

COURT FILE NUMBER

1503 13490

COURT

COURT OF QUEEN'S BENCH
OF ALBERTA

JUDICIAL CENTRE

EDMONTON

APPLICANTS

UALBERTA PRO-LIFE, AMBERLEE NICOL, KIANNA OWEN, AND CAMERON WILSON

RESPONDENT

UNIVERSITY OF ALBERTA

DOCUMENT

AFFIDAVIT OF AMBERLEE NICOL

ADDRESS FOR
SERVICE AND
CONTACT INFORMATION
OF PARTY FILING
THIS DOCUMENT

R. Jay Cameron
Barrister and Solicitor
#253, 7620 Elbow Drive SW
Calgary, Alberta T2V 1K2
Phone: (403) 475-3622
Email: jcameron@jccf.ca



I, Amberlee Nicol, of the Hamlet of Sherwood Park, in the Province of Alberta, make oath and say that:

1. I have personal knowledge of the matters deposed to in this Affidavit except where I depose to matters stated to be based on information and belief, in which case I believe that the information and belief are true.
2. I am a student at the University of Alberta and the President of UAlberta Pro-Life, formerly known as "Go-Life: U of A Campus Pro-Life," a student group registered under the University of Alberta Students' Union ("Go-Life"). In this affidavit, use of the plural pronouns "we", "our", "us", etc., references myself and members of Go-Life, including Kianna Owen and Cameron Wilson.

Removal of Posters

3. Throughout the 2014-2015 academic year, myself and other members of Go-Life organized events to held on September 25, 2014, January 15, 2015, and February 11, 2015, in order to raise awareness and give information concerning the issue of abortion.

4. To advertise these events, we put up approximately 3000 posters in all major buildings on campus. However, within hours of being posted, almost all of our posters were torn down and removed. Thus, the \$280 we spent on these posters and the many hours we spent putting them up were largely wasted.
5. On January 12, 2015, we sent University of Alberta Protective Services (UAPS) an email informing them that our posters were being torn down. Along with this email, we provided a video which showed individuals tearing down Go-Life posters.
6. On February 6, 2015, I filed a formal complaint about the destruction of our posters with UAPS. Attached to my Affidavit as **Exhibit "A"** is a copy of that complaint.
7. In February 2015, we became aware that certain students had bragged in Facebook posts about tearing down our posters. We provided this information to UAPS. Attached to my Affidavit as **Exhibit "B"** are the Facebooks posts by U of A students about removing Go-Life posters.
8. On Tuesday, February 24, myself, Kianna Owen, Cameron Wilson and Logan Vaughan met with a UAPS representative, Stephanie Hartwig, who advised us that UAPS was seriously contemplating not proceeding with disciplinary measures against these students despite their public admissions of their involvement.
9. On February 26, 2015, our legal counsel John Carpay sent a letter on our behalf to University President Dr. Indira Samarasekera, and copied to Ms. Grace Berry, then acting director of UAPS, and Mr. Brad Hamdon, General Counsel for the University, requesting that the University uphold the rule of law on campus, apply the *Code of Student Behaviour* (hereinafter "*Code*") fairly and equally to all students, and require that the students who destroyed our posters provide just compensation. Attached to my Affidavit as **Exhibit "C"** is a true copy of John Carpay's February 26 letter to Dr. Samarasekera.
10. The University did eventually charge three students for destroying our posters. One student was found guilty and required to pay a \$50 dollar fine. However, the University did not order any students to make restitution to us as the *Code* provides and as we had requested, despite the fact that the posters destroyed had cost us significant amount of time and labour, and \$280.

Obstruction of Our March 3-4 Event

11. On March 3-4, 2015, we conducted an event in the main quad on campus, authorized and approved by the University of Alberta, displaying signs showing the consequences of abortion and seeking to engage passersby in discussion about the topic of abortion.
12. Prior to this event, many people expressed their disagreement with our message and their desire to prevent it from being heard or seen. On February 26, 2015, we informed UAPS that people were planning on social media to protest our March 3-4 event by physically blocking and disrupting our display.
13. On February 27, 2015, University President Dr. Samarasekera released a statement concerning the University's commitment to freedom of expression, its duty to facilitate discussion and debate, its recognition that we had the same rights and privileges as other student groups, and that any complaints would be investigated by the UAPS according to the University's existing policies and procedures. Attached to my Affidavit as **Exhibit "D"** is the University President's "Statement regarding club display on campus".
14. On March 2, 2015, John Carpay sent a letter on our behalf, informing the Acting Director of UAPS, the University's President and the University's General Counsel of the planned disruption of our event. Attached to my Affidavit as **Exhibit "E"** is a true copy of John Carpay's letter to Ms. Berry, March 2, 2015. We also provided UAPS with screenshots of Facebook posts from seven different people evidencing their intention to physically block our March 3-4, 2015 display. Attached to my Affidavit as **Exhibit "F"** are true copies of the Facebook posts about obstructing our display which we provided to UAPS before the March event.
15. We specifically requested that the University uphold the rule of law on campus and apply the *Code* fairly and equally to all students. We further requested that the University take appropriate disciplinary action against those students inciting the obstruction and disruption – such incitement itself being a violation of sections 30.3.4(1) c and 30.3.6(5) of the *Code*. We also asked the University to inform and warn these students that their planned actions also violated the *Code*, namely sections 30.3.4(1) b and 30.3.6(2) a. Attached to my Affidavit as **Exhibit "G"** are relevant sections of the *Code*.
16. Despite this prior notice and request that the University uphold the *Code* and protect our rights, the University did not take any meaningful steps to confront the planned

obstruction and disruption of our event, even though the obstruction and disruption was clearly contrary to the University's *Code*, policies, commitments and the public statement of the University's President only days before on February 27, 2015.

17. On March 3-4, 2015, our display was obstructed and our event disrupted by a mob of people – University students and others – who surrounded the display, standing only a couple of feet from it while holding banners which blocked our signs from view. Further, the mob tried to prevent and succeeded in breaking up conversations between passersby and our group. The mob used a megaphone to drown out discussions, and to lead loud chants. I felt intimidated by the mob. The mob was made up of students, University staff members, and people not part of the University community. Attached to my Affidavit as **Exhibit "H"** are photos of the obstruction of our display, March 3 and 4, 2015.
18. Other students on campus were denied the opportunity to see and hear our expression, and to engage in peaceful dialogue about our ideas.
19. UAPS limited its actions to oral suggestions that those engaged in violating the *Code* should cease their misconduct, but took no action beyond making this suggestion. UAPS personnel did not remove the mob of people, or any individuals, who were obstructing and disrupting our University-approved event. UAPS did not require that the obstructing students who were breaking the *Code* provide UAPS with their identification, in spite of section 30.3.6(3) of the *Code* which requires that students provide identification upon request. UAPS did not even photograph the individuals committing this obstruction. Further, UAPS did not warn the *Code*-violators that they could be, or would be, prosecuted for violating the *Code* if they failed to cease and desist from their unlawful conduct. UAPS stood by and allowed our event to be effectively silenced.
20. During the March 3-4 event, the University sought to restrict us from distributing our pro-life literature.
21. On March 11, 2015, we filed a formal complaint with UAPS about the obstruction and disruption of our March 3-4 event. Attached to my Affidavit as **Exhibit "I"** is a copy of the March 11, 2015 complaint. Further, on March 12, 2015, we provided UAPS with names and Facebook posts identifying over 100 individuals who planned or took part in the mob obstruction of our display.

