

# Christian Naggar et al v The Student Association at Durham College and UOIT

Christian Naggar  
on Thursday, March 17, 2016

neesons

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Court File No. 94577/16

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N :

CHRISTIAN NAGGAR, EMILIE HIBBS, JOSHUA HAVILAND,  
CHRISTIAN BROWN, KATHLEEN HEPWORTH, ALEXANDRA BROWN  
and KASSIA ALMEIDA,

Applicants

- and -

THE STUDENT ASSOCIATION OF DURHAM COLLEGE AND UOIT

Respondent

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- - - This is the Cross-Examination of CHRISTIAN  
NAGGAR, an Applicant herein, on his Affidavits  
sworn January 28, 2016 and March 17, 2016, taken  
at the offices of Neeson Court Reporting Inc.,  
141 Adelaide Street West, 11th Floor, Toronto,  
Ontario, M5H 3L5, on Thursday, the 17th day of  
March, 2016.

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A P P E A R A N C E S :

Marty Moore, Esq. - for the Applicants.

Andrea J. Sanche, Esq. - for the Respondent.

REPORTED BY: Bonnie Lynn van der Meer, CSR

## I N D E X     O F     P R O C E E D I N G S

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---[ Reporter's note: The following indices of undertakings, under advisements and refusals are provided for the assistance of counsel and do not purport to be complete or binding on the parties herein. ]

## I N D E X     O F     U N D E R T A K I N G S

The questions/requests undertaken are noted by U/T and appear on the following pages/lines: 10:10, 19:24, 25:21, 48:21, 73:15, 75:16, 76:16, 108:14, 108:16, 116:8.

## I N D E X     O F     U N D E R     A D V I S E M E N T S

The questions/requests taken under advisement are noted by U/A and appear on the following pages/lines: 59:13.

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I N D E X   O F   R E F U S A L S

The questions/requests refused are noted by R/F and appear on the following pages/lines: (None).

I N D E X   O F   E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE/LINE
	(None)	

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1 ---Upon commencing at 10:17 a.m.

2 CHRISTIAN NAGGAR; SWORN.

3 CROSS-EXAMINATION BY MS. SANCHE:

4 1 Q. Good morning.

5 A. Morning.

6 2 Q. Can you state your full name for  
7 the record?

8 A. Christian Naggar.

9 3 Q. And Naggar is N-a-g-g-a-r, right?

10 A. Yes. Yeah.

11 4 Q. And you swore an Affidavit in this  
12 matter on January 28th, 2016. Is that right?

13 A. Yes.

14 5 Q. That's the one in the Application  
15 Record. It's at Tab 2?

16 A. Yes.

17 6 Q. Okay. And then you also today,  
18 this morning, swore a Supplementary Affidavit?

19 A. Yes, I did.

20 7 Q. Okay. And then, that's... We've  
21 got that one separate.

22 So I'm going to be asking you questions  
23 on both of these--

24 A. All right.

25 8 Q. --Affidavits -- well, and on the

1 matters at issue.

2 A. Yeah.

3 9 Q. Okay. So are you still a current  
4 student, full-time student at Durham College/UOIT?

5 A. Yes.

6 10 Q. Okay. Explain for me. Are you at  
7 one or both or...?

8 A. Sorry. UOIT.

9 11 Q. UOIT.

10 A. Yes.

11 12 Q. UOIT. Okay. What are you  
12 studying there?

13 A. Biology. Bachelor of Science in  
14 Biology.

15 13 Q. Master of Science?

16 A. Bachelor of Science.

17 14 Q. Oh. Bachelor. Sorry. I didn't  
18 hear you.

19 Okay. How old are you.

20 A. 20.

21 15 Q. And do you live in Oshawa?

22 A. No. I live in Ajax.

23 16 Q. Ajax. Okay.

24 And so, when did you first enroll at  
25 UOIT?

1 A. September 2015.

2 17 Q. So you are just completing your  
3 first year?

4 A. Yes.

5 18 Q. Okay.

6 --- (Chair squeaking; discussion off the  
7 record.)

8 BY MS. SANCHE:

9 19 Q. Now, you have seen -- are you  
10 familiar with who is on The Student Association  
11 Executive and on the Board for this academic year,  
12 2015-2016?

13 A. I am familiar with most of the  
14 Executives, not personally, and some of the Board.

15 20 Q. Okay. So I guess really my  
16 question is, do you have any personal relationship  
17 with any of these individuals?

18 A. No.

19 21 Q. Did you know them previously?

20 A. No.

21 22 Q. Okay. And how about the Clubs and  
22 Society Coordinator?

23 A. ...Coordinator? No.

24 I had heard of all these people, but I  
25 didn't know them personally.

1 23 Q. And how had you heard about them?

2 A. I attended Durham College for a  
3 year prior.

4 24 Q. When did you start at Durham  
5 College?

6 A. September 2014.

7 25 Q. And did you complete that year  
8 there?

9 A. Yes. I didn't earn a credential,  
10 but I completed the year. It was a bridge program.

11 26 Q. Okay. So you were a full-time  
12 student at Durham College from September 2014  
13 until...?

14 A. April--

15 27 Q. April?

16 A. --2015.

17 28 Q. And then you transferred or--

18 A. Mm-hmm.

19 29 Q. --enrolled at UOIT?

20 A. Yes, for September 2015.

21 30 Q. Okay. That makes sense.  
22 Was that your first year in  
23 postsecondary is 2014?

24 A. Yes.

25 31 Q. Okay. And so with the other



1 Applicants, do you happen to know if any of them  
2 have a personal relationship with members of the  
3 Student Association Executive?

4 A. I don't know.

5 32 Q. You don't know.

6 Do you know if any of them had been  
7 involved in a campus club prior?

8 A. As members?

9 33 Q. Yes.

10 A. I'm sure many of them had been.

11 34 Q. Okay. You hadn't?

12 A. I've been involved in clubs. I  
13 believe I was a member of the Pre-Medical student  
14 association, Catholic Student Association.

15 --- (Court reporter appeals.)

16 THE WITNESS: The Catholic Student  
17 Association, but only as a member.

18 BY MS. SANCHE:

19 35 Q. And had they existed prior to your  
20 joining?

21 A. Yes.

22 36 Q. Okay. So they had already been  
23 ratified as a Campus Club?

24 A. The Pre-Medical Society had been.  
25 The Catholic Student Association; I

1 believe I was one of the first members on the  
2 ratification application.

3 37 Q. But when you say just "as a  
4 member", you mean not as an Executive?

5 A. Yeah. Exactly.

6 38 Q. Okay. So had you been involved in  
7 the ratification of the Catholic Students'  
8 Association?

9 A. When they asked me for my  
10 information to put on the application, I gave it to  
11 them. It's my name and my student number. But  
12 beyond that, I didn't help them set up the  
13 application or anything.

14 39 Q. So you didn't participate in  
15 preparing the ratification package?

16 A. No.

17 40 Q. Okay.

18 A. No.

19 41 Q. To your knowledge - and I'm saying  
20 this -- I mean, this -- you swore the Affidavit in  
21 January--

22 A. Mm-hmm.

23 42 Q. --and you swore information.

24 Has anything changed in respect of the  
25 status of the other applicants?

1                   Are they all current full-time members  
2           of either Durham College or--

3                   A.     Mm-hmm.

4     43           Q.     --UOIT?

5                   A.     Yes, as far as I know.

6     44           Q.     Okay. And if you find out  
7           otherwise, can you let me know prior to the--

8                   A.     Yes, absolutely.

9     45           Q.     --hearing date?

10     U/T          A.     Yes.

11     46           Q.     Great.

12                   So is it fair to say that you've been a  
13           member of the Student Association since September  
14           2014, when you first joined--

15                   A.     Mm-hmm.

16     47           Q.     --Durham College?

17                   A.     Yes.

18     48           Q.     And you are still a member today?

19                   A.     Yes. Any UOIT or Durham College  
20           student is a member.

21     49           Q.     So you are aware of the criteria  
22           for being a member.

23                   Do you agree that it's that you're a  
24           full-time student of either--

25                   A.     Yes.

1 50 Q. --institution?

2 A. Yes.

3 51 Q. And that -- I think there's a  
4 provision that allows part-time students to become  
5 members as long as they pay a fee?

6 A. Yeah. I heard that -- that had  
7 been something that recently was passed.

8 52 Q. Okay.

9 A. So I'm not a hundred per cent sure  
10 on part-time students, though.

11 53 Q. Okay. Well, we can look at the...

12 A. Yeah.

13 54 Q. ...the bylaw, if we need to,  
14 but... Okay.

15 Okay. So you sought ratification as a  
16 campus club... I guess you filed the application  
17 on August 19th, 2015. Is that right?

18 A. Yes.

19 55 Q. Did you start preparing it earlier  
20 in the summer?

21 A. Yes, I did.

22 56 Q. Do you recall in or about when you  
23 started preparing it?

24 A. It was some time in June.

25 57 Q. And you say you are the President

1 of Speak for the Weak, right?

2 A. Yes, yes.

3 58 Q. And so, was it your responsibility  
4 to prepare the application package?

5 A. It was my responsibility to submit  
6 it. I not necessarily was the only person who  
7 contributed to that.

8 59 Q. Okay. So who else participated in  
9 preparing the package?

10 A. Nobody necessarily wrote anything.  
11 It was just a brainstorming of the ideas between  
12 the Executives.

13 60 Q. And who were the Executive --  
14 Executives?

15 A. At the time of the ratification  
16 application--

17 61 Q. Yes.

18 A. --it was myself, Honoline Francis,  
19 William Kelly, and Jessica Halim.

20 62 Q. That's listed on the passage  
21 anyway, right? It's --

22 A. Yes.

23 63 Q. It's accurate?

24 A. Yes.

25 64 Q. Okay. When did you...? Or -

1       sorry - where did you meet to brainstorm about the  
2       package?

3                   A.     It was mainly over Facebook  
4       because it was the summer and people had gone home.

5       65           Q.     Okay. So did Speak for the Weak  
6       have a Facebook page at that point?

7                   A.     I don't believe so.

8       66           Q.     Or you mean, you messaged each  
9       other on Facebook?

10                  A.     Yeah. Just -- just messages, yes.

11       67           Q.     I'm old, so--

12                  A.     Yeah.

13       68           Q.     --I've got to--

14                  A.     No. That's --

15       69           Q.     --clue into how this works.

16                  A.     Yeah.

17       70           Q.     Okay.

18                  A.     Yeah.

19       71           Q.     And what was the origination?  
20       Like, what inspired the four of you to start the  
21       club?

22                  A.     So I -- I volunteer at a pregnancy  
23       help centre.

24       72           Q.     Okay.

25                  A.     And so the -- the point of how

1 common abortion is among university- and  
2 college-age students was always, you know, quite  
3 relevant with -- with the new clients from that age  
4 group.

5 And so I thought it was an important  
6 club to have on campus since I had noticed that  
7 there was no discussion during my first year.  
8 There was really -- the issue of abortion wasn't  
9 present and so I felt that, as a student, I should  
10 bring that to my school.

11 73 Q. Okay. Is it fair to say that it  
12 was -- you were the kind of leader--

13 A. Mm-hmm.

14 74 Q. --of getting the group going?

15 A. Yes.

16 75 Q. Okay. So Speak for the Weak  
17 didn't exist really until the summer of 2015?

18 A. '15, yes.

19 76 Q. Okay. And did you undertake any  
20 activities as a group at that time, other than  
21 preparing the ratification package?

22 A. No.

23 77 Q. Okay. So how did you start, then,  
24 getting the requisite members for the ratification  
25 package?

1                   A.    So I believe I advertised on  
2                   various groups by posting just a status, saying,  
3                   you know, 'If you're pro-life, you would like to  
4                   get involved, you would like to learn more about  
5                   these issues, message me. We would like to get a  
6                   club going.'

7                   And people messaged me and I reached  
8                   out to some people who I knew were students at the  
9                   institutions and may be interested. And those who  
10                  agreed to join gave me their information, and then  
11                  I recorded it for the application.

12       78                  Q.    Was that all through Facebook,  
13                  too?

14                  A.    Primarily through Facebook,--

15       79                  Q.    What other--

16                  A.    --yes.

17       80                  Q.    --mechanisms or -- or --

18                  A.    Mm-hmm.

19       81                  Q.    Was it all social media?

20                  A.    Primarily.

21                  Some -- some of my friends I knew from  
22                  high school also went to those institutions. I  
23                  texted them; things like that.

24       82                  Q.    And what groups, do you remember,  
25                  you posted on?



1                   A.    The Catholic Student Association,  
2                   their Facebook page. I believe Campus Church, as  
3                   well.

4   83               Q.    Those are both campus clubs,  
5                   right?

6                   A.    Yes.

7   84               Q.    Okay. And do you remember; how  
8                   many members did you have to have to be able to--

9                   A.    Mm-hmm.

10   85              Q.    --qualify as a potential campus  
11                   club?

12                   A.    We need 10 general members and at  
13                   least four Executives, so 14 minimum.

14   86              Q.    So in your package... I'm just  
15                   looking at your Tab "A".

16                   A.    Yeah.

17   87              Q.    So your members are listed here at  
18                   -- I don't know what page this is. I'm sorry.

19                   It's the last--

20                   A.    Yeah.

21   88              Q.    --page of the -- second-last page.

22                   A.    Second-last, yes.

23   89              Q.    Okay. Are those 10 individuals  
24                   still members of Speak for the Weak?

25                   A.    Yes, they are. Actually, if --

1       sorry. If I could make a correction to a previous  
2       statement I made.

3               Charmaine Mascarin (ph) has -- is not  
4       an Executive, but she's no longer a member as she's  
5       -- she's left school for the year due to health  
6       reasons.

7       90               Q.     Oh, okay.

8               A.     Yeah. But everyone else is still  
9       a member.

10      91              Q.     Okay. Including the Executives?

11             A.     Mm-hmm.

12             ---(Court reporter appeals.)

13             BY MS. SANCHE:

14      92              Q.     That's a 'yes', right?

15             A.     Yes. Sorry.

16      93              Q.     See? I knew we'd trick you.

17             Okay. Sorry. I think -- I don't know  
18       if I... I think I asked this, but I might have  
19       moved on. I asked you questions...

20             So was Speak for the Weak active that  
21       summer prior to ratification? Did it have any  
22       activities?

23             A.     No.

24      94              Q.     Okay.

25             Okay. So before you prepared the

1           ratification package, did you review the policies  
2           and procedures for campus clubs as well as--

3                   A.    Mm-hmm.

4    95           Q.    --the financial procedures?

5                   A.    Yes, I did.

6    96           Q.    Were you aware of them prior?  Had  
7           you looked at them before?

8                   A.    Before deciding to start a club?

9    97           Q.    Yes.

10                  A.    No.

11   98           Q.    Okay.  Did you go online on the SA  
12           website to find them?

13                  A.    Yes.

14   99           Q.    Did you review any examples of a  
15           ratification package before you prepared yours?

16                  A.    No.  There were none available on  
17           the website.

18   100          Q.    Okay.  And you didn't ask Catholic  
19           students or campus club for an example?

20                  A.    No.

21   101          Q.    Did you e-mail the Clubs and  
22           Society Coordinator to ask any questions before --

23                  A.    Yes.  So I --

24   102          Q.    Sorry.  ...before you sent in the  
25           package?

