordan,

Thank you for the e-mails and documents that you have sent to my office. My delay in replying is not indicative of a lack of concern over the serious matters you have raised about your treatment by this University. Rather, it is as a result of the understandable delays in receiving the report of the adjudicator, Professor Bruce Elman, given the volume of submissions made, concerning your appeal of the decision by Mr. Ryan Flannagan, Associate Vice-President, Student Experience, not to commence disciplinary proceedings against Mr. Yakow. The delay has also been exacerbated by the need by all to respond to COVID-19.

In your appeal, you asked Professor Elman to set aside Mr. Flannagan's decision not to bring disciplinary charges against Mr. Yakow. Based on the evidence and the process that was available to him, Professor Elman has reached several conclusions.

First, Professor Elman has upheld Mr. Flannagan's decision not to proceed with charges against Mr. Yakow. In doing so, Professor Elman has indicated that prosecutors in disciplinary matters have a wide discretion to take many factors into account when they act on behalf of the University.

Second, however, Professor Elman has allowed your appeal on the ground that there were serious procedural errors in the handling of your complaint, particularly concerning delay, and that these procedural irregularities were prejudicial to your attendance at this University in a number of respects.

Third, Professor Elman has identified areas of concern with how the student non-academic misconduct procedures have operated, because they require the Associate Vice-President, Student Experience to act as student counsellor, investigator, prosecutor and decision maker; roles the adjudicator believes could be more clearly delineated. He also described a disjunction between different procedures in terms of the requirements for an Exclusion Order.

Fourth, Professor Elman acknowledges the existence of racial profiling and anti-Black racism in Canadian society. He also recognizes that they may have played a sub-conscious role in your treatment, particularly over the decision to make and extend a trespass order.

While Professor Elman makes clear that the appeal process did not enable him to reach legal conclusions, including findings of discrimination, his comments are matters of great significance and concern to the University. Any form of anti-Black racism – intentional, unconscious or systemic – has no place at our University, and as a follow up to our recent public statement, we are concurrently announcing a series of measures to combat anti-Black racism in our University community. In implementing those measures, I want to ensure that Professor Elman’s findings and criticisms are addressed.

I have instructed the University Secretary, the Provost, and the Associate Vice-President, Student Experience to commence an immediate review of the student non-academic misconduct procedures. In that review, I have asked all involved to consider Professor Elman’s criticisms, to consult widely with student groups, and to review both the procedures and how they are operationalized, including training of those that administer the policy. We must ensure that the procedures reflect the University’s commitment to equity, diversity and inclusion, and that their administration are free of unconscious bias or other systemic stereotyping of both victims and those students charged with non-academic misconduct.

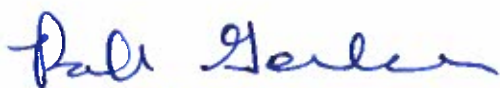
In response to the making of the trespass orders, I have instructed the Campus Community Police to lift all trespass orders made against you. Effective immediately, you are free to return to campus once any restrictions that are in place as a result of COVID-19 are lifted. I have also asked those who will be reviewing the student non-academic misconduct procedures to consider how these orders are being made, and whether a lesser form of exclusion can be adopted in appropriate cases.

Professor Elman has recommended that the University issue you an apology expressing regret for the delay in handling your complaint, and the prejudicial impact that may have had on your life as you were preparing your application for admission to law school. On behalf of the University, I sincerely offer an apology for the delay and procedural irregularities incurred in handling your case.

Professor Elman’s decision points to a number of failings in how your complaint was handled and alerts us all to the serious problem and potential for racial profiling and anti-Black racism in decision making. In this respect I want to go beyond Professor Elman’s recommendations and offer my apology for any aspect of your treatment by the University in which these factors may have played a role. I also hope you will accept that I have set a course for this University to make improvements so that all are treated fairly and with dignity when embroiled in matters of student non-academic misconduct.

I am heartened as I understand you have received an offer of admission to Windsor Law, which you are considering, and which I hope you will accept.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Rob Gordon", written in a cursive style.

Robert Gordon, PhD
President and Vice Chancellor
University of Windsor