Delays and Fees Imposed

22. Despite the obstruction and disruption of our March 3-4 event, we hoped to converse and communicate with other University students about our pro-life message by planning another event for March 31, 2015, called "Ask a Pro-Lifer," where speaker Maaïke Rosendal (who was flying in from Ontario) would give a 30-minute presentation about abortion and the pro-life perspective, followed by a question-and-answer session.
23. On March 16, 2015, we applied for a room booking and event approval in accordance with University policies, a process we had completed several times before without difficulty or delay, and without any request to complete additional forms. Attached as **Exhibit "J"** are screen shots of the application submitted for event approval of "Ask a Pro-Lifer."
24. However, on March 23, 2015, a week after I submitted the application, I received an email from Mathieu Trepanier, the Student Event Risk Management Coordinator with the Dean of Students office, stating that we needed to have a "security assessment" completed by UAPS before our event could be approved. Neither the University's website nor the UAPS website had any form or link called "security assessment." Confused, we went to the Dean of Students office on March 25th and requested to speak with Mr. Trepanier in order to understand what he needed by requiring a "security assessment". We were informed that Mr. Trepanier was busy.
25. On March 26, 2015, we were able to meet with Mr. Trepanier, who stated that despite the fact we had done everything right, because we bring controversy, and in light of the misconduct of others at our March 3-4 event, he required us to apply for extra security, which we would have to pay for.
26. We had never been required to request security for any of our events before, including our March 3-4 event in which we had informed the University ahead of time that the display included pictures of aborted fetuses.
27. Mr. Trepanier told us that what he meant by "security assessment" was that we fill out a "Special Duty Request Form" and submit it to UAPS. Mr. Trepanier informed us that despite the delay in approving our event, we would not be permitted to advertise for our event until UAPS had completed their review and he had approved our event. We told Mr. Trepanier that we were frustrated by the delay and additional requirements being

imposed on us simply because of the strong opposition of others to our pro-life views and because of the misconduct of others at the March 3-4 event.

28. Immediately following the March 26, 2015 meeting, we submitted the Special Duty Request Form as required by Mr. Trepanier. Attached to my Affidavit as **Exhibit "K"** is a "Special Duty Request Form." This Form did not request any information that we had not already provided to the University on March 16.
29. However, we did not hear back from Mr. Trepanier until 3:20 p.m. on March 31, 2015, less than 15 minutes before our event was scheduled to start. Mr. Trepanier left me a voice-mail indicating that he wished to discuss our event, and still did not indicate whether or not the event was now approved. We were then informed that our event would only be approved if we agreed to pay for a security guard to attend our event. In order to hold our event, we agreed to Mr. Trepanier's demand, but under protest.
30. Although our event was eventually permitted to proceed, fewer than 10 people attended, because the University had prohibited us from advertising for it until it was approved.
31. Subsequent to the event, we were invoiced \$225 for "Special Duty Service" related to our March 31, 2015 event, "Ask a Pro-Lifer". Attached to my Affidavit as **Exhibit "L"** is a copy of the "Special Duty Service" invoice. We paid this invoice on September 11, 2015, submitting a letter indicating that it was being paid under protest. Attached as **Exhibit "M"** is a copy of the letter submitted along with the \$225.

Requests for Clarification of the University's Position

32. Given the significant difficulty we experienced trying to express and share our views on campus in the 2014-15 academic year, we requested that the University clarify its position concerning our freedom of expression on campus and the fair application of University policies to all students equally, as well as requesting that the University withdraw its \$225.00 invoice. Attached to my Affidavit as **Exhibit "N"** is John Carpay's letter to the University's Senior Legal Counsel, Jaxine Oltean, dated June 11, 2015.
33. Eventually, on July 23, 2015, we received a response from Robin Everall, the Interim Vice-Provost and Dean of Students, indicating that the University would not withdraw its \$225.00 invoice. Dr. Everall stated that we should apply for event approval earlier and

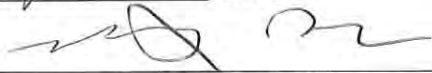
largely ignored the other requests for clarification made in our June 11 letter. Attached to my Affidavit as **Exhibit “O”** is the letter from Dr. Everall.

34. On July 29, 2015, Mr. Carpay sent another letter to the Ms. Oltean (attached to my Affidavit as **Exhibit “P”**), setting out the following conclusions and assumptions drawn from prior communication with the University and requesting that Ms. Oltean respond as to whether:
- 1) It is the usual and ordinary practice of UAPS to fail to take photos of those who violate the *Code*, and to refrain from asking students engaged in misconduct to produce their identification.
 - 2) UAPS personnel will continue to ask Go-Life members to cease distributing literature on campus.
 - 3) Neither UAPS nor the University of Alberta will contact individuals who are promoting the obstruction or disruption of Go-Life’s events. Neither UAPS nor the University of Alberta will warn those individuals that their advocacy and incitement (apart from any such actual conduct) is a violation of the *Code*. Neither UAPS nor the University of Alberta will warn such individuals that obstructing and disrupting university-related functions, including Go-Life’s events, is a violation of the *Code* for which they will be charged.
 - 4) Neither UAPS nor the University of Alberta will address the obstruction and disruption of Go-Life’s events immediately and decisively, by photographing those engaged in obstruction and disruption, by demanding to see their identification, and by initiating disciplinary proceedings against those who violate the *Code*. Instead, UAPS and the University of Alberta will allow and condone such conduct, and will only take action after the fact, and only upon receipt of a formal written complaint from Go-Life or from its members.
 - 5) The University of Alberta will not require those who steal or vandalize Go-Life’s property to pay restitution to Go-Life for the damage they have caused.
 - 6) If Go-Life does not pay the \$225 invoice, Go-Life will not receive approval from the University of Alberta to hold any events on campus during the 2015-16 school year, or thereafter.
 - 7) The University of Alberta will continue to impose “security fees” on Go-Life in respect of events it wishes to hold on campus, based on the potential of misconduct (violations of the *Code of Student Behaviour* and/or violations of the *Criminal Code of Canada*) of people who disagree with Go-Life’s opinions and message. The University of Alberta will do so regardless of whether or not Go-Life pays the \$225 invoice.
 - 8) In the 2015-16 school year and thereafter, the University of Alberta will not uphold the legal right of Go-Life to express its opinions peacefully on campus. The University of Alberta will not deal immediately or decisively with property damage, or with the obstruction and disruption of Go-Life events.
35. Since July 29, neither Ms. Oltean nor anyone else on behalf of the University has responded further, or offered any correction or clarification to the points set out in the paragraph immediately above.

Current Outlook


36. We have attempted to work with the University to protect our rights, but the University has failed to uphold its own commitments and duties to protect our expression from mob censorship, and has instead imposed on us the consequences of others' misconduct.
37. We have requested that the University fulfill its duties, or at least commit to doing so, and the University has failed to do either.
38. Without the University fulfilling its duties to foster and facilitate discussion and debate on campus, to uphold the rule of law, and to enforce and apply its own *Code* fairly and equally to all students, we will continue to suffer the effective silencing of our opinions and views which we seek to share with our fellow students.
39. We recognize that the University is a critical place for a true exchange of ideas where students' thinking is challenged, sharpened, shaped and established. If our expression continues to be thwarted by the University's failure to fulfill the duties it owes to us, we will continue to suffer the loss of engaging in the true exchange of ideas during our brief academic careers as the University of Alberta.

SWORN BEFORE ME at the City of Edmonton)
in the Province of Alberta, this day 11)
of September, 2015.)



Commissioner for Oaths in and for the
Province of Alberta

Student-at-law



Amberlee Nicol



University of Alberta
Protective Services

11390-87 Avenue, Edmonton, Alberta, Canada T6G 2R5 | 780-492-5050

THIS IS EXHIBIT "A"

referred to in the Affidavit of
Amberlee Nicol

File Number

15-292

Police File Number

WITNESS STATEMENT

Sworn before me this

11

Type of Occurrence destruction of property	Location UAlberta campus	Date Sept 10, 2015	02	06
Last Name Nicol	Given Names Amberlee Nicol	Date of Birth 1975	02	02
<input type="checkbox"/> NO AFFILIATION <input checked="" type="checkbox"/> STUDENT	<input type="checkbox"/> ACADEMIC STAFF <input type="checkbox"/> SUPPORT STAFF	UofA Faculty/Department Education	UofA Title Student-at-Law	ONEcard Number 1415094
Home Address (Street / City / Province / Postal Code) PO Box 72269 Summerwood APO Sherwood Park, AB T8H 0M6				Home Phone 587-987-5287
Work Address (Building/Room Number/Address)				Work Phone

friend around noon today, replacing (again) the posters that had gone missing from the first and second floor of Humanities. We left the Humanities Center to re-poster Tory Building (which was also missing a lot of the posters we put up), and when we returned to Humanities less than an hour later someone had removed the majority of our posters from the building. We caught someone tearing down a poster while we were replacing them, but he returned it when confronted. Just like the last time we postered in Humanities, it seems our posters keep going missing whenever classes let out, but particularly around noon time and in the evenings, presumably after night classes got out (approx. 9:00pm - 9:30pm).