1 A. Yes.

2 103 Q. Okay.

3 A. I sent an e-mail asking about  
4 constitutions and 'cause the website had listed  
5 that there was a template available, somewhere on  
6 the website, so but I couldn't find it. So I asked  
7 -- asked her for a template of the constitution and  
8 she sent me one.

9 104 Q. Okay. And was that Chantal at the  
10 time, Chantal James?

11 A. I'm not sure.

12 105 Q. Okay. Do you still have those  
13 e-mails?

14 A. The first e-mail I sent was from  
15 my personal account. It was before we created the  
16 club account, so it's probably somewhere on there.

17 106 Q. Okay. Well, if you can find it, I  
18 would like to see a copy, and her response.

19 A. Would you like that right now?

20 107 Q. No.

21 A. Okay.

22 108 Q. No. Your lawyer can send it to  
23 me--

24 U/T A. Okay. Sure.

25 109 Q. --later.

1                   Did you -- since I -- well, I'll ask if  
2                   you can remember.

3                   You may not remember, which is okay.  
4                   If you don't remember, I can --

5                   A.    Yeah.

6   110            Q.    -- I can ask your lawyer to ask  
7                   you later--

8                   A.    Mm-hmm.

9   111            Q.    --or something like that.

10                  But do you remember -- so you sent it  
11                  from your personal account.

12                  Did you identify why you wanted the  
13                  constitution?

14                  A.    I called them, actually.  So --

15   112            Q.    You called.

16                  A.    -- I did tell them that I was  
17                  interested in starting a club and that I am -- I  
18                  would like to see, like, a template for the  
19                  constitution to help us make one.

20   113            Q.    Okay.  Understood.

21                  Did you identify the nature of the club  
22                  at the time?

23                  A.    I believe in the call, I said a  
24                  club to provide support to students facing crisis  
25                  pregnancy; along the lines of that.

1 114 Q. Okay. And you don't remember who  
2 you talked to? It was--

3 A. No.

4 115 Q. --the coordinator?

5 A. It was -- it was a woman.

6 I think I called the SA, just the SA's  
7 main line. And so that could have been the  
8 receptionist or it could have been the coordinator.  
9 I'm not sure. It could have been Amy Blais, as  
10 well, but I can't remember.

11 116 Q. Someone at the SA?

12 A. Yeah, yeah.

13 117 Q. Okay.

14 A. Mm-hmm.

15 118 Q. Did you take notes during that  
16 call?

17 A. No. It was relatively  
18 straightforward, just asking for the constitution.

19 119 Q. Okay. So you put the package  
20 together and you submitted it personally, right?

21 A. Yes.

22 120 Q. Now, you said that your... If  
23 there was an initial e-mail from you -- it sounded  
24 like maybe you made a call to--

25 A. Mm-hmm.

1       121               Q.    --the SA as opposed to e-mail,  
2       but--

3                       A.    Yes.

4       122               Q.    --the e-mail that they would have  
5       sent the draft constitution to; that was your  
6       personal e-mail?

7                       A.    Yes.

8       123               Q.    Okay.  So when did you create a  
9       Speak for the Weak e-mail?

10                      A.    Very shortly before sending in the  
11       application, for the purposes of the application.

12       124               Q.    Did you have to have a Speak for  
13       the Weak e-mail to make the application?

14                      A.    I believe it was mandatory, yes.

15       125               Q.    Okay.  And it was a Gmail account,  
16       right?

17                      A.    Yes.  Sftw.uoit.dc@gmail.

18                      ---(Court reporter appeals.)

19                      THE WITNESS:  Sorry.

20       Sftw.uoit.dc@gmail.com.

21                      BY MS. SANCHE:

22       126               Q.    Do you still use that e-mail  
23       account for Speak for the Weak?

24                      A.    Yes.

25       127               Q.    Are there any others or there's

1 just the one general?

2 A. Just the one.

3 128 Q. What were the other requirements  
4 to be ratified? We know that you had to have ten  
5 members and four--

6 A. Mm-hmm.

7 129 Q. --Executives.

8 A. Yes.

9 130 Q. You had to have an e-mail account.

10 A. Yes.

11 131 Q. What else was there?

12 A. On top of that, you needed a...,  
13 three signing members, so we had to designate three  
14 members as signing members; a primary contact.

15 I believe that was it for ratification.

16 132 Q. And were you the primary contact?

17 A. Yes.

18 133 Q. I take it, however, that you won't  
19 disagree that the policies and procedures are what  
20 they are?

21 A. Yes, of course. Yeah.

22 134 Q. So -- and I know your -- I'm just  
23 asking your recollection.

24 A. Mm-hmm.

25 135 Q. But... So that they would



1           govern--

2                   A.    Mm-hmm.

3    136           Q.    --the ratification--

4                   A.    Yes.

5    137           Q.    --process?

6                   A.    Yes.

7    138           Q.    Okay.  And I can take you to  
8           those,--

9                   A.    Mm-hmm.

10   139           Q.    --but we will do it in a second.

11                   A.    Sure.

12   140           Q.    Give me one sec.

13                   Okay.  So you submitted it, I think you  
14           swore, it was on August 19th?

15                   A.    Yes.

16   141           Q.    Okay.  So it also suggests, you  
17           had to pick a category that best described the  
18           group, as well, right?

19                   A.    Mm-hmm.  Yes.

20   142           Q.    And you have chosen social  
21           justice, advocacy and political?

22                   A.    Yes.

23   143           Q.    Okay.  You also included a Twitter  
24           link and a Facebook link as at August 19th, 2015.

25                   So had you--

1 A. Yes.

2 144 Q. --started a Twitter account and  
3 Facebook page?

4 A. Yes.

5 145 Q. Do you know the first date that  
6 either existed?

7 A. No, not exactly. It was shortly  
8 before sending in the application, also.

9 146 Q. Can you check on the accounts?  
10 Would it tell you when they were started?

11 A. I believe Twitter says something  
12 like, 'On Twitter since month,' and then, 'Year.'

13 147 Q. Oh, okay.

14 A. Something like that. It will  
15 probably be August 2015.

16 I'm not sure about Facebook, though.

17 148 Q. Okay. Well, if you can check and  
18 let me know?

19 A. Mm-hmm.

20 --- (Court reporter appeals.)

21 U/T THE WITNESS: Yes. Sorry.

22 BY MS. SANCHE:

23 149 Q. It's unnatural,--

24 A. Yeah.

25 150 Q. --I know.

1                   Okay. So you submit the package by  
2                   e-mail on August 19th, 2015.

3                   And is it fair to say that you knew  
4                   that it could be accepted or denied, based on what  
5                   you submitted?

6                   A. Yes.

7                   151           Q. So you understood that you would  
8                   hear back within 10 days, but that -- as to the  
9                   status. Is that right?

10                  A. Mm-hmm.

11                  ---(Court reporter appeals.)

12                  THE WITNESS: Yes.

13                  BY MS. SANCHE:

14                  152           Q. I know, right. It's so... It's  
15                  hard to get used to.

16                               And that the status could be, 'Okay,  
17                               you're ratified,' or, 'No, you're not'?

18                  A. Yes.

19                  153           Q. Okay. So you understood that it  
20                  was a decision made be based on the package that  
21                  was submitted?

22                  A. Yes.

23                  154           Q. Okay. And did you also understand  
24                  that it was the Clubs and Society Coordinator who  
25                  ultimately could make that decision--

1 A. Yes.

2 155 Q. --at that stage? That's a 'yes'?

3 A. Yes, yes.

4 156 Q. See, we talk over. It's just --

5 A. Yeah.

6 157 Q. It's because we're having a  
7 conversation, it's hard.

8 Okay. So you did hear from them within  
9 10 days, right?

10 A. Yes. August 25th.

11 158 Q. Okay. And you got an e-mail from  
12 Amy Blais, B-l-a-i-s, right?

13 A. Yes.

14 159 Q. And she's the Administrative  
15 Assistant for the Clubs and Societies...?

16 A. Coordinator, yeah.

17 160 Q. Coordinator. Let me look at her  
18 exact title. There are a lot of layers.

19 So she's Administrative Assistant for  
20 Clubs and Societies?

21 A. Mm-hmm. Yes.

22 161 Q. Okay. And we've got her e-mail at  
23 Tab "B". I'm sure you're familiar with it.

24 A. This is our first e-mail, yes.

25 162 Q. Yes, yeah.

1                   So she writes on August 25th and says  
2           that:

3                   "The SA Executive Team would  
4           like to schedule an in-person  
5           meeting next week, to sit down and  
6           review the package in more detail  
7           with you due to the sensitive nature  
8           of the subject matter being  
9           addressed." [As read.]

10           Right?

11           A.    Yes.

12   163           Q.    I guess the e-mail is what it is,  
13           but...

14                   So then she asks Speak for the Weak,  
15           she has written to your e-mail account that you  
16           identified at Gmail. She has asked you for dates  
17           that you would like to meet to have this meeting.

18                   Is that fair?

19           A.    Yes.

20   164           Q.    Okay. So it was up to you guys to  
21           give some dates that were suitable for you?

22           A.    Yes.

23   165           Q.    And those dates could have been as  
24           far out as you were able to coordinate?

25           A.    Well, she did ask us for next

1 week.

2 166 Q. For the next week --

3 A. "...available next week..."

4 167 Q. So some time... I guess it's --  
5 the 25th is a Tuesday. So some time from Monday to  
6 Friday the following week?

7 A. Yes.

8 168 Q. Yeah. Okay.

9 So then you respond. Is it you  
10 responding?

11 A. Yes. That's me.

12 169 Q. Okay. Oh. There you are. Does  
13 anyone else have access to that e-mail account?

14 A. No.

15 170 Q. Okay. So you respond shortly  
16 thereafter, same day, and you suggest the following  
17 Friday or the Thursday after that?

18 A. Yes.

19 171 Q. So then, the Thursday, September  
20 3rd would be... Oh, no. I lied.

21 It's the next Thursday, right?

22 A. Yes.

23 172 Q. Let's go back. Let's clarify.

24 So the e-mail is on Tuesday and your  
25 say, 'We are available this Friday--'

1 A. Yes.

2 173 Q. '--or next Thursday'?

3 A. Yes.

4 174 Q. Okay. Then she responds 20  
5 minutes later on August 25th, and schedules the  
6 meeting for September 3rd?

7 A. Yes.

8 175 Q. Okay. So based on your  
9 availability then, you have set up this meeting for  
10 the following Thursday?

11 A. Yes.

12 176 Q. Okay. So you knew that this  
13 meeting, it was going to be in person, right?

14 A. Yes.

15 177 Q. And they have identified where  
16 it's going to be. I think later, there's an  
17 e-mail, right?

18 A. Yeah. In a later e-mail, they  
19 did.

20 178 Q. The next day, she clarifies--

21 A. Yes.

22 179 Q. --it's going to in Room B138--

23 A. Yes.

24 180 Q. --in the Gordon --

25 --- (Court reporter appeals.)

1 BY MS. SANCHE:

2 181 Q. B, as in Bravo, 138, in the Gordon  
3 Wiley, W-i-l-e-y, Building.

4 Is that in Durham Campus.

5 A. That's Durham College, yes.

6 182 Q. Okay. So it was going to be in  
7 person.

8 Did you know who comprised the SA  
9 Executive?

10 A. I don't believe I knew every  
11 single person on the Executive at the time, but I  
12 was aware that Jesse Cullen was the president.

13 183 Q. Okay.

14 A. Yes.

15 184 Q. Did you know the -- less the  
16 people, but the positions that formed the  
17 Executive, or you didn't know at the time?

18 It's okay if you didn't --

19 A. I don't believe I knew every  
20 single one.

21 185 Q. Okay.

22 A. Yeah.

23 186 Q. But you knew the president was  
24 going to be there?

25 A. Yes.



1 187 Q. Okay.

2 A. Well, I didn't know. I assumed--

3 188 Q. That's fair.

4 A. --the president would be there.

5 189 Q. Okay. That's fair enough.

6 And, I mean, on the e-mail, there were  
7 various people copied on the e-mail, so--

8 A. Yes.

9 190 Q. --is it fair you might have  
10 assumed that some of them would --

11 A. Yes.

12 191 Q. And that was the SA VP?

13 A. Mm-hmm. Yes.

14 192 Q. The SA President, the SA VP  
15 Equity, and Chantal James who I think -- do you  
16 recall, she was the CS Coordinator?

17 A. Yes.

18 193 Q. I say "CS" and I hope that's  
19 right, but the Clubs and Societies?

20 A. Yeah. Clubs and Societies, yes.

21 194 Q. Okay. So you knew, as well, I --  
22 at the time, that the meeting was going to be to  
23 discuss the ratification package for Speak for the  
24 Weak?

25 A. Yes.

1       195               Q.    You knew that there was going to  
2       be a review in some -- of some detail of the  
3       package.  Is that fair?

4                       A.    Yes.

5       196               Q.    And you understood you would be  
6       able to speak at the meeting?

7                       A.    Yes.

8       197               Q.    And ask questions, if you had any?

9                       A.    Yes.

10      198               Q.    And make comments, if you had any  
11      comments?

12                      A.    Yes.

13      199               Q.    Okay.  And --

14                      A.    And address any concerns--

15      200               Q.    Address concerns.

16                      A.    --of the SA's.

17      201               Q.    Okay.  So you --

18                      ---(Court reporter appeals.)

19                      THE WITNESS:  Address any of the SA's  
20      concerns.

21                      BY MS. SANCHE:

22      202               Q.    So you would be able to -- I use  
23      the term "make submissions" because I'm a lawyer,  
24      but--

25                      A.    Yes.

1           203           Q.    --I don't know if that's a fair  
2           term.

3                   But you could make submissions to the  
4           Executive about the package.

5                   A.    Mm-hmm.  Yes.  Verbal submissions,  
6           not...  We didn't expect to prepare anything in  
7           writing.

8           204           Q.    Do you think you could have, if  
9           you wanted to?

10                   A.    We hadn't been given anything to  
11           write about.  They said "further detail" and so  
12           there was a lot of detail, really, we could have  
13           gone into, but we didn't know what their concerns  
14           were.

15           205           Q.    Okay.  And you didn't ask them in  
16           advance if there was anything specific they wanted  
17           to address?

18                   A.    No, we didn't.  They -- they...  
19           In the e-mail, it was quite broad.

20           206           Q.    Okay.  Although in her e-mail, Amy  
21           did say that she:

22                           "...would be happy to  
23                           facilitate planning this meeting and  
24                           please let me know if you have any  
25                           questions or concerns..."

1 A. Mm-hmm. Yeah.

2 207 Q. So you didn't have any questions  
3 or concerns?

4 A. No.

5 208 Q. Okay. And you didn't need her  
6 help in planning what might be discussed?

7 A. Well, I assumed her planning  
8 wouldn't extend further than booking space and  
9 time.

10 209 Q. Well, you didn't know, right?  
11 That was --

12 A. Right.

13 210 Q. You just assumed that?

14 A. I assumed.

15 211 Q. Okay. Okay.

16 And you understood that the meeting  
17 itself would have some impact on the ratification  
18 process?

19 A. Yes.

20 212 Q. But it's also fair to say, from  
21 what you said earlier, that considering that the  
22 ratification package was submitted by e-mail and  
23 could be approved or denied by e-mail, it might  
24 have already been approved or denied?

