



The Honourable David Eby, M.L.A
Attorney General and Minister Responsible for Housing
PO Box 9044 Stn Prov Govt
Victoria, BC
V8W 9E2

Open Letter Re: BC Student Press Freedom Act

Dear Minister,

In preface to this letter and appeal, the undersigned would like to thank you for your long service and commitment to the protection and advancement of free expression, civil liberties, and access to justice, both in your current posting as Attorney General and in your previous work in legal advocacy.

We write to you as the Directors of the Student Press Freedom Act Campaign and as Grade 12 student journalists from Vancouver, British Columbia.

In May of 2021, our high school student newspaper, *The Griffins' Nest*, was censored after attempting to publish a piece of public interest journalism critical of our school district.

Over a period of six weeks, our team of editors at *The Griffins' Nest* worked to produce an in-depth review of student and teacher involvement in school board policymaking. 105 students shared with *The Nest* their concerns related to their consultation, and the consequences of their lack of involvement.

After finalizing our article, *The Griffins' Nest* sought comment from the Vancouver School Board, and sent communications staff a request via email. Communications staff replied, but also took action we did not anticipate by forwarding our email to our school principal.

“The article needs [the principal’s] blessing,” a school administrator told us, revealing that the District had surreptitiously warned them of our work, and cautioned that if our article was too critical of our school board, we would not be allowed to publish. Days later, we were formally censored via an email that ordered us to refrain from sending newspaper files to our printer.

School administration and District staff worked in a coordinated effort to silence our publication’s efforts to hold our scholastic decision-makers to account, and attempted to prevent our work from being read by our community. For nearly 10 days, we were shut out of

discussions regarding the state of journalism, critical of a half a billion-dollar public body clandestinely working against us.

Thankfully, with aid from the Canadian Association of Journalists and British Columbia Civil Liberties Association, our student paper was able to secure our *Charter* 2(b) right to disseminate public interest journalism, and published our newspaper to the community in 600 print copies.

Students, teachers, parents, and the wider community praised our unprecedented work in holding the district accountable for their policy-making process. And in the following school year, we even saw our concerns addressed by the school board, who implemented some of the consultation procedures *The Griffins' Nest's* 105 student interviewees asked for.

The reaction of our school community proves just how important student journalism is, and demonstrates its ability to empower youth in shaping the world around them.

Student journalists are sometimes subject to a discretionary overreach of authority, where a school official dislikes what a student newspaper is reporting or opining, and sees it within their powers to, without justification, limit students' 2(b) rights when inconvenient student expression arises. As a result, many have experienced substantial intimidation and censorship that has stifled the s. 2(b) rights of many across our province. We are included in that group, and there is currently nothing to stop that from happening.

The state of student journalism in British Columbia is so severely undemocratic that some students faced disciplinary action from their school for even sharing their censorship stories with us as a campaign. As we write to you, there are at least two student papers facing press freedom challenges in the Lower Mainland alone. Many, including, us as recently as this week, have faced persistent harassment and intimidation from school officials in pursuit of the truth.

Although *Charter* rights are acknowledged by the courts to apply to public school students, school officials routinely disregard the *Charter's* role in student journalism, and further legislative action is required to clarify and balance the need to keep schools safe and inclusive with students' rights to exercise their fundamental freedoms.

Student journalism is essential. The province acknowledged that back in 2006, when it issued a proclamation celebrating [National Student Press Week](#). The proclamation read that student newspapers “play a critical role in covering their communities and training future generations of journalists.” The industry agrees too. It is widely acknowledged by professional journalists that the work of their student counterparts is indeed real, powerful journalism.

The conversation regarding scholastic press freedom is long overdue in Canada. And while several jurisdictions in the United States have moved to enact legislation protecting student media, ours has not yet secured the journalism of our nurseries of democracy. We propose to change that.

The *Student Press Freedom Act* is Canada's first student journalism protection legislation. It would end unjust censorship of student media, ensure their confidential sources are protected, and provide them with a forum to access justice. Respecting the essential role of educators in

student media, the Act does not abridge their ability to teach proper, ethical journalism, affording them the ability to employ reasonable limits, such as prohibiting libel and expressions of hatred, upon student media should the unlikely need arise.