The personal information collected by the University of Alberta Protective Services under the authority of section 33(c) of the Alberta Freedom of Information and Protection of Privacy Act is for investigative purposes. Certain personal information may be made available to federal and provincial government departments and agencies under appropriate authority. For further information contact: University of Alberta Protective Services, Manager Administrative Services, 11390-87 Avenue, Edmonton, Alberta, T6G 2R5 Fax: (780) 492-0793 Email: protective.services@ualberta.ca

Witness Signature <i>Amberlee Nicol</i>	Date 2015	02	06	Time 4:00 pm	Page 2 of 2
Taken by: No 12602 Name K. Chan	Signature <i>[Signature]</i>	Date 2015	02	06	Time 1616

ORIGINAL



University of Alberta
Protective Services

11390-87 Avenue, Edmonton, Alberta, Canada T6G 2R5 | 780-492-5050

15-292
Police File Number

WITNESS STATEMENT

Type of Occurrence destruction of property		Location UAlberta campus		Date 2015 02 06	
Last Name Nicol		Given Names Amberlee Robin		Date of Birth 1995 02 02	Sex F
<input type="checkbox"/> NO AFFILIATION <input checked="" type="checkbox"/> STUDENT	<input type="checkbox"/> ACADEMIC STAFF <input type="checkbox"/> SUPPORT STAFF	UofA Faculty/Department Education	UofA Title	ONEcard Number 1415094	
Home Address (Street / City / Province / Postal Code) PO Box 72269 St. James St. James RPO Sherwood Park, AB T8H 0M6				Home Phone 587-987-5287	
Work Address (Building/Room Number/Address)				Work Phone	

We have postered for our club events twice this semester, and both times our posters have been specifically targeted for destruction and removal from public boards where we were allowed to post. In the week leading up to our Jan. 15th meeting, we were having to re-poster the same hallways every day, SAB, CAB, ECHA, Tory Building, and the Humanities Center all had to be partially or completely re-postered on a daily basis. We have multiple photographs of posters we put up in ECHA that week which were torn to pieces and then re-pinned to the board. Humanities Center was by far the worst, though, because we would come back two-three times a day to find all our posters removed, and three times we caught groups of students going from board to board tearing down our posters - once we caught it on video. We also caught on video a university staff member removing our posters from a public board in Tory Building.

We started posterizing for our Feb. 11th event this week, starting on Wednesday, and so far we've had a lot of the same problems, especially in the Humanities building. I went posterizing with a

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Witness Signature <i>Amberlee Nicol</i>		Date 2015 02 06	Time 4:00pm	Page 1 of 2
Taken by: No 12602 Name K. Chan		Signature <i>[Signature]</i>		Date 2015 02 06
				Time 1616

ORIGINAL



Claire Edwards I can understand that. I've been taking down posters and atleast five women have come up to thank me.

February 6 at 2:15pm · Like · 5



Claire Edwards (Dudes have thanked me too. Lots of high fives)

February 6 at 2:16pm · Like · 2

THIS IS EXHIBIT " B " referred to in the Affidavit of Amberlee Nicol
Sworn before me this 11 day of Sept. A.D. 20 15
[Signature]
A Commissioner in and for the Province of Alberta
Student-at-Law



Parker Leflar i know that lots of people find anti-choice posters triggering, so i'm gonna keep tearing them down. but i do really understand this reasoning and might also change my approach if/when things become more formalized. ✕

February 6 at 3:14pm · Like · 👍 2



Claire Edwards (I may or may not continue doing this as an independent student. If/when this becomes official I will stop)



February 6 at 2:32pm · Edited · Like · 6



Claire Edwards But you're right putting up our own posters is better.

February 6 at 2:32pm · Like · 5



Claire Edwards

February 10 at 8:52am · Edmonton

Hey friends! Have any of you seen the posters being turned around with a feminist symbol drawn on the back and FUA written under it? I think that's awesome... the only thing is that I don't want FUA to get in trouble or disbanded as a student group. So if it's any of you, MAD RESPECT but be careful. Maybe it's a conspiracy and it's the proliferers doing it to get us in trouble. Whatever. I MAY or MAY NOT be taking them down as an independent student 😊

Like · Comment

👍 5 people like this.

✓ Seen by 71



Prachi Mishra Seems likes it might be useful for a meeting to be organized and maybe talk about how the group should be reacting to this anti-choice group and their activities.

February 10 at 9:48am · Like · 👍 1



Bria Sald I agree! I feel conflicted because I myself feel v agitated by the anti-choice and I've taken down posters. I think if anyone feels triggered or offended by the posters then they should be allowed to remove them yet I don't want to make feminists at the u look like angry vigilantes? It's weird

February 10 at 10:26am · Like · 👍 2



Claire Edwards

February 10 at 9:28pm · Edmonton

UPDATE:

Sorry to bombard you guys with posts but some shit has gone down.

I didn't want to share this here because I wasn't sure if it was safe or not. But now I don't really care.

On Friday I was taking down posters as I walked through Education. There was one outside of every single classroom. As I was throwing a couple in the recycle (I hope you are all remembering to RECYCLE these) some guy confronted me. I told him I was taking them down not only because they're breaking university rules but also because they're triggering and offensive. I told him if he wanted he could call UAPS, that I wasn't going to deny anything. He asked for my name and I didn't tell him because I don't have to. I was polite and kept walking.

When I went to pull another one down he grabbed my arm and pushed me into a wall. It wasn't hard. I was totally unharmed. Just shocked. I yelled at him saying HOW DARE YOU etc. I pointed at the people around us who had seen it happen. He immediately realized what he had done and said he was "just protecting the posters." I said get away from me and kept walking on.

I didn't want to report anything because I was afraid of getting in trouble for taking down posters. Seems like that might happen anyway.

I heard from a friend in-the-know that they named me and some other person (who is not involved at all) to UAPS today. What's funny is they told UAPS that they had sent me an email asking me to stop and that I replied and "admitted what I was doing was wrong." I WISH they had sent me an email. It would have been amazing. But yeah that has not happened. They're outright lying and naming people randomly. It doesn't look like UAPS is going to act on their complaint.

SO ANYWAY this is what we are dealing with. I am so excited to meet all of you and finally start working together on something meaningful.



Zoe Katharine I am. I'm engaging in some self care by tearing down every poster in ECHA



February 11 at 2:32pm · Like · 6



Justice Centre for Constitutional Freedoms

THIS IS EXHIBIT " C "
referred to in the Affidavit of
Amberlee Nicol
Sworn before me this 11
day of Sept. A.D. 20 15
[Signature]
A Commissioner in and for the Province of Alberta
Student-at-Law

February 26, 2015

Indira Samarasekera
President
University of Alberta
2-24 South Academic Building
Edmonton, Alberta, T6G 2G7

Dear Dr. Samarasekera,

Re: Upholding the Rule of Law against the Destruction of Property

We write on behalf of Go-Life, a University of Alberta campus club that has been repeatedly victimized by property damage, theft and vandalism during this 2014-15 academic year.

In respect of an authorized campus event on September 25, 2014, members of Go-Life put up 900 small posters (8.5 x 11 sheets of paper) to advertise their event in all major buildings on campus. Within roughly eight hours of having been posted, almost all of these posters were torn down and removed. Go-Life spent \$80 for these posters, and Go-Life's members spent, collectively, a total of 20 hours to put up these 900 posters.

To promote a second authorized event held on January 15, 2015, members of Go-Life once again put up posters, 1,200 this time, all around the U of A campus. They spent \$90 dollars and, collectively, 27 hours, acquiring and putting up these posters. Yet again, within hours of being posted, nearly all of the posters had been torn down.

Go-Life members planned a third authorized event on February 11, 2015, and again invested substantial time (27 hours) and money (\$110) to place 1,300 poster around the U of A campus to promote their event. But again, within approximately eight hours of having been posted, hardly a poster remained.

In total, Go-Life has suffered a financial loss of approximately \$280 and the loss of approximately 75 hours of time in putting up the posters. Virtually all of this money and time was wasted, insofar as the posters had very little impact in serving their intended purpose, that of notifying members of the University Community about the authorized events of a University of Alberta campus club.

On February 10, 2015, Go-Life learned that Claire Edwards was one of the persons who had been tearing down Go-Life's posters, by virtue of a Facebook post in which she admitted tearing down the posters.