25 A. Well, I don't understand exactly.

1           213           Q.    When you told me earlier that the  
2                    procedure was, you submitted the ratification  
3                    package by e-mail and you would hear within 10  
4                    days--

5                    A.    Yes.

6           214           Q.    --the status?

7                    A.    Yes.

8           215           Q.    And status could be approved or  
9                    denied?

10                   A.    Mm-hmm.   Yes.

11          216           Q.    I guess presumably there might be  
12                    other statuses, but those are two possible  
13                    outcomes?

14                   A.    Yes.

15          217           Q.    Okay.   So isn't it fair to say  
16                    that by this time - it was more than 10 days later  
17                    - you might -- the decision might have already been  
18                    made to approve or deny?

19                   A.    On the 25th?

20          218           Q.    Or prior to that?

21                    A.    You said "more than 10 days  
22                    later".

23          219           Q.    Well, I understood, so we agreed  
24                    that the procedure was, you submitted the package--

25                    A.    Yes.

1           220           Q.    --by e-mail?

2                    A.    Mm-hmm.

3           221           Q.    And that you would hear within 10  
4           days about the status?

5                    A.    Yes.

6           222           Q.    The status could be many things.  
7           Status could be approved, right?

8                    A.    Right.

9           223           Q.    Status could be denied?

10                   A.    Right.

11           224           Q.    I guess status could be... I  
12           can't possibly fathom the number of options.

13                   A.    Yes, yes.

14           225           Q.    But those are certainly two that  
15           could have been, and that you were aware might have  
16           been the outcome after having submitted your  
17           package by e-mail?

18                   A.    Yes.

19           226           Q.    Okay. So what I'm saying is that  
20           at the time, those were two possible outcomes that  
21           might have happened within 10 days?

22                   A.    Yes.

23           227           Q.    Okay.

24                   MR. MOORE: Sorry. Can I just clarify  
25           that? What time are you talking about, "at the

1 time"?

2 MS. SANCHE: Well, within 10 days of...  
3 August 19th to the 29th, there were 10 days in  
4 which he was going to going to hear a reply about  
5 status.

6 Status could be many things. That's  
7 what we're saying.

8 MR. MOORE: Okay.

9 MS. SANCHE: That's what I'm  
10 suggesting.

11 BY MS. SANCHE:

12 228 Q. Okay. So you had several days'  
13 notice. What did we say? It was September 3rd was  
14 the meeting, right? Am I making that up?

15 A. No. September 3rd was the  
16 meeting, yes.

17 229 Q. September 3rd, okay. Yes. I will  
18 look at your notes.

19 All right. So between the e-mails on  
20 August 25th, 26th, to September 3rd, did you have  
21 any communications with The Student Association?

22 A. August --

23 230 Q. So there's the e-mails at Tab "B"  
24 of your Affidavit, right?

25 A. Yes. Yeah. I don't believe we

1 had any communications with them beyond that.

2 231 Q. Okay. And in the meantime, was  
3 Speak for the Weak doing anything?

4 A. So we were discussing what -- you  
5 know, what may come up, how we should -- what we  
6 should be prepared to discuss and any concerns the  
7 SA may have, and how we would like to address those  
8 if they were brought up.

9 232 Q. What was Speak for the Weak's  
10 thinking about that? What did you think might be a  
11 concern?

12 A. We thought they might be concerned  
13 about us presenting graphic images on campus, which  
14 we had agreed, as an Executive, we would not be  
15 pursuing that academic year, and we would -- we  
16 would explain that to them.

17 I believe that was the main thing we  
18 thought they would be concerned about because  
19 that's received high-profile attention in the past.

20 I can't recall exactly what the other  
21 concerns might have been.

22 233 Q. Did you meet in person to discuss  
23 these issues?

24 A. No.

25 234 Q. Was it all by Facebook again?



1 A. Yes.

2 235 Q. Okay. Or presumably texting and  
3 other stuff?

4 A. No. I believe my -- my Exec at  
5 the time and I just communicated over Facebook.

6 236 Q. On Facebook messaging, right?

7 A. Yes.

8 237 Q. So not publicly on the...?

9 A. No.

10 238 Q. Okay.

11 A. No. Private messages.

12 239 Q. Okay. And those were through your  
13 personal accounts and not through Speak for the  
14 Weak's?

15 A. Yes.

16 240 Q. Okay. Did you consult with anyone  
17 else prior to the September 3rd meeting?

18 A. Yes, I did.

19 241 Q. Who did you consult with?

20 A. Clarissa Canaria from the National  
21 Campus Life Network. And they help clubs, pro-life  
22 clubs set up and run their club.

23 242 Q. Sorry. National...?

24 A. National Campus Life Network.

25 243 Q. Okay.

1 A. But it's usually abbreviated to  
2 "NCLN".

3 244 Q. NCLN. Okay.

4 A. Yes.

5 245 Q. We've got a lot of acronyms in  
6 this,--

7 A. Yeah.

8 246 Q. --too, don't we?

9 And what was her name; Clarissa...?

10 Clarissa Canaria, so it's

11 C-l-a-r-i-s-s-a.

12 247 Q. Yeah?

13 A. C-a-n-a-r-i-a, Canaria.

14 248 Q. Okay.

15 A. Sorry. C- --

16 249 Q. No. It's me. I looked at it and  
17 it looks funny. Canaria. I missed a letter.  
18 Okay.

19 A. Mm-hmm.

20 250 Q. And what kind of help do they  
21 provide?

22 A. So they just, you know, walk you  
23 through the club application process for new clubs,  
24 what -- what will be expected of you when you are  
25 running a club; things like that.

1                   They help prepare you for running a  
2                   club and they also give you ideas for events. And  
3                   they have, like, a section on their website with  
4                   points of ways to prepare for events and things  
5                   like that.

6       251                   Q.     Do they provide funding?

7                   A.     No, they don't.

8       252                   Q.     Is Clarissa a student at Durham  
9                   College?

10                   MR. MOORE: Just how is this relevant?

11                   MS. SANCHE: Well, I'm just wondering,  
12                   in the preparation for the meeting, you know, the  
13                   other entities that were providing assistance, and  
14                   in any of that would be relevant to the  
15                   ratification package and to the meeting that  
16                   occurred on September 3rd.

17                   MR. MOORE: I don't see how Clarissa is  
18                   relevant.

19                   MS. SANCHE: Okay. Well, she also  
20                   provided information about a club application  
21                   process, so I'm just wondering if she knew about  
22                   how to apply at Durham College and the process  
23                   there.

24                   MR. MOORE: Okay. I guess you can ask  
25                   questions about that.

1 MS. SANCHE: Okay. So -- well, that's  
2 why I wanted to know if she was a student, but I  
3 won't -- you can't answer that.

4 BY MS. SANCHE:

5 253 Q. So did you give Clarissa the  
6 policies and procedures from Durham College?

7 A. Yes.

8 254 Q. Okay.

9 A. So I linked to the SA's website  
10 where the policies could be found, and she reviewed  
11 them.

12 255 Q. Gotcha.

13 Did you send her the general bylaw, as  
14 well?

15 A. Yes, I did.

16 256 Q. Oh, okay. Did you discuss the  
17 general bylaw with her and its application to  
18 campus clubs?

19 A. I think our discussions were  
20 mainly about the application process, which is in  
21 the Club's procedures and policy.

22 257 Q. Okay. And that was after you had  
23 already sent in the package, right?

24 A. No. She... Prior to that,--

25 258 Q. Oh.

1                   A.    --throughout the summer, she was  
2                   helping me put together the application.

3   259            Q.    Understood.  So in addition to the  
4                   Executives, Clarissa was also a...  I'm sorry.  
5                   ...someone you brainstormed with about the  
6                   ratification package?

7                   A.    Yes.

8   260            Q.    Okay.  Understood.  But you also  
9                   talked to her, you said, between the August 25, 26  
10                  day and September 3rd meeting?

11                  A.    Yes.

12   261            Q.    Okay.  Anyone else?

13                  A.    No, not that I can recall.

14   262            Q.    You told me the Executives, as  
15                  well.  You talked--

16                  A.    Yes.

17   263            Q.    --to them?

18                  A.    Well, anyone beyond --

19   264            Q.    Yeah.

20                  A.    -- beyond the people I have  
21                  already mentioned.

22   265            Q.    Okay.  Did you discuss the  
23                  possibility that you would be denied ratification?

24                  A.    Yes, I believe we did.

25   266            Q.    In thinking about that or in

1 discussing it, did you talk about the  
2 anti-oppression part of the bylaw that -- or  
3 decolonization part that might apply to the Speak  
4 for the Weak?

5 A. So I can't recall exactly what was  
6 said when we discussed that, but it wasn't so much  
7 a discussion of what or why we might be denied.

8 It was more along the lines of, 'This  
9 meeting could result in denial, but let's focus on  
10 addressing their concerns.'

11 267 Q. Okay. And you already told me  
12 that the major one that you remember was the  
13 images -- concerning images?

14 A. Yes, yes.

15 268 Q. I didn't see that in your  
16 ratification package, though. Was that something  
17 that you had included in there?

18 A. No.

19 269 Q. Okay.

20 A. There was no imagery or anything  
21 like that in our proposed events.

22 270 Q. Okay. So September meeting, you  
23 attend. And you have got in your Affidavit, a list  
24 of who was there.

25 So on behalf of--

1 A. Yes.

2 271 Q. --Speak for the Weak, it was  
3 Mr. Kelly and Ms. Francis?

4 A. Yes.

5 272 Q. And they were both Executives,  
6 right?

7 A. Yes.

8 273 Q. Or they still are, as well. It's  
9 at Paragraph 12 of your Affidavit.

10 A. Yeah.

11 274 Q. And then, you have also provided  
12 today, a Supplementary Affidavit that includes  
13 typewritten notes presumably with respect to that  
14 meeting, as well.

15 Is that right?

16 A. Yes.

17 275 Q. Okay. So the meeting started at  
18 eleven o'clock. Is that right?

19 A. Yes.

20 276 Q. Just -- just want to double-check.  
21 So did you type these notes out? I'm  
22 looking at your Supplementary Affidavit.

23 A. Yes. Yes, I did.

24 277 Q. Okay. Were they based on  
25 handwritten notes?

1 A. No. They were based on memory.

2 278 Q. On memory.

3 A. Yes.

4 279 Q. Okay. Did anyone take notes  
5 during the meeting?

6 A. Anyone at all present?

7 280 Q. I guess just on behalf -- anyone  
8 on behalf of Speak for the Weak take handwritten  
9 notes?

10 A. No, not that I can recall.

11 281 Q. And when did you type out these  
12 notes?

13 A. Some time between -- somewhere in  
14 my Affidavit there. Some time between the 8th and  
15 the 28th of September.

16 282 Q. So a full 20 days?

17 A. Well, the reason I choose those  
18 two dates for the Affidavit is because on the 8th,  
19 I received the list of who was present. And I  
20 didn't type it before I knew who was present for  
21 sure, so I could put the names in there.

22 And then, on the 28th is when we --  
23 when I asked for the letter which I received on  
24 October 6th.

25 But I did begin writing this closer to



1 the 8th.

2 283 Q. But it could have been at any time  
3 over those 20 days where you tweaked it or added  
4 stuff as you remembered it?

5 A. As I remembered it, yes.

6 284 Q. Okay. But it's possible that the  
7 latest you contributed to the notes, the  
8 typewritten notes was 25 days after the meeting?

9 A. That would be highly unlikely, but  
10 I didn't want to swear an Affidavit saying I did  
11 something at a time when I wasn't sure that I did.

12 285 Q. You typed this in Word?

13 A. Pages.

14 286 Q. Okay. You said on the 8th, you  
15 received a list of who was present.

16 From whom did you receive the list?

17 A. It's not in the correspondence. I  
18 believe it was Amy Blais again.

19 287 Q. Okay. I would look to see a copy  
20 of that e-mail.

21 U/T A. Yes.

22 288 Q. Okay. So you write that it  
23 started at 11:00 a.m. and you say that it lasted 15  
24 minutes?

25 A. Approximately 15 minutes.

1           289           Q.     Just doesn't seem like a lot of  
2           typing for 15 minutes of a meeting.

3           A.     Well, I didn't -- I didn't have a  
4           word-for-word script.

5           290           Q.     So there's stuff that's missing?

6           A.     No. There's stuff that could be  
7           further elaborated on.

8           291           Q.     So there may be things that were  
9           discussed that aren't in your notes?

10          A.     No. This is a general summary.  
11          If you would like me to elaborate, I would be happy  
12          to, but this is what happened at the meeting.

13          292           Q.     Okay. Well, I am going to ask you  
14          to elaborate, but you know,--

15          A.     Yes.

16          293           Q.     --today, for instance, we have a  
17          woman who is taking verbatim transcripts.

18          A.     Yes.

19          294           Q.     So this is not a verbatim  
20          transcript?

21          A.     No, it's not.

22          295           Q.     So it's possible that things might  
23          be missing?

24          A.     From -- from this. But they can  
25          be elaborated on.

1           296           Q.    That's fair.  But I'm just talking  
2           about the notes.

3           A.    Yes, yes.

4           297           Q.    So there may be words that were  
5           said, statements that were made that are not  
6           included in these minutes?

7           A.    Yes.

8           298           Q.    Because it's a summary?

9           A.    Yes.

10          299           Q.    And it's your summary?

11          A.    Yes.

12          300           Q.    Okay.  Did you have anyone else's  
13          input when you prepared this, other than Amy giving  
14          you the list of who was there?

15          A.    I believe I asked the Executives  
16          who were present if they could recall anything or  
17          add -- add to what I had written.

18          301           Q.    How did you ask them; by e-mail  
19          or...?

20          A.    I believe it was over Facebook  
21          Messenger again.

22          302           Q.    Okay.  Do you know if any of them  
23          had anything to add?

24          A.    I believe William--

25          303           Q.    Okay.  What did William--

1 A. --did.

2 304 Q. --want to you ask?

3 A. I can't recall exactly what it  
4 was, but I did -- I believe he had a few points  
5 that I had missed.

6 305 Q. And you included those points in  
7 here?

8 A. Yes.

9 306 Q. Did you happen to review the  
10 Affidavit of Jesse Cullen and his recollection of  
11 the events of September 3rd?

12 A. Yes, I did.

13 307 Q. Okay. Is it fair to say that he  
14 remembers things being said that aren't included in  
15 these minutes?

16 A. It's fair to say that he swore to  
17 things that were said that I didn't include in  
18 these minutes.

19 308 Q. Okay. So if none of you or  
20 Mr. Kelly or Ms. Francis were taking notes, was  
21 anyone else taking notes?

22 A. I believe Ms. Selvasivam--

23 309 Q. Okay.

24 A. --was taking notes. I saw her  
25 writing in a notebook throughout the meeting.

1           310           Q.     Okay.   So the meeting was about  
2           the Speak for the Weak ratification package, right?

3           A.     Yes.

4           311           Q.     And you had understood that that,  
5           in fact, was what the meeting was going to be  
6           about, right?

7           A.     About ratification of Speak for  
8           the Weak, yes.

9           312           Q.     About the ratification package,  
10          yes.   Okay.

