



# Jewish Faculty Network

April 16, 2024

As members of the Steering Committee of the Jewish Faculty Network, we write with regard to Bill 166, the “Strengthening Accountability and Student Support Act, 2024” which amends the Ministry of Training, Colleges and Universities Act.

Formed in 2021, the Jewish Faculty Network (JFN) is committed to addressing antisemitism as well as all forms of racism and discrimination. We note in our [statement of principles](#) that the many antisemitic acts and rising wave of exclusionary ethno-nationalism in recent years serve as a painful reminder that racisms of all forms continue to flourish around the world, including in Canada and the United States. As university faculty, we also insist on an energetic defense of academic freedom entailing a respect for a diversity of Jewish voices. We stand in solidarity with Palestinian, Arab and Muslim people who face distinct forms of racism. This includes [anti-Palestinian racism](#), where, among other forms of discrimination, false accusations of antisemitism, terrorism and a lack of civility, are advanced in an effort to silence Palestinian claims for equality and human rights.

Given our commitment to the defense of academic freedom, we are particularly troubled by the repeated references to ministerial directives in sections 19 and 20 of Bill 166, and their implications for university autonomy and academic freedom. Our opposition to all forms of racism makes section 20 of Bill 166 - relating to policies and rules regarding racism and hate - of specific concern. The language included in that section indicates that the Minister may issue directives and timelines regarding topics or elements to be included in the policies or rules of a college or university. Such directives could violate freedom of speech, for instance through a requirement that universities adopt the International Holocaust Remembrance Association (IHRA) Working Definition of Antisemitism and its illustrative examples, a definition which has been widely discredited, including by [its own drafter](#). The problem with the IHRA definition is that it has been weaponized by its proponents to make false charges of antisemitism against legitimate criticism of the State of Israel. In [a letter](#) now signed by over 210 Jewish faculty from across Canadian universities and colleges, we summarized criticism made of the IHRA definition by multiple groups of experts, including experts in the history of Holocaust, Israel and antisemitism.

In recent years the Canadian Association of University Teachers (CAUT) as well as over 40 Canadian university faculty associations passed motions rejecting the IHRA working definition of antisemitism. These votes were taken due to collective alarm at the possible use of the IHRA definition to infringe on academic freedom and on the Charter-protected right of freedom of expression. In addition, many faculty and faculty associations are concerned about the illegitimate use of the IHRA definition to censor discussions of possible Boycott, Divestment and Sanctions (BDS) against the State of Israel. The JFN recognizes BDS as a legitimate, non-violent form of protest.



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The need to protect non-violent protest against war crimes could not be more urgent. In January 2024, the International Court of Justice [ruled](#) that various Israeli acts in the current assault on the Gaza strip plausibly fall within the Genocide Convention, and required Israel to take immediate action to prevent further killing of members of the population and to ensure humanitarian assistance reach Gaza. Further, on March 18th 2024, the Canadian government passed [House Motion 658](#), which implemented a one way arms embargo on Israel. Under these conditions, the possible suppression of legitimate protest against Israel's actions through Ministerial directive would impact many students who already experience a great deal of racism, including anti-Palestinian racism, anti-Indigenous racism, anti-Black racism, antisemitism and Islamophobia. If the Minister were to use a directive to impose the discredited IHRA definition against such students, it would only exacerbate their anxiety and alienation. Such a climate will inevitably lead to conditions detrimental to student mental health – health that Bill 166 purports to protect.

In preparing this submission we reviewed the outcome of the successful legal challenge to the Ontario Student Choice Initiative (SCI). We note that the Ontario Court of Appeal [2021 ruling on the SCI held](#) that ministerial directives would interfere with the Universities exclusive power to regulate their internal affairs. The decision stated that the University Acts make clear that universities are self-governing bodies, affirming that “institutional autonomy is and has long been the fundamental principle of university governance.”

Consequently, and respectfully, we urge the Standing Committee on Social Policy to withdraw Bill 166 pursuant to amendments that would remove language concerning ministerial directives. We further urge the Standing Committee to issue a clear statement that the bill would not be employed in a manner that contravenes the institutional autonomy of universities, freedom of expression, and academic freedom.

Thank you for your consideration.

Jewish Faculty Network Steering Committee