Go-Life provided this evidence to Protective Services on February 10, 2015. Sixteen days have elapsed since this evidence was presented to Protective Services, yet it appears that Protective Services has not taken any substantive action in respect of the destruction, theft and vandalism of Go-Life's property.

On Tuesday, February 24, four members of Go-Life met with a representative of Protective Services, Stephanie Hartwig. Ms. Hartwig advised Go-Life that Protective Services was seriously contemplating the option of not proceeding with any disciplinary measures against Claire Edwards, in spite of evidence that Claire Edwards, by her own admission, has destroyed, vandalized or stolen property on campus that did not belong to her.

All students at the University of Alberta have a right to feel safe and secure on campus, regardless of the beliefs or opinions those students may adhere to. The theft, destruction, vandalism, or unauthorized removal of a student's property, whether for political or ideological reasons or for any other reason, should not be condoned by Protective Services.

Apart from the *Criminal Code* provisions regarding theft and property damage, which expressly prohibit Ms. Edwards' conduct, the University of Alberta's own *Code of Student Behaviour* also prohibits the behaviour engaged in by Ms. Edwards:

30.3.5(1) a No Student shall possess, misappropriate, convert, destroy or otherwise damage University property or the property of any other member of the University Community.

...

30.3.6(2) a No Student shall engage in conduct that violates any municipal by-law, Provincial or Federal statute or regulation, or University regulation (Rules External to the Code). Conduct that breaches Rules External to the Code shall be deemed to be an offence under this Code and shall be subject to the disciplinary and appeal processes set out in this Code, if the conduct has a real and substantial link to the University, University Activities, the University Community, or University-related Functions, whether or not the conduct occurred on or in relation to University property.

Members of Go-Life have the same right as all other students on campus to be safe from theft, vandalism, and property damage. Criminal behaviour, and violations of the *Code of Student Behaviour*, are not justified by virtue of a political or ideological motivation.

For Protective Services to condone the behaviour of Claire Edwards out of sympathy for her motivation (namely, her disagreement with Go-Life's beliefs) sends a message to all students that it is acceptable to misappropriate, convert, destroy or otherwise damage the property of other members of the University Community that you disagree with. I trust that this is not a message

that you, as President of the University of Alberta, wish to see promoted or accepted on campus. Hopefully, Protective Services will also realize that condoning non-academic misconduct and criminal conduct for ideological reasons is destructive to the rule of law, on which all students rely for their protection and security.

I write to request that you and the administration of the University of Alberta, including Protective Services, uphold the rule of law on campus, and apply the *Code of Student Behaviour* fairly and equally to all students.

In cases like this one, where there is compelling evidence that a student has engaged in conduct which violates both the *Criminal Code* and the *Code of Student Behaviour*, a person's beliefs or ideological motivation should not be accepted as a justification for such conduct.

At the very least, the University of Alberta can and should require that Ms. Edwards provide fair and just compensation to Go-Life in respect of its \$280 in property damage, and the 75 hours of labour that club members expended in vain.

I look forward to receiving your response.

Yours truly,

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a horizontal line extending to the right.

John Carpay, B.A., LL.B.
President
Justice Centre for Constitutional Freedoms

cc. Go-Life
Ms. Grace Berry, Acting Director of University of Alberta Protective Services,
Mr. Brad Hamdon, General Counsel, University of Alberta



Friday, February 27, 2015

Statement regarding student club display on campus

The university is aware of concerns regarding a display scheduled to be set up in Quad on March 3rd and 4th by the student group Go-Life, and takes these concerns seriously.

The University of Alberta will always start from a position that supports a right to freedom of expression. It is our duty to foster and facilitate discussion and debate in an environment that is a safe space for all students.

It is clear that there are passionate viewpoints on either side of the abortion debate. As Canadians, we are fortunate to live in a society that values democracy and protects our freedom of expression. As a place of higher learning, the university supports freedom of expression, including academic freedom, and we encourage our community to partake in a true exchange of ideas, and to do so in a respectful and civil manner.

Go-Life is a registered student group on campus and, as such, has the same rights and privileges as other student groups. That includes access to the same spaces as any other student group. They have followed university policies and procedures in preparation for their display on campus next week, and in placing posters about the event. Both University of Alberta Protective Services and the Office of the Dean of Students have been working with the group in advance of their event to ensure they follow procedures and expectations with regard to conduct.

A safe and respectful campus community is always a high priority. The university does not condone activity that violates the Student Group Procedures or the Code of Student Behaviour. Any complaints will be investigated by UAPS, according to our existing policies and procedures.

Indira

Indira V. Samarasekera
President and Vice-Chancellor

Update: For further information regarding the Go Life display, please click here.

at 9:28 PM

 Recommend this on Google

Labels: Code of Student Behaviour, Dean of Students, Protective Services, statement, student display on campus, student group, Student Group Procedure

8 comments:

**Anonymous** February 27, 2015 at 9:48 PM

Principled stand. Abortion is a very difficult subject to tackle, and I'm proud to be a student at a university that is committed to having the difficult discussions and allowing people to ask the tough questions.

[Reply](#)[Replies](#)**Anonymous** March 4, 2015 at 10:14 AM

"Difficult discussion"? Do you even know what is happening at the university? This was a graphic display meant to impact people, not the grounds for a discussion.

[Reply](#)

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About this blog

This blog is published by the University of Alberta to provide an official forum for information sharing, discussion and debate about current topics relevant to the university. The president, vice-presidents, their designates and Colloquy staff will post entries as often as possible to share news and address issues, rumours, questions and decisions. Comments and questions will be moderated by Colloquy staff. Questions will be answered as soon as possible. To suggest a topic of discussion, please use the Contact Us link.

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- Awesome appointment. Richard is progressive, open,... - 7/24/2015 - Anonymous
- IMO the resignation letter was self-congratulatory... - 7/22/2015 - Anonymous
- Good. Now maybe negotiations with AASUA more move ... - 7/21/2015 - Anonymous
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 - July (5)
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Justice Centre for Constitutional Freedoms

March 2, 2015

Grace Berry
Acting Director
University of Alberta Protective Services
11390-87 Avenue
Edmonton, Alberta, T6G 2R5

THIS IS EXHIBIT " E "
referred to in the Affidavit of
Amberlee Nicol
Sworn before me this 11
day of Sept A.D. 20 15
[Signature]
A Commissioner in and for the Province of Alberta
Student-at-law

Dear Ms. Berry,

Re: Planned contraventions of the Code of Student Behaviour

I write on behalf of Go-Life, a University of Alberta campus club which will set up an informational display on campus on March 3 and 4, 2015, in Quad from 9:00 a.m. to 4:00 p.m.

I will state at the outset that Go-Life welcomes respectful debate on campus, and has no desire to limit or restrict the peaceful expression of opinions that oppose Go-Life's message. Go-Life fully and unequivocally supports the legal right of all persons to express their views in a peaceful manner on campus.

Go-Life appreciates, and agrees with, Dr. Samarasekera's February 27th, 2015 statement expressing the University of Alberta's commitment to the peaceful expression of opinions on campus, and the need to adhere to the *Code of Student Behaviour* (hereafter "*Code*").

I write to draw your attention to recent violations of the *Code* by ten individuals who have, in their Facebook posts, disclosed their intentions to physically block Go-Life's display, with the goal of preventing other students from viewing it.

Claire Edwards wrote on February 24 that "[i]t would be awesome to hold a banner in front of them to block the view." Sally Scott wrote about getting a group together "to block the anti-choice groups" by "standing in front of their displays". Brenda Kerber speaks of organizing some people to "stand in front of them" and adds that she "could let a lot of people know" about doing what she acknowledges might be "illegal or disruptive". These and similar comments have been posted by:

- Claire Edwards
- Sally Scott
- Brenda Kerber
- Melissa Ross
- Kim Alawick

- Sarah Robryna
- Maddy Hubbers
- Stephanie Michelle
- Raine Northumberland
- Adam Woods

These 10 Facebook posts have been sent to UAPS by Go-Life.

The physical obstruction and blocking proposed by these ten individuals is contrary to the *Code*, of which the relevant sections state:

30.3.4 Inappropriate Behaviour towards Individuals or Groups
30.3.4(1) Disruption

30.3.4(1) b No Student shall, by action, words, written material, or by any means whatsoever, obstruct University Activities or University-related Functions.