11                    Okay.   All right.   So during the  
12          meeting, based on your notes at least, it appears  
13          that you and the other Executives asked some  
14          questions and made some comments about the  
15          ratification package.   Is that fair?

16          A.     Where exactly?

17          313           Q.     Well, for instance, Ms. Francis,  
18          on the second page, explained your position in more  
19          depth, your opinions of abortion, why it should be  
20          limited, why it's important to have an organization  
21          like that on the campus?

22          A.     Yes.

23          314           Q.     Okay.   And that in response to  
24          those comments at least, Ms. Selvasivam, who is the  
25          Manager of Outreach Services, stated that outreach

1 services provided some of those services already.  
2 Is that right?

3 A. She stated that they provide  
4 counselling services to women who are pregnant, to  
5 the students who are facing unplanned pregnancies.

6 315 Q. Which was something that Speak for  
7 the Weak also intended to do?

8 A. Well, not necessarily counselling,  
9 but referral certainly to the Outreach Centre or to  
10 other organizations in the community.

11 316 Q. Did you tell the SA Executive that  
12 at that meeting?

13 A. I can't recall if I stated that  
14 exactly.

15 We said we would support -- provide  
16 support for students planning unplanned  
17 pregnancies.

18 317 Q. Which is why she said, 'Well,  
19 Outreach Services already does that'?

20 A. Right.

21 318 Q. Okay.

22 A. Well, actually, I believe, if my  
23 memory serves correctly then, that I questioned why  
24 they were permitted to exist on campus as a  
25 pro-abortion organization.

1                   And that resulted in her saying that  
2                   they exist to provide services to all women.

3                   It wasn't in response to what Speak for  
4                   the Weak planned to provide.

5       319           Q.    Oh, okay.   I guess, just what's  
6                   written here, it seems to be contemporaneous with  
7                   what Ms. Francis was saying, explaining the  
8                   position in more depth.

9                   Do you recall what she said "in more  
10                  depth"? I'm just quoting you; what she said  
11                  exactly?

12                  A.    Yes.   Right.   So she -- she was  
13                  saying -- she was explaining our pro-life position,  
14                  obviously, why -- how we believe it's wrong to kill  
15                  other human beings for any reason, and how she  
16                  thinks it's important to have pro-life services on  
17                  campus to help women choose life, right, to help  
18                  students realize that they have that option and  
19                  they have supports in the community through  
20                  pregnancy help centres and child -- the UOIT  
21                  childcare program and all those things.

22       320           Q.    Was it Speak for the Weak's  
23                   understanding that those services weren't provided,  
24                   at all, by Outreach or any other SA organization?

25                  A.    No.   No.   We would just,--

1 321 Q. Oh.

2 A. --you know, reiterate those  
3 services to --

4 322 Q. So you -- sorry. I cut you off.

5 A. Yeah. No. That's okay.

6 323 Q. So you weren't saying that they  
7 weren't provided, but just that you would also  
8 provide --

9 A. No. The Childcare Centre is run  
10 by UOIT or Durham College, I believe. It could  
11 just be UOIT. So the university does provide those  
12 services.

13 We would be making them more known in  
14 the community because we felt that the... They  
15 weren't -- they weren't known of.

16 324 Q. Do you know whether Outreach  
17 Services--

18 A. Mm-hmm.

19 325 Q. --provides referrals to pregnancy  
20 centres?

21 A. I don't know that.

22 326 Q. Okay. Does the Catholic Students  
23 Association on campus provide those kind of  
24 referrals?

25 A. I don't believe the Catholic



1 Student Association deals with pro-life issues, at  
2 all.

3 327 Q. I wasn't asking about pro-life  
4 issues. I was asking about pregnancy centres.

5 A. Right. So even with pregnancy, I  
6 don't believe that they... They don't have too  
7 many resources in the community.

8 328 Q. Okay. So you also -- I mean, you  
9 saw Mr. Cullen's comments about the story that he  
10 told about his mother?

11 A. Yes.

12 329 Q. I'm going to suggest that his  
13 story was actually a pro-life story. It was about  
14 his mother not having an abortion?

15 A. Yes.

16 330 Q. And he was sharing his mother's  
17 story, not his opinion. Is that fair?

18 A. Well, he was sharing a story. To  
19 me, it came across as explaining his personal  
20 opinion of perhaps being pro-life, but not -- but  
21 believing that every woman has the right to make  
22 that choice for herself.

23 That's how I understood the story.

24 331 Q. Okay. Did anyone at the SA  
25 Executive or anyone at the meeting, I suppose, on

1       behalf of the SA ask any -- any specific questions  
2       about the Speak for the Weak?

3                   A.     Just the application package in  
4       general?

5       332           Q.     Yeah.

6                   A.     No.

7       333           Q.     Okay. But in response to their  
8       comments, you spoke, and so did Mr. Cullen and  
9       Ms. Francis, right? Everyone --

10                  A.     Yes.

11       334           Q.     Everyone said something? Okay.  
12                   Is there anything that you recall  
13       specifically, having reviewed these things  
14       recently, that are not in your notes?

15                  A.     No.

16       335           Q.     So this is a full recollection of  
17       what occurred?

18                  A.     Yes.

19       336           Q.     Okay. And so Mr. Cullen and  
20       Ms. Francis have seen these notes, as well?

21                  A.     I believe they have. I'm not  
22       certain if they have seen the final draft.

23       337           Q.     Okay. Well, I would like to know  
24       if they have any independent recollection of what  
25       might have happened that's not included in this

1 note.

2 A. Okay.

3 MR. MOORE: Neither of those  
4 individuals are parties.

5 MS. SANCHE: No, they're not, but they  
6 were in attendance at the meeting and you are  
7 filing this on behalf of Mr. Naggar, who is one of  
8 the Applicants.

9 MR. MOORE: Right.

10 BY MS. SANCHE:

11 338 Q. So if this is not an accurate  
12 reflection of what occurred, I would like to know.

13 Certainly, you have our submissions on  
14 what occurred, but if there's something in here  
15 that's not been included, I would like to -- I  
16 would like to know what it is.

17 You can refuse. It's fine. I'm just  
18 telling you my position.

19 MR. MOORE: Okay. So I guess I want to  
20 clarify what you're asking.

21 You're asking whether Mr. Naggar is  
22 aware that anything is inaccurate in these notes?

23 BY MS. SANCHE:

24 339 Q. No. I want to know if Mr. Kelly  
25 and Ms. Francis, who were also in attendance, agree

1           that this is an accurate reflection of what  
2           occurred.

3                       MR. MOORE:   And you want that in an  
4           undertaking?

5                       MS. SANCHE:   Yeah.

6                       MR. MOORE:   For Mr. Naggar to contact  
7           them--

8                       MS. SANCHE:   I want him to ask them,  
9           yeah.

10                      MR. MOORE:   --and get back to you with  
11           that?

12                      MS. SANCHE:   Yeah.

13           U/A           MR. MOORE:   Okay.   We will definitely  
14           take that under advisement.

15                      MS. SANCHE:   Okay.

16                      BY MS. SANCHE:

17   340               Q.    Okay.   So Mr. Cullen, in his  
18           Affidavit, I think starting at Paragraph 13, states  
19           that...   I'd like to use the one in Paragraph 13.  
20           I'll get the -- I'll get the paragraph for you.

21                      Starting at Paragraph 42.   Sorry.   It's  
22           your Paragraph 13.   (Coughing.)   Excuse me.

23                      Have you had a chance -- you have read  
24           his Affidavit, right?

25                      A.    Yes, I have.

1           341           Q.     Okay.

2                       A.     This is... This is my Affidavit,  
3           right?

4                       BY MS. SANCHE:

5           342           Q.     Mm-mmm.

6                       MR. MOORE: No.

7                       THE WITNESS: This is Jesse Cullen's.  
8           Sorry.

9                       BY MS. SANCHE:

10          343           Q.     Yeah.

11                       A.     Okay.

12          344           Q.     No, that's right. You're right,  
13          yeah. And it's at top right, page 12 at the top  
14          right.

15                       A.     Okay.

16                       MR. MOORE: Counsel, would it be all  
17          right if we just a bathroom break.

18                       MS. SANCHE: Sure. Of course we can.  
19          Can we go off for a sec?

20                       ---Recess at 11:10 a.m.

21                       ---On resuming at 11:17 a.m.

22                       BY MS. SANCHE:

23          345           Q.     So I think where we are is  
24          Paragraph 42 of Mr. Cullen's Affidavit.

25                       A.     Yes.

1           346           Q.    Okay.  So you reviewed, then, his  
2           paragraphs with respect to what happened at that  
3           meeting?

4                    A.    Yes.

5           347           Q.    And is it fair to say that you  
6           disagree with what he says?

7                    A.    Yes.

8           348           Q.    Okay.  So it's your position,  
9           then, that no one on the SA expressed a concern  
10          with the Campaign for Life Coalition?

11                   A.    Yes.

12          349           Q.    Okay.  And no one cited...  
13          Actually, that's not true.  Sorry.

14                    So when you say that Mr. Cullen cited  
15          the letters patent, you say that he maintained  
16          that...  Something that -- that they state that  
17          abortion is a woman's right?

18                   A.    Yes.  So...

19          350           Q.    Are you looking at your  
20          typewritten notes?

21                   A.    Yeah, if I can.

22          351           Q.    Okay.

23                   A.    It was early -- early in them  
24          somewhere, yes.

25                    "Contrary to The SA's letters

1                   patent which maintain that abortion  
2                   is a woman's right." [As read.]

3       352           Q.     Okay. And Mr. Cullen denies...  
4       Well, he doesn't deny saying that, but he certainly  
5       doesn't say that he said that, right?

6                   A.     I guess not. It's not in his  
7       Affidavit.

8       353           Q.     Okay. But presumably, the letters  
9       patent say what they say?

10                  A.     Well, the letters patent say that  
11       they -- they need to -- their mandate is to create  
12       an anti- -- or, sorry, an oppressive-free  
13       environment --

14                   ---(Court reporter appeals.)

15                  THE WITNESS: Oppressive-free  
16       environment with something about decolonization.

17                  BY MS. SANCHE:

18       354           Q.     Yeah.

19                   A.     That's the sentence that was cited  
20       to us in the letter.

21       355           Q.     In the letter.

22                   A.     Mm-hmm.

23       356           Q.     But, I mean, you include the  
24       letters patent in your..., as an exhibit to your  
25       Affidavit, so...

1                   A.    Yes.  A specific section of the --  
2                   of the letters patent weren't referenced in --  
3                   during the meeting.  They just alluded to the  
4                   letters patent and how it would be contrary.

5                   THE COURT REPORTER:  Sorry.  Can you  
6                   repeat your answer?

7                   THE WITNESS:  Sorry.

8                   THE COURT REPORTER:  Yes.  Just repeat  
9                   it.

10                  THE WITNESS:  Everything I just said?

11                  THE COURT REPORTER:  Yes.

12                  THE WITNESS:  So they -- they didn't --  
13                  during the meeting, the September 3rd meeting, they  
14                  didn't cite a specific point in the letters patent.

15                  They just said it would be contrary to  
16                  the letters patent to ratify a club like Speak for  
17                  the Weak.

18                  And then the October 6th letter is when  
19                  they specified, I believe it was section (g).

20                  BY MS. SANCHE:

21       357           Q.    That sounds right.

22                  A.    Yes.

23       358           Q.    We can look -- we will look at the  
24                  letter.

25                  A.    Sure.



1           359           Q.    So The SA said it would be  
2           contrary to the letters patent to ratify a club  
3           like Speak for the Weak?

4           A.    Yes.

5           360           Q.    Okay.  So is it the case, then,  
6           that he didn't say:

7                       "...contrary to The SA's  
8           letters patent, which maintain that  
9           abortion is a woman's right..."

10          A.    I think he said both of those,  
11          both of those statements.

12          361           Q.    He said both things.  Okay.

13                       So as an example of something that's  
14          not included in here, is him saying that it would  
15          be contrary to the letters patent to ratify Speak  
16          for the Weak?

17          A.    Yes.

18          362           Q.    Okay.

19                       A.    And again, this is my memory of an  
20          event that took place in September 2015.

21          363           Q.    Absolutely.  I --

22                       A.    So what I wrote in the minutes  
23          would be the more accurate statement that I quoted  
24          word for word.

25          364           Q.    Okay.  Well, not word for word

1           because you said it wasn't verbatim.

2                   A.    Well, the statements I have in  
3           parentheses were verbatim unless my memory, you  
4           know, missed a word or two here or there.

5   365           Q.    Okay.  So the stuff in quotes, air  
6           quotes or actual quotes --

7                   A.    Yes.

8   366           Q.    I'm using air quotes in person for  
9           the record,--

10                  A.    Yes.

11   367           Q.    --but for instance:

12                           "Contrary to The SA's letters  
13           patent, which maintain that abortion  
14           a woman's right."

15                  That's a quote?

16                  A.    Yes.

17   368           Q.    But you didn't actually take notes  
18           in the meeting?

19                  A.    No.  But I can remember what he  
20           said.

21   369           Q.    So your memory is that good that  
22           you've put in at least one, two, let's see, three,  
23           four, five, six, seven -- seven or so direct quotes  
24           that were several words long?

25                  A.    Yes.

1           370           Q.    Okay.  So you have an extremely  
2           good memory?

3           A.    I like to think so, yes.

4           371           Q.    Okay.  So you should be able to  
5           remember what happened--

6           A.    Yes.

7           372           Q.    --in September '15, 2015.

8           A.    (Nodding head.)

9           373           Q.    Okay.  So also, you deny, then, at  
10          the meeting on September 3rd, that any comments  
11          were made about Campaign Life Coalition being  
12          unsupportive of LGBTQ community?

13          A.    Yes.

14          374           Q.    Okay.  But when Mr. Cullen says in  
15          Paragraph 43 that:

16                        "Supporting Speak for the Weak  
17                        would be contrary to..."

18          He says:

19                        "...this mandate."

20          A.    Which mandate?  The SA's mandate?

21          375           Q.    Yes.

22          A.    Okay.

23          376           Q.    You know what?  I'm not going to  
24          say that because I don't know.  We will have to get  
25          him to clarify what he said.

1 But he said:

2 "On the basis of the mandate  
3 presented to the Student  
4 Association, the SFTW could not be  
5 ratified." [As read.]

6 But he --

7 A. So our mandate?

8 377 Q. That's right.

9 A. So if you can clarify, you're  
10 saying that -- or he's saying that our mandate,  
11 being our mission statement, is contrary to the  
12 equity mandate of The SA because we support an  
13 organization that is opposed to LGBTQ+, right?

14 378 Q. That's what he says, yes.

15 A. Okay.

16 379 Q. But you say he didn't say any of  
17 that?

18 A. Yes.

19 380 Q. Okay.

20 THE COURT REPORTER: "But you say..."?

21 MS. SANCHE: "...he didn't say any of  
22 that?"

23 THE COURT REPORTER: Thanks.

24 MS. SANCHE: I forget what I said when  
25 I have to repeat it, so hopefully that was right.

1 BY MS. SANCHE:

2 381 Q. He also says at Paragraph 45 that  
3 you asked whether there was an opportunity to  
4 appeal.

5 Was that the case?

6 A. No.

7 382 Q. Okay. And I don't think I said  
8 this. I just want to clarify.

