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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 Flanagan, 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.

Hello Dr. Gordon,

Thank you for your response; I have read it, considered your words thoroughly, and have responded to your points according to each paragraph/section. If the report of the adjudicator was indeed the cause of your delays in our interactions, then I trust that you will be more responsive going forward as the delay from the decision is no longer a factor. That being said, I have difficulty believing this was the cause of your delays.

The report you have cited as a reason for delay does not fully justify your failure to reply to my messages in a timely fashion. In his decision, the adjudicator actually made the point of highlighting that the report had nothing to do with the question of my innocence; this has already been proven in the first investigation the University conducted— this decision was made almost a year ago on July 23rd, 2019. I have attached a screenshot of this portion of Bruce Elman’s decision below:

29. Finally, and crucially, it should be remembered that Mr. Afolabi is **NOT** appealing the decision in the Complaint against him. It has already been determined that he was justified in using force to repel the assault upon him. He has already been **exonerated** in that matter by the Associate Vice-President, Student Experience.

IV. BACKGROUND – THE FACTS AS FOUND BY THE INVESTIGATOR:

30. The Investigator, Nancy Jammu-Taylor, found the following facts as detailed in her Report:

Further, nothing prevented you from briefly acknowledging my messages and informing me that you were unable to respond in timely fashion.

Lastly Dr. Gordon, you must know that I was never the one on trial in this second investigation; Bruce Elman's decision did not present any new information you did not already have concerning my trespass conditions. Also, the decision did not give you any 'authority' to rescind my trespass orders that you did not already have. To pretend that this decision enabled you to take a course of action you could and should have taken a long time is objectively dishonest; this lack of integrity is not fitting for the President of our University.

It is clear that it wasn't the adjudicator's decision that caused you to act now, but rather your fear of the voices of the UWindsor student body. I do not consider it coincidence that you have been ignoring me for several months since February but coincidentally have time to respond literally one day after several UWindsor student groups participated in a protest of your Virtual TownHall meeting.

QUESTION 1: I would appreciate if you could give a clear and detailed answer as to how an ongoing investigation into the actions of a student who did these very harmful things would prevent you from responding to emails asking for permission to return to campus without restrictions after I was already exonerated?

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.

This is factually wrong. The decision was not upheld. The first line of Professor Elman's conclusion clearly states that he has "decided to allow this appeal on the 1st Ground, namely that there were procedural errors in the processing of the Complaint that prejudiced Mr. Afolabi." Please explain to me how this could even remotely be rationalized as 'upholding' the decision that was appealed. This is further indication of your administration's disregard for facts, truth, and transparency. This shows that even after adjudication, you and your band of administrative thugs, remain committed to a decision that was ultimately determined by the adjudicator to have been "prejudicial".

To imply in anyway that Professor Elman upheld Mr. Flannagan's decision is entirely disingenuous. As stated, Professor Elman made it very clear he was granting me the appeal due to the prejudicial procedural errors of your offices (see quotes from decision below) but that justice could no longer be served because your offices delayed long enough (specifically 227 days— 192 days past the prescribed timeline) for Joseph Yakow to withdraw as a student.

In paragraph 74 of the decision, Professor Elman emphasizes that Joseph Yakow was a student and was under the jurisdiction of the University at the time that the complaint was filed. It is due to the malfeasance of your offices (which you have not properly dealt with) that Bruce Elman was forced to state he no longer possessed the "jurisdiction to discipline [Joseph Yakow]":

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51. Finally, the decision on Mr. Afolabi's Complaint was rendered by the Associate Vice-President, Student Experience on November 8th.
 52. **Procedural Irregularities:** I have concluded that there were serious procedural errors in the processing of the Complaint which were prejudicial to Mr. Afolabi.
 53. First, the number of days between the oral filing of the Complaint (March 26th) and the Decision to not pursue the matter further (November 8th) was 227 days. There is no doubt that there were factors which made it difficult to conclude the Investigation within 28 days and deliver the Decision within 35 days of the Complaint. However, even providing some latitude for these factors, 227 days is an unacceptable amount of time.