30.2.35 University Activities. “University Activities” include but are not limited to, teaching, research, studying, administration, meetings, and public service.

30.2.38 University-related Functions. “University-related Functions” include, but are not limited to activities occurring in the course of work or study assignments inside or outside the University; at work or study-related conferences or training sessions; during work or study-related travel; during events such as public lectures, performances, social or sports activities; or over the telephone or computer.

The proposed actions of these ten individuals contravene these sections of the *Code*, which expressly prohibit obstruction and disruption of events on campus.

Further, Section 430 of the *Criminal Code of Canada* expressly prohibits obstructing, interrupting or interfering with the lawful use, enjoyment or operation of property. The display that Go-Life will set up next week is the property of Go-Life. The lawful use and operation of that property consists of making it available for viewing by people on campus. The physical blocking of Go-Life’s display, with the express goal of preventing people from viewing it, constitutes obstructing, interrupting and interfering with the lawful use of Go-Life’s property.

In relation to section 430 of the *Criminal Code of Canada*, section 30.3.6(2) of the *Code (of Student Behaviour)* states:

No Student shall engage in conduct that violates any municipal by-law, Provincial or **Federal statute** or regulation, or University regulation (Rules External to the Code). Conduct that breaches Rules External to the Code shall be deemed to be an offence under this Code and shall be subject to the disciplinary and appeal processes set out in this Code, if the conduct has a real and substantial link to the University, University Activities, the University Community, or University-related Functions, whether or not the conduct occurred on or in relation to University property.

Apart from whether these ten individuals actually attempt to carry out their intentions to violate the *Criminal Code* and the *Code of Student Behaviour*, these individuals through their Facebook postings have already contravened the following sections of the *Code of Student Behaviour*:

30.3.4(1) c No Student shall use words that incite others to behaviour that is inappropriate to members of the University Community, whether or not in connection with a demonstration, rally or picketing.

30.3.6(5) No Student shall counsel or encourage or knowingly aid or assist, directly or indirectly, another person in the commission of any offence under this Code.

All students at the University of Alberta have a right to feel safe and secure on campus, regardless of the beliefs or opinions those students may adhere to. The violation of the *Criminal Code* and the *Code of Student Behaviour*, whether for political or ideological reasons or for any other reason, should not be condoned by Protective Services. Nor should the violations of sections 30.3.4(1) c and 30.3.6(5) of the *Code*, which have already occurred, be condoned by Protective Services.

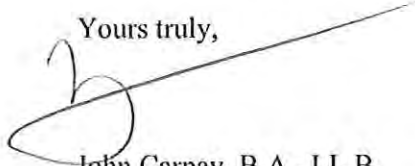
We write to request that Protective Services uphold the rule of law on campus, and apply the *Code of Student Behaviour* fairly and equally to all students, regardless of their ideological or philosophical motivation for proposing and planning misconduct.

Specifically, we write to request that Protective Services take appropriate disciplinary action in respect of the violations of sections 30.3.4(1) c and 30.3.6(5) of the *Code*, which have already occurred.

Further, we request that Protective Services inform these ten individuals that their proposed actions violate section **30.2.3(1) b** of the *Code*, and section **30.3.6(2)** of the *Code* in relation to criminal behaviour that violates section 430 of the *Criminal Code of Canada*.

I look forward to your response.

Yours truly,



John Carpay, B.A., LL.B.
President

Justice Centre for Constitutional Freedoms

cc. Go-Life

Mr. Brad Hamdon, General Counsel, University of Alberta

Dr. Indira Samarasekera, President, University of Alberta



Claire Edwards Hey guys sorry I've been MIA on this. This is gross to hear. Digging the idea of trigger warning signs or posters. Also would love to organize some kind of counter demonstration. It would be awesome to hold a banner in front of them to block the view.

February 24 at 11:38pm · Like

THIS IS EXHIBIT " F " referred to in the Affidavit of Amberlee Nicol
Sworn before me this 11 day of Sept. A.D. 20 15
[Signature]
A Commissioner in and for the Province of Alberta
Student-at-Law



Adam Woods The idea of a physical barrier is gold. While they may certainly have the legal rights to host the event, we most certainly have the legal rights to obstruct it from view.

4 hrs · Like ·  14




Sarah Rebryna I was alerted to this yesterday by the president of OUTreach. I have sent an email to the Dean of Students. I really, really, REALLY want to be involved in some sort of counter demonstration. I was thinking of creating a human "wall" of people holding tall signs with LGBTQ colours or other messaging to block the genocide display so that the Pride Parade can stick to their planned route. If others have more suggestions let's please have them!

4 hrs · Unlike ·  10




Kim Alawick As in the other thread about this, umbrellas as visual shields are being proposed. Umbrellas and flags would be great! (I can probably find some rainbow flags at work...)

4 hrs · Like ·  6




Maddy Hubbers People who have the time and ability should try and organize a physical barrier to stop other students from having to see this. Sheets taped to hockey sticks and large pieces of cardboard will work. They don't have to be fancy, but you'll be able to stop others from having to look at the images.

4 hrs · Like ·  13



Melissa Rose Where can we find a giant rainbow flag to shield the parade from the display?

4 hrs · Like ·  3



Raine Northumberland I can bring a couple of umbrellas (depending on time)!

4 hrs · Like ·  1

- 30.2.32 **Transcript.** A Student's official academic record issued by the Office of the Registrar and bearing the signature of the Registrar. Information for the Transcript is drawn from the Central Academic Record. Information included on the University of Alberta transcript is found in the University of Alberta Calendar, Section 23.9.2. (CLRC 24 MAY 2012)
- 30.2.33 **UAB.** University Appeal Board.
- 30.2.34 **Unit Director.** The director or delegate of specific University services or resources including but not limited to Ancillary Services, Academic Information and Communication Technologies, University Libraries, University Recreational Facilities, and the University Bookstore. (CLRC 03 MAR 2005)
- 30.2.35 **University Activities.** "University Activities" include but are not limited to, teaching, research, studying, administration, meetings, and public service.
- 30.2.36 **University Community.** "University Community" includes those who are employed by the University, who are officially associated with the University, and those who are Students, former Students, or alumni of the University.
- 30.2.37 **University Officials.** "University Officials" are those individuals who in the ordinary course of their duties have the authority to limit access to University Facilities and/or property and include but are not limited to Deans, Department Chairs, Unit Directors, Discipline and Deputy Discipline Officers, Instructors, members of University of Alberta Protective Services, Ancillary Services staff, and Building Services staff. (CLRC 03 MAR 2005)
- 30.2.38 **University-related Functions.** "University-related Functions" include, but are not limited to activities occurring in the course of work or study assignments inside or outside the University; at work or study-related conferences or training sessions; during work or study-related travel; during events such as public lectures, performances, social or sports activities; or over the telephone or computer.
- 30.2.39 **University Supplies and Documents.** "University Supplies and Documents" include but are not limited to equipment, keys, records, insignias, stationery, forms and permits.
- 30.2.40 **Working Day or Business Day.** "Working Day" or "Business Day" is defined as a day on which University administrative offices are open. For the purposes of these regulations, the day preceding the Christmas holiday period shall not be considered a Working Day for appeal deadlines. (CLRC 24 MAY 2012)
- 30.3 Offences under the Code**
- 30.3.1 Application**
- 30.3.1(1) This Code applies to all conduct by a Student or by Students, by any means whatsoever, (including but not limited to internet forums, electronic communications or other media) that has a real and substantial link to the

30.3.4 Inappropriate Behaviour towards Individuals or Groups

30.3.4(1) Disruption

- 30.3.4(1) a No Student shall disrupt a Class in such a way that interferes with the normal process of the session or the learning of other Students.
- 30.3.4(1) b No Student shall, by action, words, written material, or by any means whatsoever, obstruct University Activities or University-related Functions.
- 30.3.4(1) c No Student shall use words that incite others to behaviour that is inappropriate to members of the University Community, whether or not in connection with a demonstration, rally or picketing.