9 So Mr. Cullen never said that The  
10 Student Association was an equity-seeking group  
11 with an anti-oppression mandate?

12 A. He may have said that in the  
13 meeting.

14 383 Q. Okay.

15 You also swear in your Affidavit that  
16 you could not convince The SA otherwise.

17 What did you mean by that? It's at  
18 your Paragraph 16.

19 A. Right. So we -- I directed my  
20 comments at Jesse Cullen and I stated we wouldn't  
21 be able to convince them to change their minds at  
22 this meeting.

23 And so that's...

24 --- (Court reporter appeals.)

25 THE WITNESS: Sorry.

1 THE COURT REPORTER: Just repeat it  
2 again.

3 THE WITNESS: Yeah.

4 I directed these comments to Jesse and  
5 I told him that it -- it appears that he has made  
6 his mind up and that we wouldn't be able to change  
7 his mind at this meeting.

8 BY MS. SANCHE:

9 384 Q. Did he respond to that?

10 A. I don't believe so.

11 I believe William, at that point, stood  
12 up and so we all followed suit.

13 385 Q. Okay. So you just got up and  
14 left?

15 A. Well, we -- we said, 'Thank you  
16 for your,' you know, 'time and...'

17 386 Q. Okay. But you got up, left, and  
18 they stayed there, you say?

19 A. Yes.

20 387 Q. Continued with their discussions,  
21 you assume. You just saw them talking through the  
22 windows, right?

23 A. Yes.

24 388 Q. So you don't know what they were  
25 talking about?

1 A. No.

2 389 Q. Okay.

3 And in addition to - I just want to  
4 clarify - to the Campaign for Life discussion that  
5 you say it wasn't raised at the meeting, there was  
6 no, then, discussion about the March -- it's "March  
7 For Life" is what it's called, right?

8 A. Yes.

9 390 Q. So no one raised that, as well?

10 A. No.

11 391 Q. Okay.

12 At Paragraph 48 of Mr. Cullen's  
13 Affidavit, which is at Paragraph 14, he states  
14 that:

15 "One of the women in attendance  
16 said that she supported The SA  
17 Executive's position." [As read.]  
18 Do you disagree with that statement?

19 A. Yes.

20 392 Q. So no one at the time -- and I  
21 guess the only woman was Ms. Francis, didn't say,  
22 'Oh. I understand what you're saying'?

23 A. She did say, 'I understand what  
24 you're saying,' in response to Ms. Selvasivam's  
25 comments that support should be provided, or it

1       should be available to everybody no matter what  
2       their circumstances.

3               So she did agree with that position,  
4       but I'm assuming that the Executive's position he's  
5       referring to is their position on our ratification.

6               And so, no, she did not agree with that  
7       position.

8       393               Q.    You don't have in your notes that  
9       she stated that she understood what Ms. Selvasivam  
10      was saying.

11              A.    Well, then that's something I have  
12      elaborated on.

13      394              Q.    Okay.   So we've got a couple of  
14      things that you didn't include in your notes?

15              A.    I will check the notes.

16                      "Ms. Selvasivam agreed with  
17      Honoline that providing pregnancy  
18      resources is important." [As read.]  
19      So that's where they agreed.

20      395              Q.    Yeah.   But you said that Honoline  
21      agreed with Ms. Selvasivam.

22              A.    I can't remember the specific  
23      order, but that's -- that's what was said.

24      396              Q.    Okay.   So you did also discuss at  
25      the meeting, then, your ability to be present on



1 campus and to interact with students, right?

2 A. At the -- at the September 3rd  
3 meeting?

4 397 Q. Yes.

5 A. Yes.

6 398 Q. Okay. And did you understand at  
7 the time that you would still be able to meet on  
8 campus and communicate with other students?

9 A. Yes.

10 399 Q. Okay. So then, did you have any  
11 communication with The Student Association between  
12 the September 3rd meeting and...?

13 I guess you received a letter from them  
14 in October. Is that right?

15 A. Yes. So on September 8th, we  
16 received -- between September 3rd and 8th, I asked  
17 them for meetings -- minute meetings, and they --  
18 sorry -- meeting minutes.

19 400 Q. That's okay.

20 A. And they said that those weren't  
21 available. They hadn't made any.

22 And so I asked them for a list of who  
23 was present on their end, so I could compile my own  
24 minutes.

25 And I believe that was it until late

1           September when I asked them for a letter, outlining  
2           their decision in writing.

3   401           Q.    Okay.  So between September 3rd  
4           and 8th, with whom did you communicate?

5           A.    I believe it was Amy Blais again.

6   402           Q.    Okay.  Did you communicate by  
7           e-mail?

8           A.    Yes.

9   403           Q.    Have you produced a copy of that  
10          e-mail?

11          A.    In the Affidavit, I don't believe  
12          I did.

13   404           Q.    Okay.  I would like to see a copy  
14          of your e-mail correspondence--

15          U/T       A.    Sure.

16   405           Q.    --with Amy Blais.

17                  And I'm speaking in this respect with  
18          correspondence between September 3rd and 8th.

19          A.    Yes.

20   406           Q.    She was the only one you  
21          communicated with?

22          A.    Yes.

23   407           Q.    Okay.  And then, so between  
24          September 8th and there was some other time in  
25          September when you then communicated again?

1                   A.    Yes.  So I believe on the 28th, I  
2       sent her -- and when you say "communicate", that's  
3       interaction, right?  So I may have --

4   408            Q.    Any verbal, oral,--

5                   A.    Yes.  So I may have --

6   409            Q.    --on the phone.

7                   A.    I may have cc'd other people who  
8       were present at the meeting.  I can't recall  
9       exactly.  You'll see that in the -- in the e-mails.

10   410           Q.    Mm-hmm.

11                   A.    But I only, you know, had a  
12       dialogue with Amy.

13   411           Q.    Yeah.  I guess what I'm really  
14       looking at is, you know, no matter who you spoke --  
15       if there were 10 people or one person,--

16                   A.    Yes.

17   412           Q.    --okay, 'I communicated on one  
18       time.'

19                   A.    Yes.

20   413           Q.    'Then I communicated another  
21       time.'

22                   So we are talking about, there was the  
23       September 3 to 8 period--

24                   A.    Mm-hmm.

25   414           Q.    --and have you e-mails back and

1           forth--

2                   A.    Yes.

3   415           Q.    --primarily with Amy?

4                   A.    Yes.

5   416           Q.    And then on September 28, you said  
6           you e-mailed again?

7                   A.    Yes.  I asked her for the written  
8           decision.

9   417           Q.    Okay.  Did you produce that  
10          e-mail?

11                  A.    I don't believe so.

12   418           Q.    Did she respond to you?

13                  A.    Yes, she did.

14   419           Q.    I would like copies of those  
15          e-mails, as well.

16          U/T       A.    Okay.

17   420           Q.    Do you remember what she said in  
18          response to that e-mail?

19                  A.    I believe she said she would pass  
20          on the request to the Executive and that they would  
21          have something for me in five business days.

22   421           Q.    Do you remember when you received  
23          the response?

24                  A.    Six business days after that.

25   422           Q.    Okay.  I don't know.  Was that

1           then October 6th?

2                           A.    Yes.

3   423                   Q.    Okay.  Did you get it by e-mail?

4                           A.    Yes.

5   424                   Q.    And who sent it to you?

6                           A.    I believe it was Jesse Cullen.

7   425                   Q.    Can I -- I haven't seen a copy.

8                           Do you have a copy of the e-mail that  
9           Jesse sent?

10                          A.    No, I don't believe --

11   426                   Q.    I've seen the letter.

12                          A.    I don't believe that's in the  
13           Affidavit.

14   427                   Q.    Okay.  If I can have a copy of  
15           that?

16           U/T           A.    Yes.

17   428                   Q.    Okay.  So a copy of that letter is  
18           at your Tab "D" as in "delta", right?

19                          A.    Yes.

20   429                   Q.    Okay.  So do you agree with  
21           the..., that the quote in the middle of the bylaws;  
22           is that accurate?

23                          A.    "We, the students of Durham  
24           College..."

25                          And then --

1           430           Q.     Yeah.

2                     ---(Court reporter appeals.)

3           MS. SANCHE:   "We, the students of  
4           Durham College..."

5           THE WITNESS:   Yeah.   I wasn't going to  
6           quote the whole thing.   I was just...

7                     "We, the students..."

8           And then ending in:

9                     "...conductive (sic) to these  
10           processes."

11           BY MS. SANCHE:

12          431           Q.     That's right.

13           A.     Yeah.   That's accurate, as far as  
14           I know, as to what's in the bylaws.

15          432           Q.     So you agree that as a Student  
16           Association, there are -- or sorry.

17                     You agree that The Student Association  
18           is mandated by the bylaws to work towards building  
19           an environment free of --

20                     MR. MOORE:   (Sneezing.)

21                     MS. SANCHE:   Bless you.

22           BY MS. SANCHE:

23          433           Q.     ...free of systemic societal  
24           oppression and decolonization and to do all other  
25           things that are incidental or conductive (sic) to

1           these purposes?

2                   A.    Yes.

3   434           Q.    Okay.  And then the next paragraph  
4           that starts with, "This statement..."

5                   A.    Mm-hmm.

6   435           Q.    The second sentence:  
7                        "As the democratically elected  
8           leaders..."

9                   So you agree that The Student  
10       Association Executive Team is elected by the  
11       students.

12                   Is that right?

13                   A.    Yes.  I believe there's some form  
14       of appointment process.

15                   I'm not sure if that applies to the  
16       Board or the Executive, though.  But as far as I  
17       know, yes, most of them were democratically  
18       elected.

19   436           Q.    Okay.  
20                   Did you respond to this letter?

21                   A.    No, I did not.

22                   Well, our response came that month, 23  
23       days later, in Marty's letter.

24   437           Q.    So your lawyer responded?

25                   A.    Yes.

1           438           Q.     Okay.

2                     Okay.  On September 3rd, you had the  
3           meeting, the in-person meeting with The Student  
4           Association Executive?

5                     A.     Yes.

6           439           Q.     And is it fair to say that at that  
7           time, they said the ratification package was  
8           denied?

9                     A.     Yes.

10          440           Q.     And then you got a -- this  
11          written, my words are "decision", a written  
12          decision on October 6, stating specifically why the  
13          ratification package was denied?

14                     A.     Elaborating on what they had  
15          expressed at the meeting.

16          441           Q.     Okay.  But you say that some of  
17          this hadn't been said at the meeting.

18                     Is that right?

19                     A.     Yes, yes.

20          442           Q.     Okay.  So specifically here, then,  
21          there is a identification of the specific reasons  
22          for which the package was denied.

23                     Is that right?

24                     A.     In the letter.

25          443           Q.     Yes.  In the letter.



1                   A.    They listed all the reasons in the  
2       letter.

3   444            Q.    Okay.  So here, you get the  
4       letter, October 6th, with all the reasons why the  
5       ratification package has been denied?

6                   A.    Yes.

7   445            Q.    Then your lawyer sent a response?

8                   A.    Yes.  Exhibit "P", I think.

9   446            Q.    Which one is it; "P"?

10                  A.    I think so, yeah.

11   447            Q.    "P" as in "papa", October 29th,  
12       2015.  Is that right?

13                  A.    October 29th, yes.

14   448            Q.    Okay.

15                         And at the end of the letter, in the  
16       last paragraph, Mr. Moore requests that the Board  
17       of Directors exercise its authority to correct the  
18       decision and ratify the Speak for the Weak.

19                         Is that right?

20                  A.    Yes.

21   449            Q.    Okay.  And do you know if the  
22       Board met to discuss the package?

23                  A.    Yes.

24                         So I didn't know that they met until  
25       reviewing Jesse's Affidavit, but now I'm aware that

1           they did meet in November.

2       450                   Q.     Okay. Well, there was a letter -  
3           I don't know if you ever saw it - from me, right?

4                           A.     Yes.

5       451                   Q.     Saying that I was going to be  
6           meeting with The Student Association?

7                           A.     Yes.

8       452                   Q.     Okay. So do you understand there  
9           would at least be another meeting with The Student  
10          Association -- or The Student Association would  
11          have another meeting?

12                          A.     Well, in your letter, you didn't  
13          specify a date or time, and I assumed a meeting  
14          between a lawyer and her clients would be  
15          privileged and nobody would be welcome to that.

16                          I wasn't aware that it was a Board  
17          meeting, open to all SA members.

18                          And I believe a Board meeting was  
19          actually, was it the 24th or the 15th? It should  
20          be in there somewhere.

21       453                   Q.     It was November 13th, 2015?

22                          A.     13th.

23       454                   Q.     But the Board meetings' minutes  
24          are all public. Isn't that right?

25                          A.     Yes. After they have met.

1           455           Q.    Okay.  So there's also an  
2           Affidavit of the Vice-President of Equity at our  
3           record, Tab 2; Reina, right?

4           A.    Yes.

5           456           Q.    Have you met Reina?

6           A.    I believe I met her at the meeting  
7           and I wouldn't have met her outside of that.

8           457           Q.    So you don't know her?

9           A.    No.  Tab 2 is...

10          458           Q.    It's way at the back, yeah.

11          A.    Yes.

12          459           Q.    So at Paragraph 2, she sets out  
13          her responsibilities as the VP of Equity?

14          A.    Yes.

15          460           Q.    Okay.  Which at sub (b) also  
16          includes:

17                        "Ensuring that all activities  
18                        and endorsements of the Board  
19                        reflect the anti-oppressive and  
20                        positive space mandate of The SA."  
21                        [As read.]

22          A.    Yes.

23          461           Q.    Do you agree with it or do you  
24          have a reason to disagree with it?

25          A.    Disagree with it in what way?

1           462           Q.    Well, let's... Is that not true?

2                    A.    Of her position?

3           463           Q.    Yeah.

4                    A.    I'm -- I will assume it is, if she  
5           swore to it.

6           464           Q.    I don't need you to assume. It's  
7           in the bylaws.

8                    A.    Okay. Then, if it's in the  
9           bylaws,--

10          465           Q.    It's okay. I'll point it--

11                    A.    --it must be true.

12          466           Q.    --out to you, so we can--

13                    A.    Sure.

14          467           Q.    --look at it together.

15                    ---(Court reporter appeals.)

16                    THE WITNESS: If it's in the bylaws, it  
17           must be true.

18                    BY MS. SANCHE:

19          468           Q.    Okay. Well, it's in the -- at --  
20           see, there's -- at the top right, there's big  
21           numbers, stamped.

22                    A.    Mm-hmm. Yes.

23          469           Q.    165. So this is from the general  
24           bylaw of The Student Association.

25                    A.    Mm-hmm.

1           470           Q.    And I think you've included this  
2           in your - I'll just double-check - in your  
3           materials, as well, but --

4                    A.    Yes.

5           471           Q.    So at 6.5, Duties of the  
6           Vice-President, Equity, and at (b)...?

7                    A.    Yeah.  It's there.

8           472           Q.    Okay.  So her role is to ensure  
9           that, as I said, all activities reflect the  
10          anti-oppressive and positive space mandate of The  
11          Student Association?

12                   A.    Yes.

13          473           Q.    Okay.  So she's included, at Tab  
14          "A" of her Affidavit - you're in the right spot - a  
15          screenshot of The Student Association website on  
16          anti-oppression.