IX. CONCLUSION:

71. I have decided to allow this appeal on the 1st Ground, namely that there were procedural errors in the processing of the Complaint that prejudiced Mr. Afolabi.
72. The University should send a letter of apology to Mr. Afolabi expressing its regret for the lengthy delay in handing the Complaint and for the procedural error that, in all likelihood, prejudiced the Appellant.
73. Further, Mr. Afolabi should be given a letter, or a notation should be put on his file, indicating that these Complaints and Appeals have taken a significant amount of time and may have affected his grades in the relevant Academic terms.
74. Finally, although it was my finding that Mr. Yakow was a "current registered student" when the Complaint was filed, he is not one now. Therefore, the University has lost the jurisdiction to discipline him. As an alternative, a notation should be placed on his record for an appropriate period of time indicating that there was a Non-Academic Misconduct Complaint against him at the time he withdrew.

Your claim that the decision was upheld would be like a corrupt mob-affiliated judge— who delays a murder conviction long enough for the accused to live out their natural life— then issuing a decision stating the court no longer had jurisdiction after the accused had died of natural causes. This is clearly injustice. Lastly, though he concedes the loss of jurisdiction, Professor Elman specifically states that a notation should be made on the student's transcript; in your letter, you have skipped over this direction and made no mention of enforcing it.

QUESTION 2: Why have you refused to acknowledge the decision of the adjudicator to grant my appeal, and when will Joseph Yakow's transcript be notated as was directed. If you value fairness and equity, why have you failed to address this in your letter?

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.

Again, this is clearly disingenuous.

QUESTION 3: If you were so committed to fighting discrimination on campus, and if you were committed to accountability as was written in your public statement:

- **why is it that you have not mentioned any disciplinary action taken against the members involved in the trespass orders (Charlene Roe, Danieli Arbex, Douglas Kneale, and Ryan Flannagan)?**
- **Why have none of them been required to offer an apology for their “prejudicial procedural errors”?**
- **Why has there been no public apology issued to the Black UWindsor community on the matter?**
- **Why has the recording of Danieli Arbex calling the police on February 3rd, 2020 not been inspected by your offices yet?**
- **Why do you continue to hide and protect those in your office that have lied and falsified police reports to the detriment of a black student?**

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.

Out of the hundreds of faculty members you had at your disposal, the fact that you've chosen these three individuals is rather insulting, and I'd imagine that a man in your position would know why:

1. All three have currently active human rights complaints filed against them— by me; I am still waiting for your offices to adjudicate these.

2. All three have no legal training whatsoever; In a matter of a few months, I will have more legal education than all three of them combined.
3. Two of them Have been impugned by the decision recently issued from your institution.
4. All three seem to harbour animus towards me on the basis of my persistent pursuit of fairness and equity in this matter.

The irony is that in assigning three individuals that were somehow involved in my matter as the ones reviewing the policies in response, you have already violated the directions given by Professor Elman— specifically the ones related to conflicts of interests.

With regard to Ryan Flannagan specifically, he has been shown to be unable to follow the procedures in the University's policy, but you still deem it appropriate for him to review the same policies that he is not fit to enact. This would be tantamount to having Harvey Weinstein conduct an inquiry on sexual assault in Hollywood...or more realistically, having you lead an institution that is committed to diversity and equity.

This is a man who on September 18th, 2019, outright stated that he “wouldn't even know” what prejudice would look like in a matter such as this but went on to state that he was certain that the “race considerations” I was putting forward were not valid. I have attached an excerpt of this recording below for your reference:

[Ryan Flannagan Doesn't Know What Prejudice Looks Like](#)

Aside from this, there is no shortage of individuals that are:

1. Employed with your institution— meaning there would be no additional cost to recruit their services.
2. Well studied in law/policy/race (the topics at issue here).
3. Yet to be impugned in a decision recently issued by your own institution.
4. All together, significantly more qualified for the job.

Understanding that you may not be aware of these individuals— given that you are new to this University— I will give you the benefit of the doubt and suggest a few names: Dr. Andrew Allen, Dr. Richard Douglas-Chin, Professor David Tanovich, Professor Jill Rogin etc. I'd also suggest you review the immense work that has already been done on UWindsor race issues in the SACDI report (compiled and submitted by Professor Richard Douglass-Chin and Andrew Langille). If you truly believe in your faculty and your University, then you should be willing to lean on the experts you have at your disposal.