30.3.4(2) Discrimination

- 30.3.4(2) a No Student shall discriminate against any person or group of persons while participating in University Activities or University-related Functions. Discrimination is defined in the Discrimination, Harassment and Duty to Accommodate Policy in UAPPOL. (CLRC 25 APR 2013)

(<https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Discrimination-Harassment-and-Duty-to-Accommodate-Policy.pdf>)

30.3.4(3) Dissemination of Malicious Material

No Student shall disseminate or cause to be disseminated malicious or defamatory material or engage in activity which creates a social or academic climate that hinders or prevents the full participation of another person or group in the life of the University.

30.3.4(4) Retaliation

No Student shall retaliate against any Complainant who has reported the Student for an offence under the Code or against any other person who has provided information served as a witness or acted in an official capacity in the discipline process. (EXEC 7 JAN 2008)

30.3.4(5) Unfounded Allegations

No Student shall make any complaint against any other member of the University Community or cause any steps to be taken concerning any other member of the University Community unless the Student believes, on reasonable grounds, that the other member of the University Community has committed an offence under this Code or engaged in conduct warranting a complaint.

30.3.4(6) Violations of Safety or Dignity

- 30.3.4(6) a No Student shall have sexual or physical contact with another person without that person's consent.
- 30.3.4(6) b No Student shall physically abuse another person, threaten any other person with physical abuse or cause any other person to fear physical abuse.

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- 30.3.4(6) b No Student shall physically abuse another person, threaten any other person with physical abuse or cause any other person to fear physical abuse.

- 30.3.4(6) c No Student shall create a condition which endangers or potentially endangers or threatens the health, safety or well being of other persons.
- 30.3.4(6) d No Student shall harass another person. Harassment is defined in the Discrimination, Harassment and Duty to Accommodate Policy in UAPPOL, and includes Harassment, Bullying, Sexual Harassment and Racial Harassment. (CLRC 25 APR 2013)
- <https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Discrimination-Harassment-and-Duty-to-Accommodate-Policy.pdf>
- 30.3.4(6) e No Student shall use words which threaten violence or physical abuse to any group or individual whether or not the group or individual thus threatened knows of such threatening words and whether or not the words are employed in connection with a demonstration, rally or picketing.
- 30.3.4(7) **Hazing**
- 30.3.4(7) a No Student shall organize, participate or engage in the hazing of another person, regardless of whether the individual who is the subject of the hazing has consented to participate in or be subjected to the activities in question, or whether the activities in question constitute a ritual or tradition of an organization. (EXEC 02 APR 2012)
- 30.3.4(7) b “Hazing” means the creation of an environment or any intentional, reckless or negligent act, by a Student, that occurs on or off University property, that
- i. endangers the physical health, mental health or safety of another person; or
 - ii. produces physical or mental discomfort, embarrassment, humiliation, harassment, or ridicule; or
 - iii. results in the destruction, damage or removal of any public or private property; or
 - iv. causes, induces, pressures, coerces, or requires another person to violate any federal, provincial, municipal or University regulations;
- for purposes that include, but are not limited to, initial or continued admission, affiliation or initiation with any Student Group, athletic team, or any formal or informal organization in the University Community. Examples of hazing include, but are not limited to: any brutality of a physical nature, such as whipping, beating, branding, paddling, or electric shocks, exercise not legitimately related to a sport, forced consumption of alcohol or other substances, inappropriate exposure to the elements, compulsory nudity or immodest dress, transportation and abandonment, threats or implied threats, verbal abuse, physical or psychological abuse, sleep deprivation, physical confinement, coerced hazing of another, compulsory servitude, degrading activities, sexual simulation, sexual assault, or theft or misuse of others’ property. (EXEC 02 APR 2012)

- 30.3.6(1) c No Student shall violate Alberta Gaming and Liquor Board regulations regarding the use of alcohol on campus. These regulations must be posted at any function serving alcohol on campus.

30.3.6(2) **Breach of Rules External to the Code**

- 30.3.6(2) a No Student shall engage in conduct that violates any municipal by-law, Provincial or Federal statute or regulation, or University regulation (Rules External to the Code). Conduct that breaches Rules External to the Code shall be deemed to be an offence under this Code and shall be subject to the disciplinary and appeal processes set out in this Code, if the conduct has a real and substantial link to the University, University Activities, the University Community, or University-related Functions, whether or not the conduct occurred on or in relation to University property.
- 30.3.6(2) b The determination of whether any conduct has such a real and substantial link may be made by any person or body authorized to make decisions in the disciplinary and appeal processes set out in this Code, and this determination may be appealed as part of an appeal provided for by this Code.
- 30.3.6(2) c The determination of whether a Student has breached Rules External to the Code may be made by any decision-maker under this Code, and this determination may be appealed as part of an appeal provided for by this Code.
- 30.3.6(2) d The determination referred to in 30.3.6(2) c shall be made in accordance with the rules of evidence and the burdens of proof specified in this Code. If, however, a person, court, tribunal, or other decision-making body with jurisdiction over an alleged Breach of Rules External to the Code has ruled that the Student did or did not commit a violation,
- 30.3.6(2) d. i evidence of that ruling, in any form satisfactory to the decision-maker, may be introduced as evidence that the Student did or did not (as the case may be) commit an offence for the purposes of this Code; and
- 30.3.6(2) d. ii the decision-maker shall accord such weight to the evidence of the ruling as the decision-maker considers appropriate in the circumstances.
- 30.3.6(2) e A Student who has been found to have committed an offence may receive a sanction under both the Code and Rules External to the Code.

30.3.6(3) **Identification**

No Student shall refuse to provide identification upon request by a University Official or employee acting in the course of that person's duties, provided the University Official or employee has reason to believe the Student is committing, has committed or is about to commit an offence.

30.3.6(4) **Misrepresentation of Facts**

No Student shall misrepresent pertinent facts to any member of the University community for the purpose of obtaining academic or other advantage. This includes such acts as the failure to provide pertinent information on an application for

admission or the altering of an educational document/transcript. (EXEC 04 MAY 2009)

30.3.6(5) Participation in an Offence

No Student shall counsel or encourage or knowingly aid or assist, directly or indirectly, another person in the commission of any offence under this Code.

30.3.6(6) Smoking

No Student shall smoke at any time in any area of the University where smoking is banned. (CLRC 25 APR 2013)

30.3.6(7) Bribery

No Student shall offer or provide a monetary or other benefit to any member of the University for the purpose of gaining academic or other advantage. (GFC 24 SEP 2007)

30.4 Sanctions and their Impact

30.4.1 General Provisions

Different members of the University have the authority to decide that a Student has breached the Code and to set a sanction. Unit Directors may impose Minor Sanctions for specific breaches that occur within their unit and may recommend that the Discipline Officer impose Intermediate or Severe Sanctions. The Director of UAPS may recommend that the Discipline Officer impose Minor, Intermediate or Severe Sanctions. Deans have the authority to set Minor or Intermediate Sanctions and may recommend that the Discipline Officer impose Severe Sanctions. The Discipline Officer and the UAB have the authority to set Minor, Intermediate, or Severe Sanctions.

30.4.1(1) In determining both the length and/or the effective date of a sanction, a decision-maker imposing the sanction shall take into account the impact of the sanction on the Student's academic program and record.

30.4.1(2) Any sanction shall take effect on the date of the decision unless it is noted in the decision that the sanction shall take effect at another time. Any change to a sanction as a result of an appeal (the removal of, increase in or addition to a sanction) shall take effect according to specified instructions in the written appeal decision. (CLRC 24 MAY 2012)

30.4.1(3) The Office of the Registrar shall note Encumbrances, grade changes (including notations of NC) Suspensions, Expulsions, or Suspensions or Rescissions of Degrees on a Student's Transcript. Encumbrances, Exclusions and Suspensions of Essential and Non-Essential Services will be noted as a Negative Service Indicator in the Student's Central Academic Record. For tracking purposes, any sanction noted on the Transcript will also be noted as a Negative Service Indicator in the Student's Central Academic Record. (CLRC 24 MAY 2012) (GFC 03 FEB 2014)

- 30.4.2(8)b** Permanent refusal to consider applications for admission to the University of Alberta.

Where a sanction of permanent refusal to consider applications has been imposed, the Student shall not be considered for admission without the approval in writing of the Provost and Vice-President (Academic) in consultation with the Registrar. Such approval shall not be given before the expiry of five years.

- 30.4.2(8)c** The sanctions related to refusal to consider applications for admission to the University of Alberta may only be imposed for application-related offences.