17                   A.    Yes.

18          474           Q.    Have you seen that before?

19                   A.    I have.

20          475           Q.    Okay.  So you've reviewed it.

21                   Did you review it prior to the  
22          ratification package?

23                   A.    No, because this wasn't available  
24          on the website until January or February of 2016.

25          476           Q.    Okay.  So after that time, you

1 reviewed it?

2 A. Yes.

3 477 Q. Okay.

4 So at Tab "B", you've got an e-mail  
5 from Chantal James who is the Club and Society  
6 Coordinator.

7 So she's the person that receives the  
8 ratification package, right?

9 A. Yes.

10 478 Q. Have you read her e-mail to...?

11 Well, it's to the President, the VP -- both VPs.

12 This could not be more convoluted, your  
13 -- how you're set up over there.

14 A. Yes.

15 479 Q. But the VP of UOIT--

16 A. Yes.

17 480 Q. --and the VP of Durham College,  
18 and then The SA VP Equity?

19 A. Yes.

20 481 Q. Have you had a chance to read it?

21 A. Yes, I have.

22 482 Q. So in her e-mail, she writes that:

23 "There are several initiatives  
24 that do look very beneficial about  
25 the package." [As read.]

1 Is that fair?

2 A. Yes.

3 483 Q. So do you have reason to believe  
4 that Ms. James is biased against your organization?

5 A. I can't speak as to what  
6 Ms. James's biases are.

7 484 Q. So you have no evidence to suggest  
8 that she was biased in reviewing your application  
9 package?

10 A. No.

11 485 Q. Okay.

12 Is it possible, based on this e-mail,  
13 that she, in fact, had an open mind and felt that  
14 there were several initiatives that was looked  
15 beneficial?

16 A. I think it is possible.

17 486 Q. Okay.

18 A. But I think her mind closed where  
19 -- when she guarded the e-mail for further  
20 consideration, which isn't a usual thing to do.

21 487 Q. Do you know for a fact that it's  
22 not a usual thing to do?

23 A. Well, the bylaws or the club  
24 procedure do say that the CSC is the one  
25 responsible for defining clubs. It's usually,

1       they're only escalated -- the applications are only  
2       escalated if there's some concern.

3       488               Q.     How do you know that?

4               A.     Well, it says here that:

5                       "A fundamentally pro-life  
6               group; however, there is a pro-life  
7               component and it is their  
8               fundamental value.'   [As read.]

9               So it appears she's concerned about our  
10       pro-life beliefs.

11       489             Q.     Right.   But how do you know what  
12       is usual?

13               A.     Well, I believe it was in,  
14       actually, Jesse's Affidavit somewhere.   He said  
15       that --

16                       ---(Court reporter appeals.)

17               THE WITNESS:   Jesse's Affidavit.   I  
18       think it was in Jesse's Affidavit, he said that  
19       although the CSC has -- has the usual authority  
20       over it, it can be escalated if there is concern.

21               And then the -- the Executive and the  
22       Board have final say.   They have oversight on -- on  
23       their committees, which are his words in the  
24       Affidavit.

25               BY MS. SANCHE:



1 490 Q. Okay. Do you disagree with him?

2 A. That the Executive has oversight?

3 491 Q. Well, everything that you said  
4 that he said?

5 A. Yes.

6 492 Q. You said that the CS coordinator  
7 has the ability to make that--

8 A. Yes.

9 493 Q. --determination.  
10 That's true, right?

11 A. Yes.

12 494 Q. And that it can be escalated up to  
13 the Executive and the Board?

14 A. Yes. If there's concern.

15 495 Q. Okay. So that's all correct?

16 A. True, yes.

17 496 Q. Okay. Because ultimately, the  
18 Executive and the Board has oversight over all of  
19 the people to whom they delegate their powers,  
20 right?

21 A. Yes.

22 497 Q. Okay. So you said -- you used  
23 words like "usual" and so on.

24 I want to understand the basis for your  
25 belief personally that it's -- usual that The SA

1 Coordinator would make the decision on her own and  
2 unusual that she would escalate it.

3 How do you know that?

4 A. Well, from simply reading the  
5 bylaws and then from reading Jesse's Affidavit.

6 498 Q. Okay. Do you know how many times  
7 the CS Coordinator escalates ratification packages?

8 A. No, I don't.

9 499 Q. Okay. Do you know how often it  
10 has happened in the past?

11 A. No, I don't.

12 500 Q. Okay. And so you're suggesting  
13 that it demonstrates that she's biased because she  
14 asked someone else to review it?

15 A. I said it demonstrates that she  
16 had concern regarding our pro-life views.

17 501 Q. Okay. But she also writes that:

18 "There are several initiatives  
19 that do look very beneficial."

20 [As read.]

21 Right?

22 A. Yes.

23 502 Q. Okay.

24 A. And so I said I can't speak to  
25 what her biases may be.

1           503           Q.    Right.  So you have no evidence as  
2           to her bias?

3                   A.    Right.

4           504           Q.    Okay.  How about Reina, The SA VP  
5           Equity?  Do you have any evidence about her bias?

6                   A.    No.

7           505           Q.    Okay.  How about any other member  
8           of The SA Executive?

9                   A.    Well, Jesse Cullen has expressed  
10          that he feels it is a woman's right to choose  
11          whether or not to have an abortion, and so he's  
12          pro-abortion.

13          506           Q.    And he said that in a meeting?

14                   A.    He did.  He expressed it in his  
15          personal story.

16          507           Q.    You know, my understanding of the  
17          personal story per even your evidence was that he  
18          was telling a story about his mother.

19                   A.    Yes.

20          508           Q.    But that reflects his bias  
21          somehow; a story about his mom?

22                   A.    Well, it was a personal story.  He  
23          was explaining his own opinions to me through it;  
24          at least, that's how it came across to me.

25          509           Q.    Okay.  You read what he said why

1 he told the story, right?

2 A. Yes, I have.

3 510 Q. Okay. So he said it was... Let's  
4 go to what he said; that he told the story to  
5 articulate how The Student Association approaches  
6 issues?

7 A. Well, that may have been his  
8 intention in the story, but that's not how it came  
9 across.

10 511 Q. Okay. So you say that Mr. Cullen  
11 is biased because he told a story about his mother?

12 A. Yes.

13 512 Q. Okay. Any other evidence of his  
14 bias?

15 A. No.

16 513 Q. Okay. You don't know him  
17 personally?

18 A. No.

19 514 Q. You haven't had any altercations  
20 with him in the past?

21 A. No.

22 515 Q. Or anyone on The SA Executive?

23 A. No.

24 516 Q. Do you know if any of them are  
25 members of pro-choice organizations?

1 A. No.

2 517 Q. Okay. Or pro-LGBTQ organizations?

3 A. No.

4 518 Q. Okay.

5 A. Although it can be said that they  
6 are supportive of women's centre and the LGBTQ  
7 outreach centre - I'm not quite sure what it's  
8 called - would indicate that they do support those  
9 initiatives.

10 519 Q. Personally or as The SA?

11 A. Could be both.

12 520 Q. But you don't know?

13 A. No.

14 521 Q. Okay. So The SA Outreach  
15 Services; did they exist before 2015?

16 A. Yes.

17 522 Q. Okay. So whenever they were  
18 instituted, presumably it was that Student  
19 Association that did that?

20 A. Yes.

21 523 Q. Okay. So you can't actually  
22 suggest that the current SA personally supports it?

23 A. No.

24 524 Q. You really don't have any  
25 knowledge?

1 A. No.

2 525 Q. Okay. But The SA, as an  
3 organization, has certain -- offers certain  
4 services?

5 A. Yes.

6 526 Q. And it supports certain -- I guess  
7 it has allowed the ratification of certain campus  
8 clubs?

9 A. Yes.

10 527 Q. Including those that you're a  
11 member of, right; like--

12 A. Yes.

13 528 Q. --the Campus Church?

14 A. Mm-hmm.

15 529 Q. And the Catholic Students'  
16 Association?

17 A. Yes.

18 530 Q. Okay.

19 A. Well, the Campus Church has been a  
20 club for several years, so it wasn't this Student  
21 Association that approved them.

22 531 Q. Fair enough.

23 Okay. And at Tab -- no, I am sorry.

24 It's the Supplementary Affidavit of Reina.

25 Now, for the record, this hasn't been

1 sworn yet,--

2 A. Mm-hmm.

3 532 Q. --but I did provide it to your  
4 counsel and he has, I think, permitted me to ask  
5 questions.

6 MR. MOORE: Yes.

7 MS. SANCHE: Thank you.

8 BY MS. SANCHE:

9 533 Q. So Ms. Rexhmataj - I will give you  
10 the spelling later - her Affidavit, she... In her  
11 Affidavit, which is at Tab 2, she speaks about --

12 A. In her first Affidavit or--

13 534 Q. That's correct?

14 A. --her Supplementary --

15 535 Q. First one, yeah.

16 At Paragraph 8, she notes that there  
17 was a meeting on August 24th, 2015, where the SA  
18 Executive met to discuss business, right?

19 A. Yes.

20 536 Q. That's fair?

21 A. Yes.

22 537 Q. You obviously weren't in  
23 attendance, right?

24 A. No.

25 538 Q. Okay. So she says that the Speak

1 for the Weak ratification package was discussed for  
2 40 minutes.

3 You don't have any information to the  
4 contrary, right?

5 A. No.

6 539 Q. Okay. And she raised the issue,  
7 she says, of whether its ratification would be in  
8 line with The SA's mandate, particularly its  
9 anti-oppressive principle?

10 A. Yes.

11 540 Q. And I appreciate you weren't  
12 there, but this is what she says, okay?

13 A. Sorry. You appreciate --

14 541 Q. ...that you were not there, so --

15 A. Okay. Yeah. Yes.

16 542 Q. Okay. So in her Supplementary  
17 Affidavit, she includes the minutes from that  
18 meeting, which was August 24th, 2015?

19 A. Yes.

20 543 Q. She also corrects in her  
21 Affidavit, it actually started at 11:00 a.m.. She  
22 had said ten o'clock before, but... Okay.

23 So on page on page 4, under "Other  
24 Business", there's a highlighted or bolded "Club  
25 Proposals" and then it says:



1 "Students have proposed two new  
2 clubs to Campus Club Coordinator;  
3 Pro-Life Club and Gun Club."

4 [As read.]

5 I don't know if those are the accurate  
6 names, but this is what the minute-taker--

7 A. Yeah. Yes.

8 544 Q. --wrote down, okay?

9 I'm going to suggest that the "Pro-Life  
10 Club" is Speak for the Weak.

11 A. Yes.

12 545 Q. Is that fair?

13 A. Yes.

14 546 Q. So they also discussed a "Gun  
15 Club"?

16 A. Yes.

17 547 Q. So there were two clubs that were  
18 escalated up to The SA Executive level, right?

19 A. Yes.

20 548 Q. Not just Speak for the Weak?

21 A. No.

22 549 Q. And do you know if Gun Club is a  
23 pro-life club?

24 A. No. I don't believe they are.

25 550 Q. So is it fair say that a pro-life

1 club wasn't treated differently than the Gun Life  
2 (sic) Club?

3 A. No.

4 551 Q. It's not fair? They were treated  
5 differently?

6 A. Sorry, no. Yes, I agree with  
7 your--

8 552 Q. They were both escalated--

9 A. --statement.

10 553 Q. --up to The SA Executive level?

11 A. Yes.

12 554 Q. Okay. So Speak for the Weak,  
13 after ratification was denied, continues to  
14 operate, right?

15 A. Yes.

16 555 Q. You've got your Facebook page  
17 still?

18 A. Yes.

19 556 Q. And the Twitter account?

20 A. Yes.

21 557 Q. Am I missing other social media--

22 A. I don't think so, no.

23 558 Q. --like Tumblr? I don't know  
24 what--

25 A. No.

1           559           Q.    --the kids use.  Snapchat?

2                    A.    No.  I don't know how to use that,  
3           no.

4           560           Q.    Okay.  Primarily Facebook and  
5           Twitter, right?

6                    A.    Yes.

7           561           Q.    Okay.  So you starting off in  
8           August of 2015 with 14 members, right?

9                    A.    Yes.

10          562           Q.    How many members do you have now?

11                    A.    The 14 minus Charmaine.

12                    We've gotten the information of  
13          probably another dozen or two members since then.

14          563           Q.    How did you get their information?

15                    A.    Through doing the QA Project on  
16          campus.

17          564           Q.    "QA" stands for Question Abortion?

18                    A.    Yes.

19          565           Q.    Is that a specific Speak for the  
20          Weak project or is that a national...?

21                    A.    It's a national project.

22          566           Q.    Under Campaign for Life Coalition?

23                    A.    No.  It's under NCLN.  So NCLN  
24          developed it, but they put out the information on  
25          their website and the clubs run it independently.

1           567           Q.    Understood.   Okay.  
2                        Do you have a website, too?  
3                        A.    We do have a website.   We haven't  
4           launched it to the public.  
5                        You can visit the URL, but it hasn't  
6           been advertised.  
7           568           Q.    Is there a blog?  
8                        A.    I believe the website is hosted  
9           by, like a blogging...  
10          569           Q.    WordPress?  
11                        A.    Something like that, yeah.  
12          570           Q.    Okay.   So your membership, then,  
13          is still 14 -- oh, sorry -- 13?  
14                        A.    Officially, yes.  
15          571           Q.    Okay.   Then unofficially, you've  
16          got other...?   You said you obtained information  
17          from other students?  
18                        A.    Yes.  
19          572           Q.    Okay.  
20                        A.    Information; their names and  
21          institutional e-mails, which would be required to  
22          register them in a club.  
23          573           Q.    If you were to seek ratification  
24          again?  
25                        A.    Yes.

1 574 Q. Okay. Do you intend on doing that  
2 for the next school year?

3 A. Yes.

4 575 Q. Do you know how many Facebook  
5 followers you have, or friends?

6 A. Likes we have --

7 576 Q. Not you personally.

8 A. Yeah, yeah.

9 577 Q. You probably have millions. But I  
10 mean the Speak for the Weak page?

11 A. On our... On our page, we have  
12 116, but very few of those are actually students at  
13 UOIT or Durham College as it is a public page.

14 578 Q. So there are other organizations  
15 or other people?

16 A. Yeah. Just the public.

17 579 Q. Okay.

18 A. It's open to the public.

19 580 Q. Understood.

20 On Twitter, do you know?

21 A. 44, I think.

22 581 Q. Followers--

23 A. Yes.

24 582 Q. --or whatever they're called?

25 A. Yeah. Followers.

1           583           Q.    All right.  So attached to  
2           Mr. Cullen's Affidavit are a few documents.

3                    At Tab "T" as in "Tango", there's a  
4           printout from an organization, LifeSite--

5           A.    Yes.

6           584           Q.    --or LifeSiteNews--

7           A.    Yeah.

8           585           Q.    --dated -- well, the article is  
9           dated February 1st, 2016,--

10          A.    Yes.

11          586           Q.    --and there's a photo at the top.  
12                    Are you in the middle?

13          A.    Yes.  That's me.

14          587           Q.    Okay.  Who are the three -- four  
15           people?

16          A.    So that is Josh Haviland.

17          588           Q.    Okay.