In December 2021, the U.S. State of New Jersey [became the most recent](#) of the 15 states to enact laws protecting student journalism, after 74 lawmakers unanimously approved Bill S108 “New Voices” legislation.

“I applaud and support the Legislature’s efforts to empower and protect student speech. It is important to afford student journalists the opportunity to exercise their creativity, passion, and constitutionally-protected freedom of speech,” Governor Phil Murphy wrote in a November 2021 communication to the New Jersey State Senate, before signing Bill S108 into law the following month.

The *Student Press Freedom Act* is an opportunity for British Columbia to continue expanding its strong history of protecting free expression and civil liberties, including the recent anti-SLAPP *Protection of Public Participation Act*, unanimously passed by the Legislative Assembly in 2019.

To date, the *Student Press Freedom Act* has been endorsed by the BC Freedom of Information and Privacy Association, BC Youth Council, Canadian Association of Journalists, Canadian Civil Liberties Association, Canadian Institute for Information and Privacy Studies, Canadian University Press, Samuelson-Glushko Canadian Internet Policy & Public Interest Clinic, Student Press Law Center (United States), X-University (formerly Ryerson) Centre for Free Expression, Youth Political Assembly, as well as several BC student media, including the *Tupper Times*, *Britannia Bruin*, *NWSS Student Press*, *Daily Wale*, *Alphajournalism*, *SSLS Press*, *Point Grey Journal*, and our own *Griffins’ Nest*. In addition, 584 individuals have signed their names to our [petition](#) on Change.org.

We have colloquially called the Act “friendly legislation”, believing its good-nature and democratic intent to be well-supported by the majority of students, teachers, administrators, school boards and trustees, parents and guardians, academics, lawyers, journalists, the public, and all in public education alike. It is a win for everyone and essential in the upholding of human rights.

We look forward to working with you and your office to bring Canada’s first student journalism protection legislation into provincial law, and make British Columbia a more free and democratic society.

Sincerely,
Spencer Izen and Jessica Kim
for the Student Press Freedom Act Campaign

CC: Hon. John Horgan, Premier and President of the Executive Council
Kevin Falcon, Leader of the BC Liberal Party
Hon. Sonia Furstenu, House Leader of the BC Green Party
Hon. Lisa Beare, Minister of Citizens' Services

Hon. George Heyman, Minister of Environment and Climate Change Strategy
Hon. Shirley Bond, Interim Leader of the Official Opposition, Critic for Seniors Services and Long Term Care; and Critic for Health
Hon. Bruce Banman, Official Opposition Critic for Citizens' Services
Hon. Stephanie Cadieux, Official Opposition Caucus Chair and Critic for Gender Equity, Accessibility and Inclusion.
Hon. Michael de Jong, Official Opposition Critic for Attorney General
Hon. Michael Lee, Official Opposition Critic for Indigenous Relations and Reconciliation

British Columbia Youth Council Executives

Noa Mendelsohn Aviv, Executive Director and General Counsel, Canadian Civil Liberties Association

Hillary Davis, Advocacy and Organizing Director, Student Press Law Center

Reese Estwick, Chief of Policy, Youth Political Assembly

Darrell Evans, President, Canadian Institute for Information and Privacy Studies

Hadar Harris, Executive Director, Student Press Law Center

Willa Holt, Vice-President, Canadian University Press

Tamir Israel, Staff Lawyer, Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic

Brent Jolly, President, Canadian Association of Journalists

Jake Karpouzis, President, Youth Political Assembly

Sarah Krichel, President, Canadian University Press

Vivek Krishnamurthy, Director, Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic

Mike Larsen, President, BC Freedom of Information and Privacy Association

Dr. Brenda McPhail, Director, Privacy, Technology, and Surveillance Program, Canadian Civil Liberties Association

Lisa Taylor, Associate Professor of Journalism, X-University (formerly Ryerson)

Dr. James Turk, Director, X-University (formerly Ryerson) Centre for Free Expression

Jason Woywada, Executive Director, BC Freedom of Information and Privacy Association

Cara Faith Zwibel, Director, Fundamental Freedoms Program, Canadian Civil Liberties Association

ENDORSED BY:



STUDENT MEDIA