30.4.2(9) Rescission of Admission Offer

- 30.4.2(9)a** Rescission of any current offer of admission received by the Applicant, whether conditional or final, and cancellation of any registration.

- 30.4.2(9)b** This sanction may only be imposed for application-related offences.

30.4.10 Rescission of a Degree

- 30.4.2(10) a** “Rescission of a Degree” means that the original award of a Degree will be perpetually deleted from the Student’s Central Academic Record. The Student’s Transcript will indicate that the Degree has been rescinded. (CLRC 24 MAY 2012)

- 30.4.2(10) b** The Discipline Officer may recommend to the Provost and Vice-President (Academic) that the University publish notification of the Rescission of the Degree. In the case of a professional Degree, this would include notification to the appropriate professional body. The Vice-President's decision to act on this recommendation shall be deferred until an appeal is heard and decided.

30.4.2(11) Reprimand

- 30.4.2(11) a** A “Reprimand” is a notation of concern about the conduct of a Student.

- 30.4.2(11) b** The Reprimand is noted in the Discipline File held by the Faculty in which a Student is registered and by the Faculty that charged the Student. (CLRC 24 MAY 2012) (GFC 03 FEB 2014)

30.4.2(12) Restitution

- 30.4.2(12) a** “Restitution” is an order that a Student pays money

- 30.4.2(12) a.i** to one or more of another individual, a corporation, an unincorporated association or other unincorporated group, or the University, as Restitution for damage to or the loss or destruction of any property as the result of the commission of an offence by the Student. The amount of Restitution shall not exceed the replacement cost of the property as of the date that the order is imposed, less the value of any part of the property that has been returned; and/or

- 30.4.2(12) a.ii to an individual who has suffered bodily harm as a result of the commission of an offence by the Student, as Restitution for all expenses or loss of income suffered as a result of the offence. Restitution is not payable as compensation for pain and suffering.
- 30.4.2(12) b Restitution shall not be ordered unless evidence has been adduced that supports the calculation of the cost of the damage or injury caused by the commission of the Offence by the Student.
- 30.4.2(12) c The Student's Central Academic Record is Encumbered until the amount is paid in full. (CLRC 24 MAY 2012) (GFC 03 FEB 2014)
- 30.4.2(12) d The Dean or Discipline Officer who imposed the sanction shall make the determination of when the amount owing in Restitution has been paid in full.

30.4.2(13) Suspension

- 30.4.2(13) a "Suspension" requires a Student to withdraw completely from the University, his/her program in the University, and from all University Activities for a specified period of time, to a maximum of three years.
- 30.4.2(13) b Suspension shall be noted on the Student's Central Academic Record, on the Student's Transcript, and in the Student's Academic File held by the faculty in which the Student is enrolled during the period of the Suspension. At the discretion of the Discipline Officer or the UAB, the suspension may be noted on the Transcript for a further period of up to three years after the end of the suspension. (GFC 24 SEP 2007) (CLRC 24 MAY 2012)
- 30.4.2(13) c A Student shall receive credit for any course passed before the effective date of the Suspension.
- 30.4.2(13) d Withdrawals resulting from a decision of Suspension will show as grades of "W" on the Student's Transcript and will remain part of the Central Academic Record. (CLRC 24 MAY 2012)
- 30.4.2(13) e A student is deemed to have withdrawn from all courses as of the date of a Suspension; the fee refund dates outlined in § 22.2.9 of the *University Calendar* shall apply. (CLRC 30 MAY 2002)
- 30.4.2(13) f.i Upon expiry of a Suspension of less than 12 months the Student will be permitted to re-enroll in the program from which the Student was suspended provided the Student has not been required to withdraw in accord with the Faculty's published Academic Standing regulations. (CLRC 06 JUN 2013)
- 30.4.2(13) f.ii If the Suspension is for 12 months or more, the Student must apply for readmission to the University. Students should refer to the University of Alberta Calendar for more information on admission and readmission. (<http://www.registrar.ualberta.ca/calendar/>) (CLRC 06 JUN 2013)

30.4.2(16) Suspension of Non-essential University Services and Resources

- 30.4.2(16) a “Suspension of Non-essential University Services and Resources” is the denial, for a specified time, of those services or resources that are convenient or helpful to a Student but not necessary for the Student to complete a specific University program.
- 30.4.2(16) b The classification of a sanction as a Suspension of Non-essential University Services and Resources may be appealed as part of an appeal relating to sanction.
- 30.4.2(16) c The Suspension of Non-essential University Services or Resources shall be noted on the Student’s Discipline File kept by the Dean of the Faculty in which the Student is registered, as a Negative Service Indicator in the Central Academic Record, and the Discipline File held by the Director of UAPS. (CLRC 24 MAY 2012)

30.4.2(17) Violation Notices

In instances where the conduct in question or its effects are of a minor nature, a “Violation Notice” and an associated fine may be issued by a member of UAPS in lieu of initiating any other proceedings under this Code. See 30.5.6(2).

30.4.3 Levels of Sanction

30.4.3(1) Minor Sanctions

- 30.4.3(1) a Instructors have the authority to dismiss a Student from Class for no more than 3 hours of Class time for disturbing, disrupting or otherwise interfering with a Class. In cases where a single class meeting is longer than 3 hours, the Student may be dismissed from that entire class. In the case of an online course, the Instructor may bar the Student from any online activities related to the Class for a maximum of one week, or equivalent to 3 hours in-class time. See 30.3.4(1) (CLRC 28 FEB 2002) (CLRC 30 MAY 2002) (CLRC 25 APR 2013)
- 30.4.3(1) b Unit Directors have the authority to impose the following sanctions on a Student based on a finding that the Student has committed an offence under this Code relating to the Director’s unit.
- 30.4.3(1) b.i Reprimand.
- 30.4.3(1) b.ii Fine, in an amount not to exceed \$100 per Student.
- 30.4.3(1) b.iii Suspension of specified Essential University Services or Resources for a period of not more than 10 Working Days.
- 30.4.3(1) b.iv Suspension of specified Non-essential University Services or Resources for a period of not more than one year.
- 30.4.3(1) c University of Alberta Protective Services members have the authority to issue the following sanctions in violation notices:

- 30.4.3(1) c.i Fine, in an amount not to exceed \$100 for Inappropriate Behaviour toward Members of the University Community not including Disruption of Class [30.3.4(1)a], Discrimination [30.3.4(2)], sexual or physical contact with another person without that person's consent [30.3.4(6)a] or harassment or sexual harassment [30.3.4(6)d];
- 30.4.3(1) c.ii Fine, in an amount not to exceed \$50 for Inappropriate Use of University Property and Resources [30.3.5];
- 30.4.3(1) c.iii Fine, in an amount not to exceed \$50 for Other Offences [30.3.6] not including Alcohol Provision and Consumption;
- 30.4.3(1) c.iv Restitution in addition to or in lieu of any other applicable fine in an amount not to exceed \$500.