18                    A.    On the other end is Kathleen  
19           Hepworth, and they're both Applicants.

20                    And in the middle is Clarissa Canaria  
21           and Anastasia Pearce, and they are from National  
22           Campus Life Network -- Campus Life Network, NCLN.

23          589           Q.    Which one is Carissa (sic)?

24          A.    Clarissa.  The one--

25          590           Q.    Clarissa.

1                   A.    --beside me, and then Anastasia,  
2           the other one beside me.

3   591           Q.    So if I'm looking at the picture,  
4           on the right is Clarissa?

5                   A.    Yeah.

6   592           Q.    Okay.

7                   A.    Sorry.  No.  That is Anastasia  
8           is --

9   593           Q.    This is Clarissa.

10                  A.    Yeah.

11   594           Q.    Clarissa is on your right, on my  
12           left?

13                  A.    Yes.

14   595           Q.    And this is Anastasia.  
15                       And Kathleen and Josh are both  
16           Applicants, right?

17                  A.    Yes.

18   596           Q.    Who is Anastasia again?  I'm  
19           sorry.

20                  A.    She's Executive Director of NCLN.

21   597           Q.    And you already told me about  
22           Clarissa.

23                  A.    Yes.

24   598           Q.    Also NCLN, right?

25                  A.    Mm-hmm.

1 599 Q. Okay.

2 A. Yes.

3 600 Q. So did LifeSiteNews interview you  
4 for this article?

5 A. Over the phone.

6 601 Q. Over the phone.

7 Did anyone from The Student Association  
8 take issue with your talking to LifeSiteNews?

9 A. Not that I'm aware.

10 602 Q. Okay. So no one contacted you and  
11 said, 'Don't do that'?

12 A. No.

13 603 Q. Okay. So then, at Tab "U" as in  
14 "Uniform", the next one is a printout of... I  
15 don't know how to say it, what it is. It's not  
16 pages from your Facebook page. It's screenshots  
17 of --

18 A. I don't know if it's called a  
19 "wall" or a "timeline" anymore.

20 604 Q. I don't know either. I just try  
21 not to know. Okay.

22 So a timeline, I guess?

23 A. Yeah.

24 605 Q. Is that fair?

25 A. Yes.



1           606           Q.     Unfortunately, it's My Facebook  
2                    page, so--

3                    A.     Mm-hmm.

4           607           Q.     --ignore me in the corner--

5                    A.     Yeah.

6           608           Q.     --and the ads that I'm getting.  
7                    So you've got 109 people at the time,  
8                    at least, that liked this page, right?

9                    A.     Yes.

10          609           Q.     Okay.

11                    A.     This was in March.   Some time in  
12                    March.

13          610           Q.     That's fair.

14                    I don't know if he stated in his  
15                    Affidavit, but certainly before he swore his  
16                    Affidavit, right?

17                    A.     Yes.

18          611           Q.     Okay.   So it's before March 10th.  
19                    On or before March 10th.

20                    A.     Okay.

21          612           Q.     Okay.   So I want to look.

22                    So you've got...   On page 285, on the  
23                    top right, on February 10th, Speak for the Weak  
24                    posed:

25                                "This week, in less than three

1 hours of activism, our amazing  
2 members engaged fellow students in  
3 64 conversations about abortion  
4 which resulted in 14 new signups to  
5 SFTW." [As read.]

6 A. Yes.

7 613 Q. So when you say "signups", is  
8 that, you just got the people's information?

9 A. Yes, exactly.

10 614 Q. Are they considered members of the  
11 Club?

12 A. Well, yeah. They -- we asked them  
13 if they would like to join the Club and get more  
14 information, and they gave us their information.

15 615 Q. Okay. So is it -- did you have a  
16 week of activism, this week in February?

17 A. It was two days,--

18 616 Q. Two days.

19 A. --I believe. An hour-and-a-half.  
20 A bit less than that each time.

21 617 Q. And you... From the pictures, it  
22 seems that your members were standing on campus?

23 A. Mm-hmm.

24 618 Q. Did you do it -- that's a 'yes'?

25 A. Yes.

1           619           Q.    Was it both Durham College and  
2           UOIT?

3                   A.    So this picture was in Durham  
4           College.  Another day, we were at UOIT's Downtown  
5           Campus--

6           620           Q.    Okay.

7                   A.    --so they were at both schools.

8           621           Q.    Did you participate?

9                   A.    Yes, I did.

10          622           Q.    And so, what did it entail?  You,  
11          like, had signs up?

12                   A.    No.  We had...  It was a  
13          questionnaire--

14          623           Q.    Okay.

15                   A.    --and we asked students questions  
16          about their thoughts on abortion.

17          624           Q.    And you recorded 64 conversations?

18                   A.    Yes.

19          625           Q.    Just at the one campus or at both?

20                   A.    At both, so over both days.

21          626           Q.    All right.  So you asked students  
22          questions about abortion.

23                   Did you hand out anything?

24                   A.    Yes.  It was postcards with  
25          information on them.  I believe we also gave out

1           lollipops this time.

2       627                   Q.    I think there's a photo of those.

3                           A.    Yes.

4       628                   Q.    You said "this time". Was there  
5           another event that you had?

6                           A.    January 11th, we did the same  
7           thing, but it was only at one campus one day.

8       629                   Q.    At Durham College?

9                           A.    Yeah.

10      630                   Q.    Is there one Durham College Campus  
11           or two?

12                          A.    There's many.

13      631                   Q.    Oh. There's many.

14                          A.    There's two main ones and then a  
15           few satellite ones.

16      632                   Q.    So when -- I should specify. When  
17           I say "Durham College", you're at the main campus,  
18           right?

19                          A.    Yes. So this is the one that's  
20           attached to UOIT.

21      633                   Q.    Okay.

22                          A.    Yes.

23      634                   Q.    Okay. So January 11th, you had an  
24           event?

25                          A.    Yes.

1           635           Q.    And then, February... I guess it  
2           says on here, I think.

3           A.    The week of the 8th.

4           636           Q.    Week of the 8th. I think you have  
5           invites.

6           A.    Yeah.

7           637           Q.    The 8th and the 9th?

8           A.    Yes. So the 8th was North Campus,  
9           which is Durham College.

10          638           Q.    Okay. Do you have any of those  
11          postcards left that you handed out?

12          A.    Yes, I do.

13          639           Q.    Can I have a copy of one?

14          U/T          A.    Sure.

15          640           Q.    Or have one?

16          U/T          A.    Yeah.

17          641           Q.    Original or a copy. I don't care.  
18                        Okay. Did anyone from The SA try to  
19           stop you from having these events?

20          A.    No.

21          642           Q.    So you had January 11, February 8  
22           and 9.

23                        Were there any other events since  
24           August of last year?

25          A.    Go back and see.

1                   So I believe in November, we had  
2           dialogue training. I don't know if you went back  
3           that far or you didn't.

4   643           Q.    I don't know.

5                   A.    November, some time in November, I  
6           think we had dialogue training for QA Project.

7                   We were intending on doing that in  
8           first semester, but we didn't get a chance to. So  
9           we had another dialogue training on January 26th in  
10          preparation for the February QA Project.

11   644           Q.    What does "dialogue training"  
12          mean?

13                   A.    Training students how to...  
14          pro-life apologetics, essentially.

15   645           Q.    Okay.

16                   A.    And then explaining to them how  
17          the QA Project works.

18   646           Q.    Was it just members of the SFTW  
19          that met?

20                   A.    Yes.

21   647           Q.    Anyone else?

22                   A.    Anyone else is welcome, but nobody  
23          else showed up.

24   648           Q.    Okay. And how did you advertise  
25          that event?

1 A. Facebook, I believe. Primarily on  
2 Facebook.

3 649 Q. Did you put anything up on campus?

4 A. No.

5 650 Q. Have you ever posted anything up  
6 on campus?

7 A. No.

8 651 Q. Just because you didn't want to?

9 A. Well, because it was -- it would  
10 be a more complex process to go through the  
11 institutions themselves.

12 652 Q. Okay. Is it possible that it's  
13 because nobody is analogue nowadays and everyone  
14 uses Facebook and social media anyway?

15 A. No, not necessarily. People do  
16 use posters all the time on campus.

17 653 Q. But you'd have to go through  
18 Durham College or UOIT to do that, right?

19 A. Yes.

20 654 Q. Okay. And where did you meet when  
21 you were doing this training, the dialogue  
22 training?

23 A. We met in... January 26th, I  
24 believe it was a study room, a small study room in  
25 one of the engineering buildings.

1                   And then, in November, it was a small  
2                   study room in the library.

3       655           Q.    Okay.  Yeah.  There's a picture of  
4                   the lollipops on February 8th, right?

5                   A.    Yes.

6       656           Q.    Do you remember; what does the  
7                   little piece of paper say?

8                   A.    >Your heart began to beat..."

9       657           Q.    Oh.  "...by the time you were --"

10                  A.    "...when you were 22 days old."

11       658           Q.    Okay.

12                  A.    And then the citation is from an  
13                  embryology textbook.

14       659           Q.    Okay.  I can't spell that.

15                  A.    What?

16       660           Q.    I'm trying to spell "embryology".

17                  A.    Oh, yeah.

18       661           Q.    Okay.  So you booked those -- the  
19                  meetings were on campus, as well; Durham College?

20                  A.    We booked them as study spaces  
21                  through --

22                       ---(Court reporter appeals.)

23                       THE WITNESS:  As study spaces.  So  
24                       actually, one of them was booked through the  
25                       library as a study space,--



1 BY MS. SANCHE:

2 662 Q. Right.

3 A. --not as an event space.

4 And then, the second one was a first  
5 come, first serve. And one of our members had been  
6 using it to study earlier in the day, and so when  
7 we showed up on campus, he told us we could use it.

8 663 Q. Okay. So you had it reserved  
9 already?

10 A. The first one.

11 The second one was first come, first  
12 serve.

13 664 Q. Okay. Were there any other events  
14 besides these three? We've got January -- November  
15 -- sorry -- '04, November, January and February 8  
16 and 9.

17 A. And January 26, the second  
18 dialogue training.

19 665 Q. Right. The second dialogue  
20 training.

21 A. Yeah.

22 666 Q. Sorry. So there's November,  
23 January 11th, January 26th?

24 A. Yes. And then February 8 and 9th.

25 667 Q. Right. Anything else?

1 A. No.

2 668 Q. Okay. Is SFTW going to March For  
3 Life? It's coming up, isn't it?

4 A. Yes, it is coming up, but SFTW  
5 won't be going as a club.

6 669 Q. Okay.

7 A. Individual members may go.

8 670 Q. By "may", you mean are thinking  
9 about it, not are permitted or nothing?

10 A. No. I mean permitted. Like,  
11 obviously individual members...

12 671 Q. ...can do what they want?

13 A. ...can do what they want.

14 672 Q. Okay. But the group itself isn't  
15 going to have a presence?

16 A. No.

17 673 Q. Okay. So how does Speak for the  
18 Weak pay to get the postcards made and stuff? Do  
19 you have funding from any sources?

20 A. I paid for the postcards.

21 674 Q. Okay.

22 --- (Court reporter appeals.)

23 THE WITNESS: I paid for the postcards.

24 BY MS. SANCHE:

25 675 Q. What about the sucker -- or

1           lollipops?

2                   A.    I also paid for those.

3   676           Q.    Okay.  So other than you, is there  
4           any other source of funding for Speak for the Weak?

5                   A.    No.

6   677           Q.    Who provided the dialogue  
7           training?

8                   A.    The first time, it was Clarissa.  
9           The second time, it was me.

10   678          Q.    Okay.  Have you ever been denied  
11           the ability to book space at Durham College or  
12           UOIT?

13                  A.    We have never booked space as--

14   679          Q.    Okay.

15                  A.    --Speak for the Weak.

16                  We have booked space as students, we've  
17           booked study space.

18   680          Q.    So you have never tried as Speak  
19           for the Weak?

20                  A.    No.

21   681          Q.    Okay.  Were you showing a movie on  
22           campus recently, or going to?

23                  A.    No.  We've not showed a movie on a  
24           campus.

25   682          Q.    Were you intending on doing it?

1 A. We are in the process of, yes.

2 683 Q. Okay. So it's going to happen?

3 A. Not necessarily. We are applying.

4 684 Q. Okay.

5 A. So...

6 685 Q. So you're applying to show a movie  
7 on campus?

8 A. Yes.

9 686 Q. When is it intended to be  
10 screened?

11 A. April 1st, I believe.

12 687 Q. Okay. And "applying"; you're  
13 applying through Durham College and UOIT?

14 A. UOIT.

15 688 Q. UOIT only?

16 A. Yes.

17 689 Q. Do they have, like, a movie  
18 theatre or something?

19 A. No. They just have classrooms  
20 with projectors and all the...

21 --- (Court reporter appeals.)

22 THE WITNESS: ...projectors and all the  
23 AV equipment. Yeah.

24 BY MS. SANCHE:

25 690 Q. When will you find out about

1           whether you're permitted to do that?

2                   A.    I'm going to send in the  
3           application tomorrow, and then seven business days.

4   691           Q.    Okay. Will you let me know if you  
5           get approved?

6                   A.    Do you want to know?

7   692           Q.    Yeah, I want to know.

8           U/T       A.    Okay. Will you attend?

9   693           Q.    I don't know. It's a long way.  
10          Maybe. You know the 401.

11                   What is the name of the movie? Is it a  
12          documentary?

13                   A.    Yes. It's "Hush".

14   694           Q.    "Hush". Okay.

15                   A.    Yes.

16   695           Q.    Unfamiliar with that one.

17                   A.    Have you seen it?

18   696           Q.    No. Is it on Netflix or any of  
19          those --

20                   A.    No. I thought you said you were  
21          familiar with it.

22   697           Q.    No. I said I'm unfamiliar with  
23          it.

24                   A.    Oh. You said "unfamiliar", okay.

25   698           Q.    I -- I know -- I watch

1 documentaries a lot, but...

2 A. This is an advanced screening, so  
3 I don't think it's on Netflix--

4 699 Q. Oh.

5 A. --yet.

6 700 Q. All right. Okay. Let's see.

7 I've also got your Twitter feed attached as - oh,  
8 my goodness - "V" as in "Victor".

9 A. Mmm.

10 701 Q. Who updates the Twitter feed?

11 A. I do.

12 702 Q. And Facebook, too; are you  
13 responsible?

14 A. Mm-hmm. Yes.

15 703 Q. You're very active.

16 A. Yes. I spend too much time on  
17 social media.

18 704 Q. Are they sort of reflective of  
19 each other? Is that fair? Oh. I can--

20 A. Yes.

21 705 Q. --see these better now. So then  
22 you've got --

23 --- (Court reporter appeals.)

24 THE WITNESS: Yes.

25 BY MS. SANCHE:

1           706           Q.    You've got February 7th, the photo  
2           clearer of the -- the lollipops?

3                    A.    Yes.   The tags.

4           707           Q.    Yeah.   Okay.   I'm just trying to  
5           see if it says...   You said it might say when the  
6           account was started, right?   Do you notice it?

7                    A.    It usually says so under this  
8           little bio,--

9           708           Q.    Oh.

10                   A.    --but it doesn't.

11           709           Q.    Yeah.   That's okay.