In any case, it would seem a rather intentional slight for you to assign the three individuals involved in the mismanagement of my case to be the ones reviewing the policies they broke— especially in a letter that is meant to serve as an apology to me. This decision was clearly not made in good faith and appears to be a passive-aggressive act of performative inaction. Whatever the case, anyone completely committed to transparency and reform should know that the best person for such a “review” is an independent third party. Ideally this third party would have no connection to the matter.

QUESTION 4: Why, out of the hundreds of faculty available to you, is the team of people you've chosen to review the policies (in response to warnings of possible discrimination from your own offices) comprised of people who:

- 1. Have been previously involved in the matter that precipitated your directions?**
- 2. Have open human rights complaints with OHREA?**
- 3. Have broken the same policies they've been charged to review?**
- 4. Have no educational background suitable for the matters being reviewed?**

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.

Thank you for rescinding the trespass order.

QUESTION: Perhaps you can inform me why they were instituted in the first place and what changed that you felt the need to rescind them? Also, what is the purpose of lifting these trespass orders and sending me an apology if nothing will change in the future for other Black students dealing with these individuals?

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 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.

Dr. Gordon, I believe you are a father (my apologies if I am mistaken). But if this is true, I am certain you've seen the classic scenario of a child wronging their sibling and being instructed to apologize by the parent as a result. I'm certain you're familiar with the way that children will often begrudgingly give a tightly worded apology in obstinance. Good parents teach their children that the essence of an apology is sincerity and that anything less would undermine the purpose of doing so. You are not a child. And so, I do not think it is necessary to go into a detailed explanation of why your apology does not feel sincere to me. At the end of the day, I cannot force you to be sincere. You have technically fulfilled your obligation to me on this one measure— even though you made sure to let me know that you were doing so on the direction of an adjudicator rather than your own initiative. I am sorry that your moral compass is not strong enough to know when you have done wrong and apologize without being forced into it.

But should you consider yourself a man truly committed to “equity, diversity, and inclusion”, I would challenge you to rewrite your apology and do so sincerely. Additionally, I would challenge you not only to apologize to me in private, but to apologize to me and the Black UWindsor community for the very public challenges your institution laid in my path over the past year.

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.

Dr. Gordon, it's really a simple matter; hold the members who did this accountable, show that your administration is willing to take a stand against abusive treatment of its students, and be sincere in your words. These are lessons that do not require education, do not require funding, and do not require anything more than a sense of basic human decency. The voice of the UWindsor student body has proven this clearly over the past several weeks. I cannot, in good faith, accept your course of action when you continue to ignore the presence of the administrative members who lied to police, fabricated documents, breached procedure, and showed no remorse on your own campus. How can any Black student on campus feel safe in light of your inaction on these matters? How can we have faith in superficial taskforces that have ZERO disciplinary power on campus. Should I be mistaken in your sincerity, then do the right thing: restate your apology properly and publicly to the Black UWindsor Student community. Require the members impugned in Elman's decision to apologize, bring transparency to the disciplinary action that MUST be taken here, and implement the real solutions outlined in www.ExposeUWindsor.com/Demands.

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,

Robert Gordon, PhD

President and Vice Chancellor University of Windsor

It is difficult to believe the sincerity of your words because you have not required the members who made it exceedingly difficult for me to complete my law school application to apologize.

Further, though Bruce Elman's decision very clearly directed your offices to make some form of academic restitution to my transcript, you have also failed to do so or make any mention of it in your response.

Nonetheless thank you for your words. I have accepted this offer and am heartened myself to be here for the next three years. Make no mistake, I (along with the growing team of Black faculty members, Black Law students, and Black computer science students that have upheld the true values of intuition) will continue to do everything within our power to hold you and your administration accountable for its actions and inaction. I wish to conclude by restating the conclusion of the

complaint I submitted on August 1st, 2019 after your secretary Charlene Roe called the police on me for filing a human rights complaint:

“In conclusion, I want to make it absolutely clear that I am not willing to abandon my complaints. This matter will not just ‘go away’ for the University by ignoring me. I will continue to fiercely pursue my complaints against the University. The university will respond to them in accordance with human rights regulations. If they do not, this will constitute a further breach of my human rights. It will result in further complaints. And if these further complaints are not dealt with the cycle will continue. You must understand that there is no version of this matter that concludes with my capitulation to unlawful threats, negligence, abuse, or reprisals.”

I do expect a prompt response to this email.

Thank you

-Jordan Afolabi