12                   A.    Unless I can find a document.

13           710           Q.    Maybe it showed up at the end.   I  
14           don't know.

15                   A.    No.   It's not there.

16           711           Q.    This only goes back, it looks  
17           like, to February 3rd, right, maybe?

18                   A.    I guess so, if that's the first  
19           post.   We didn't begin -- we began using Facebook  
20           before we began using Twitter.

21           712           Q.    Okay.   I don't remember if I asked  
22           you to tell me.   I think I did.

23                   A.    Which one I started using first?

24           713           Q.    Or when -- the dates that they  
25           were started, but...

1                   A.    Oh.  It's safe to assume that it  
2                   was on or before August 19th.

3                   MS. SANCHE:  Okay.  Can we off for a  
4                   second?

5                   ---Off the record at 12:11 p.m.

6                   ---On resuming at 12:20 p.m.

7                   BY MS. SANCHE:

8       714           Q.    All right.  So I finally found  
9                   what I was looking for.

10                   So at -- which do you have; ours?  
11                   Okay.  So you look at Tab "J" as in "Juliette".

12                   So this is the campus club policy.

13                   A.    Mm-hmm.

14       715           Q.    You also include this in your  
15                   Affidavit.

16                   A.    Yes.

17       716           Q.    I just had this one open, so...

18                   A.    Yeah.

19       717           Q.    It's the same thing.

20                   So at page 2 of that tab, under "Policy  
21                   Statement", sub (d) at the bottom there, it says:

22                                "An active campus club's  
23                   eligibility for SA resources and  
24                   funding is a privilege and not a  
25                   right."  [As read.]



1 A. Mm-hmm.

2 718 Q. Do you agree with that?

3 A. Yes.

4 719 Q. And so you agree that ratification  
5 of a campus club is also a privilege and not right,  
6 of being an SA member. Is that right?

7 A. Yes.

8 720 Q. Okay. And you agree that it's the  
9 -- it's at the discretion of the Student  
10 Association to ratify a club or not?

11 A. Yes.

12 721 Q. Okay. When you met -- these are  
13 some follow-up questions. They may be out of  
14 order,--

15 A. Yeah.

16 722 Q. --so I appreciate, you know, if  
17 you need to look at something, you can do that.

18 When you met with the Executive on  
19 September 3rd... That's right?

20 A. Yeah.

21 723 Q. ...did Mr. Cullen speak with you  
22 about the, in his words, the benefits of not being  
23 a campus club?

24 A. No. He expressed that you can be  
25 a student group on campus without having

1           ratification. He didn't, you know, express  
2           benefits--

3       724                   Q.     Okay.

4                   A.     --or lobby for not being a  
5           ratified club.

6       725                   Q.     So his -- in your notes which was  
7           in your Supplementary Affidavit, you said he said:  
8                                "An unratified club..."

9                                [As read.]

10                   His experience, being a member of an  
11           unratified club, was that they were able to operate  
12           by renting spaces directly from the institutions,  
13           and that Speak for the Weak is free to do the same.

14                   A.     Yes.

15       726                   Q.     That's fair, right?

16                   A.     Yes.

17       727                   Q.     Okay. As a non-campus club, you  
18           don't need insurance, right?

19                   A.     Right.

20       728                   Q.     And you don't need The SA's  
21           approval to post posters, right?

22                   A.     No. Although, on the matter of  
23           insurance, I believe that even our application that  
24           we will be submitting tomorrow still has to go  
25           through a risk management person at UOIT, and so

1           they may require some form of security or  
2           insurance.

3       729                   Q.     So the institution might require  
4           it?

5                           A.     Right.   So--

6       730                   Q.     Okay.

7                           A.     --we would still need -- we may  
8           still need insurance of some sort.

9       731                   Q.     For certain events, you may need  
10          it or you may not.   It depends.

11                          But if you--

12                          A.     Right.

13       732                   Q.     --to take --  
14                          ---(Court reporter appeals.)

15                          BY MS. SANCHE:

16       733                   Q.     You said, "Right."

17                          A.     Right.

18       734                   Q.     So if you were to take...   If you  
19          and fellow student members of Speak for the Weak  
20          were to go to March For Life, no one would require  
21          you to have insurance, would they?

22                          A.     I don't know what their insurance  
23          policies are.

24       735                   Q.     March For Life or...?

25                          A.     The UOIT.

1           736           Q.    Well, let's say that you guys  
2           decide this weekend you're going to go to March For  
3           Life.

4                    A.    Yes.

5           737           Q.    Do you need to apply to The SA for  
6           approval?

7                    A.    No.   I am assuming if it's not on  
8           campus, you wouldn't.

9           738           Q.    Okay.

10                   A.    Right.

11           739           Q.    Do you know that if you were a  
12           campus club, you would have to or not?

13                   A.    If we were going as an official  
14           club, then yes, most likely.

15           740           Q.    Okay.   I just have a question  
16           about your Affidavit.   Sorry.   I'm jumping over to  
17           your first one.   One sec.   I will grab the...

18                   A.    Thank you.

19           741           Q.    At Paragraph 28, you write about  
20           events that happened in 2013.

21                    Were you a student at either Durham  
22           College or UOIT in 2013.

23                   A.    No, I was not.

24           742           Q.    Do these events, at all, relate to  
25           the ratification of Speak for the Weak?

1 A. Yes, I think they do.

2 743 Q. Okay. So how do they relate to  
3 the ratification of Speak for the Weak?

4 A. I think it -- it displays The SA's  
5 inability to govern itself at times, and to --  
6 --- (Court reporter appeals.)

7 THE WITNESS: ...The SA's inability to  
8 govern itself at times, and also its failure to  
9 adhere to its own policies.

10 BY MS. SANCHE:

11 744 Q. That was in 2013?

12 A. Yes.

13 745 Q. Was The SA Executive in 2013 the  
14 same as in 2015?

15 A. Yes. Jesse Cullen was the  
16 Executive -- not the President, but a member of the  
17 Executive both years.

18 746 Q. Okay. Who else was a member of  
19 the Executive?

20 A. I do not know exactly who was on  
21 the Executive. I don't have the full roster for  
22 both years.

23 747 Q. And is Jesse Cullen responsible  
24 for what was discussed in this article?

25 A. The... He was responsible for the

1 Free The Fees campaign.

2 748 Q. For the what campaign?

3 A. The Free The Fees campaign.

4 749 Q. Free The Fees.

5 A. Yes.

6 750 Q. And where is that mentioned?

7 A. Under Exhibit "O".

8 751 Q. Where it says they are withholding  
9 the first instalment of six...?

10 A. Yes. That would be it.

11 He was responsible for the campaign to  
12 free the fees from UOIT and Durham College.

13 752 Q. Is he mentioned in here?

14 A. Where are you seeing the -- which  
15 paragraph?

16 753 Q. I don't know. I'm reading the  
17 Exhibit "O" as in "October".

18 A. And the Free the Fees is mentioned  
19 towards the top or the bottom?

20 --- (Witness reviewing document.)

21 THE WITNESS: He is not mentioned in  
22 the article then.

23 BY MS. SANCHE:

24 754 Q. Okay. And was the issue here that  
25 The Student Association hadn't provided the audited

1 financial statements?

2 A. And -- yeah. That was one of the  
3 issues.

4 --- (Court reporter appeals.)

5 BY MS. SANCHE:

6 755 Q. ...had not provided the audited  
7 financial statements?

8 A. That was one of the issues.

9 756 Q. What are the other issues then?

10 A. There's issues with the governance  
11 and some scandal that went on with the president at  
12 another time who wasn't Jesse Cullen. It was  
13 another person.

14 And then the issue of The SA's  
15 self-governance was brought into question.

16 757 Q. By whom?

17 A. By UOIT. And so they requested  
18 that the school provide them with a revised  
19 governance policy that they would have to approve  
20 before releasing the student fees to them.

21 758 Q. Do you know if that was done?

22 A. Yes, it was. In...

23 759 Q. Okay.

24 A. I believe it was done after the  
25 next president, the next Executive took office.

1           760           Q.    In 2013-2014?

2                    A.    Yes.

3           761           Q.    Okay.

4                    A.    So it would have been in mid-2014  
5           or September 2014--

6           762           Q.    Okay.

7                    A.    --when the features were released.

8           763           Q.    So then we've got 2013-2014,  
9           2014-2015. Now we're 2015-2016?

10                   A.    Yes.

11           764           Q.    Okay. And you're saying that that  
12           has a bearing on the decision to ratify Speak for  
13           the Weak?

14                   A.    Yes.

15           765           Q.    So other than Jesse Cullen, who  
16           currently is a member of the Executive, involved --  
17           who was also involved in 2012-2013 --

18                   A.    2013-2014.

19           766           Q.    Well, this was talking about the  
20           audited financial statements for 2013-2014 school  
21           year, and the article was published on September  
22           27th, 2013.

23                   A.    Well, then that's correct.

24           767           Q.    Okay.

25                   A.    It was 2012-2013.



1           768           Q.    So do you know, can you give me a  
2                   list of the people who were involved in 2012-2013  
3                   who are currently involved in The SA?

4                   A.    Jesse Cullen was...

5           769           Q.    Okay.

6                   A.    ...was on the Executive that year.  
7                   Whichever year this transpired is the  
8                   year Jesse was, I believe, VP of University  
9                   Affairs,--

10          770           Q.    Okay.

11                   A.    --whether that's 12-13 or '13-'14,  
12                   and now he's the President.

13          771           Q.    Okay.    So who else?

14                   A.    I told you I didn't -- I don't--

15          772           Q.    You don't know?

16                   A.    --know what the full roster was--

17          773           Q.    Okay.

18                   A.    --back then.

19          774           Q.    So your allegation then, I guess,  
20                   is that the -- we have to draw an inference from  
21                   events that have transpired in 2012-2013, or at  
22                   least in September 2013 involving The Student  
23                   Association, the university, and the decision not  
24                   to ratify Speak for the Weak?

25                   A.    Yes.

1           775           Q.    Okay.  And your suggestion is that  
2           both those incidents are examples of a failure to  
3           govern one's self accordingly?

4           A.    According to one's own policies.

5           776           Q.    Okay.  The governance policy seems  
6           to be new, though.  Is that right?

7           A.    Yes.  The governance policy is  
8           what was approved by UOIT which led to the release  
9           of the funds.

10          777           Q.    Okay.  So that's...  The one  
11          that's in place now was subsequent to this  
12          incident?

13          A.    Yes.  But the question is not  
14          whether or not there's governance policy.  The  
15          question is whether or not The SA can manage to  
16          stick to it.

17          778           Q.    Okay.  So other than your  
18          allegations in this lawsuit, do you have any other  
19          suggestions that subsequent to the incident in  
20          2013, there have been failures to govern one's self  
21          by The SA?

22          A.    Aside from this matter?

23          779           Q.    Just this one, you're relying on?

24          A.    Yes.

25          780           Q.    Okay.  So it's the one in your --

1 at 18 of your Affidavit?

2 A. Yes.

3 781 Q. Not 18. I apologize. 28?

4 A. Twenty-eight.

5 782 Q. I mean, I personally don't see  
6 that, but I guess we'll let a judge make that  
7 determination, right?

8 A. Mm-hmm. Yes.

9 783 Q. Okay.

10 I just want to clarify one other thing  
11 before we finish, which was...

12 So at Tab "G" as in "Gulf" of the same  
13 book that you're in, our responding record, at page  
14 157 on the top right.

15 I mean, I don't know which is easier.  
16 Probably that.

17 A. Yeah. 157.

18 784 Q. So at 4.3, I'm just looking at  
19 "Rights of Full Members".

20 You're a full member of The Student  
21 Association, right?

22 A. Yes.

23 785 Q. Okay. So is it fair that you can  
24 run for office, if you want to?

25 A. Yes.

1 786 Q. Have you?

2 A. No.

3 787 Q. And by "run for office", I mean as  
4 a member of the Student Association, as the  
5 Executive or...?

6 A. ...or the Board?

7 788 Q. ...or the Board?

8 A. Yes.

9 789 Q. Okay. You can campaign for other  
10 Student Association members who share your beliefs,  
11 if you want to?

12 A. Yes.

13 790 Q. Have you done that?

14 A. No.

15 791 Q. You haven't been active on any  
16 campaigns?

17 A. No.

18 792 Q. Okay. You can lobby the Student  
19 Association to pass policies, if you want?

20 A. At meetings?

21 793 Q. Yeah.

22 A. I'm assuming, yes.

23 794 Q. You can put motions on the agenda  
24 at the annual general meeting, if you want?

25 A. Yes.

1           795           Q.    And presumably, you can reapply  
2           this coming school year--

3           A.    Yes.

4           796           Q.    --for ratification, right?

5           A.    (Nodding head.) Yes.

6           797           Q.    Have you ever lobbied The SA to  
7           pass a policy that you feel supports your beliefs?

8           A.    Not at the annual general meeting.

9           798           Q.    So you haven't put any motions on?

10          A.    No.

11          799           Q.    Have you lobbied a member of The  
12          SA, for instance, to do something?

13          A.    No.

14          800           Q.    Are any members of the Executive  
15          or on the Board, members of Speak for the Weak?

16          A.    No.

17          801           Q.    Are any of the members of the  
18          Catholic Students' Association?

19          A.    No.

20          802           Q.    Or the Campus Church?

21          A.    No.

22          803           Q.    I actually don't really know--

23          A.    Right.

24          804           Q.    --how many members--

25          A.    Yeah.

1 805 Q. --there are or anything.

2 A. I actually don't know... The  
3 Campus Church has hundreds of members,--

4 806 Q. Okay.

5 A. --so I don't know--

6 807 Q. You wouldn't know?

7 A. --if -- no. The Campus Church  
8 isn't affiliated with us in any way, though, so --

9 808 Q. No. But you were a member before?

10 A. Yeah.

11 809 Q. I just wondered if--

12 A. Mm-hmm. Yeah.

13 810 Q. --as a member, you had seen any  
14 other fellow members?

15 A. Yeah. No, not -- not that I'm  
16 aware of--

17 811 Q. Okay.

18 A. --this current year.

19 812 Q. And all the other rights here in  
20 4.3; you would agree that those are rights of  
21 anyone who is a full member of The Student  
22 Association, right?

23 A. Yes.

24 813 Q. Is there anything that's not  
25 included in there that you would say is a right of

1 a member?

2 A. No. No.

3 MS. SANCHE: Okay.

4 Okay. So subject to the answers to  
5 undertakings and refusals and any questions taken  
6 under advisement, those are my questions.

7 THE WITNESS: Okay.

8 MS. SANCHE: Thanks.

9 ---[ Ending time: 12:34 p.m. ]

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## REPORTER'S CERTIFICATE

I, BONNIE LYNN VAN DER MEER, C.S.R.,  
Chartered Shorthand Reporter, hereby certify;

That the foregoing proceedings were  
taken before me at the time and place therein set  
forth, at which time the witness was put under oath  
by me;

That the testimony of the witness and  
all objections made at the time of examination were  
recorded stenographically by me and were thereafter  
transcribed by me;

That the foregoing is a true and  
correct transcript of my shorthand notes so taken.

Dated this 31st day of March, 2016.



-----  
BONNIE LYNN VAN DER MEER, CSR  
NEESON COURT REPORTING INC.



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