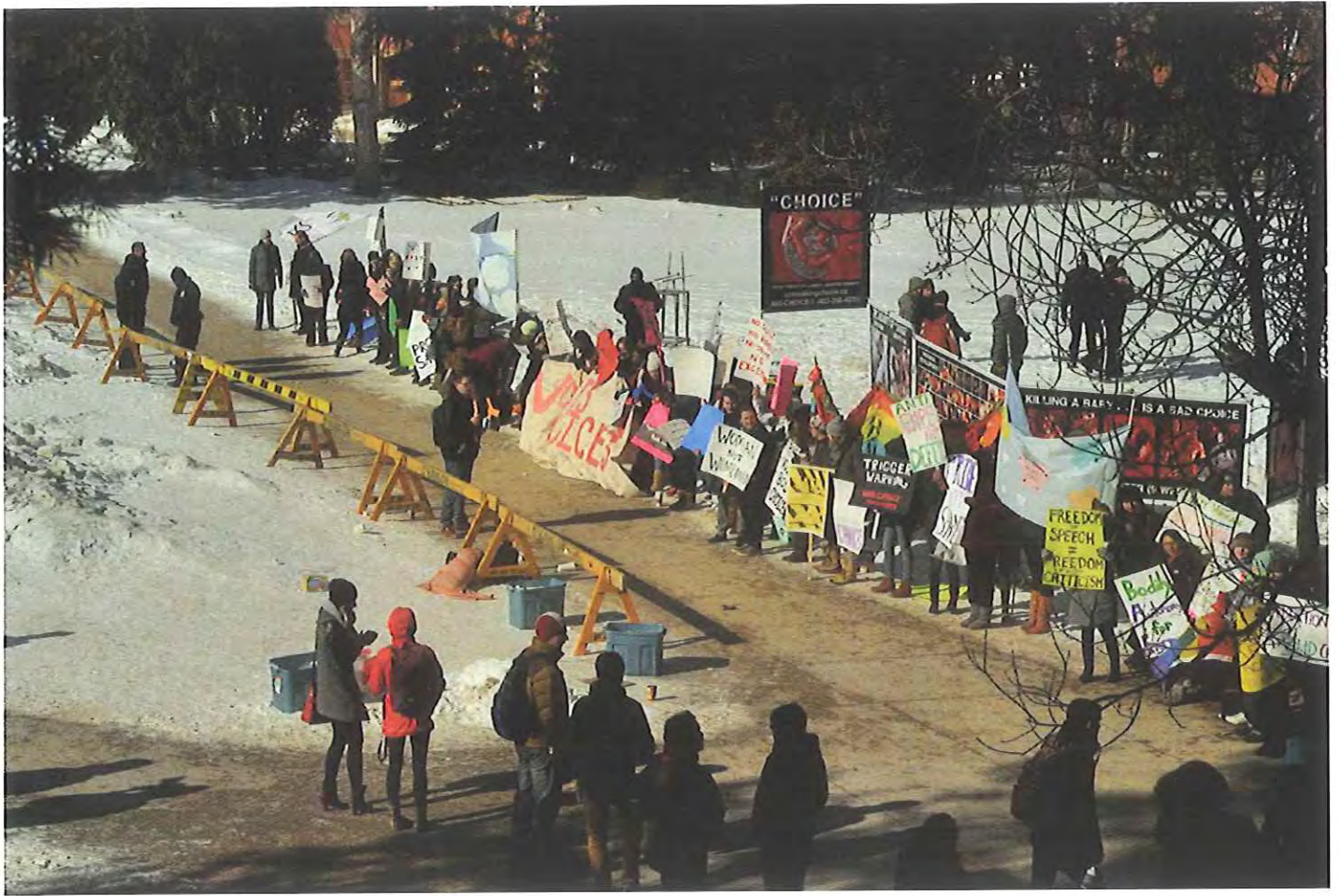
30.4.3(2) Intermediate Sanctions

- 30.4.3(2) a Based on a finding that a Student has committed an offence under this Code, the Dean of the Faculty in which the offence occurred has the authority to impose Minor Sanctions and one or more of the following Intermediate Sanctions: (GFC 24 SEP 2007)
- 30.4.3(2) a.i a mark reduction or a mark of 0 on any term work or examination for reason of Inappropriate Academic Behaviour; (GFC 24 SEP 2007)
- 30.4.3(2) a.ii Reduction of a grade in a course;
- 30.4.3(2) a.iii a grade of F for a course; (CLRC 27 MAR 2003)
- 30.4.3(2) a.iv a remark on a transcript of 8 (or 9 for failing graduate student grades), indicating Inappropriate Academic Behaviour, in addition to 30.4.3(2) a.i, 30.4.3(2) a.ii or 30.4.3(2) a.iii; (CLRC 27 MAR 2003) (CLRC 25 NOV 2004)
- 30.4.3(2) a.v Suspension of specified Essential University Service or Resource for a period of 10 Working Days to one year;
- 30.4.3(2) a.vi Suspension of a specified Non-essential University Services or Resource for a period of one to three years;
- 30.4.3(2) a.vii a Fine in an amount not to exceed \$500 per Student;
- 30.4.3(2) a.viii Conduct Probation; and
- 30.4.3(2) a.ix Exclusion from all or specified areas of the University for a specified period of time.
- 30.4.3(2) b The Dean has the authority to impose one or more of the following sanctions in addition to or in lieu of Minor Sanctions based on a finding that the Student has committed an application-related offence under this Code. (EXEC 04 MAY 2009)
- 30.4.3(2) b.i Refusal to consider applications for admission for up to five years, or permanently. (EXEC 04 MAY 2009)

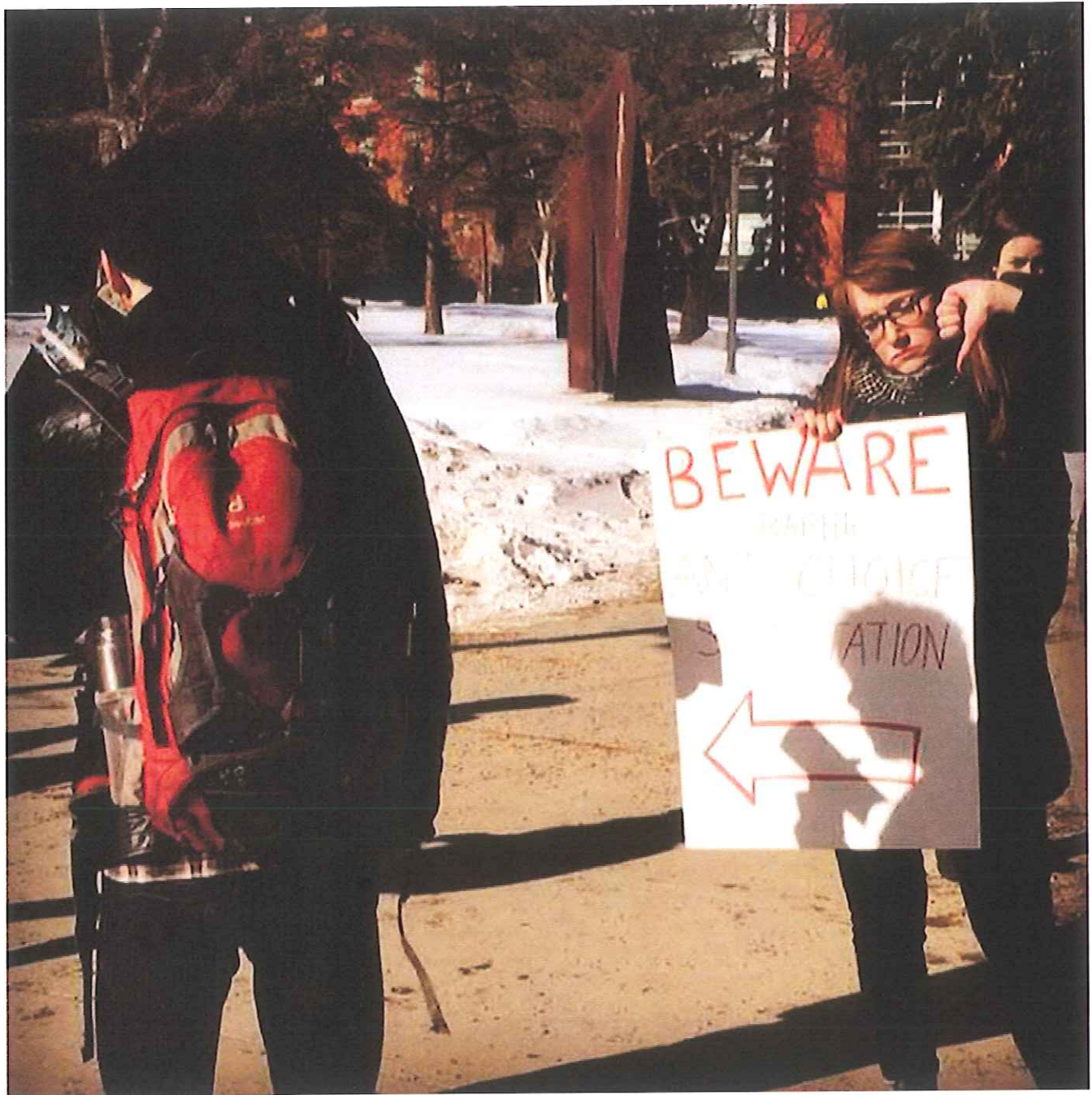


THIS IS EXHIBIT " 14 " referred to in the Affidavit of Amberlee Nicol
Sworn before me this 11 day of Sept A.D. 20 15
[Signature]
A Commissioner in and for the Province of Alberta
Student-at-Law

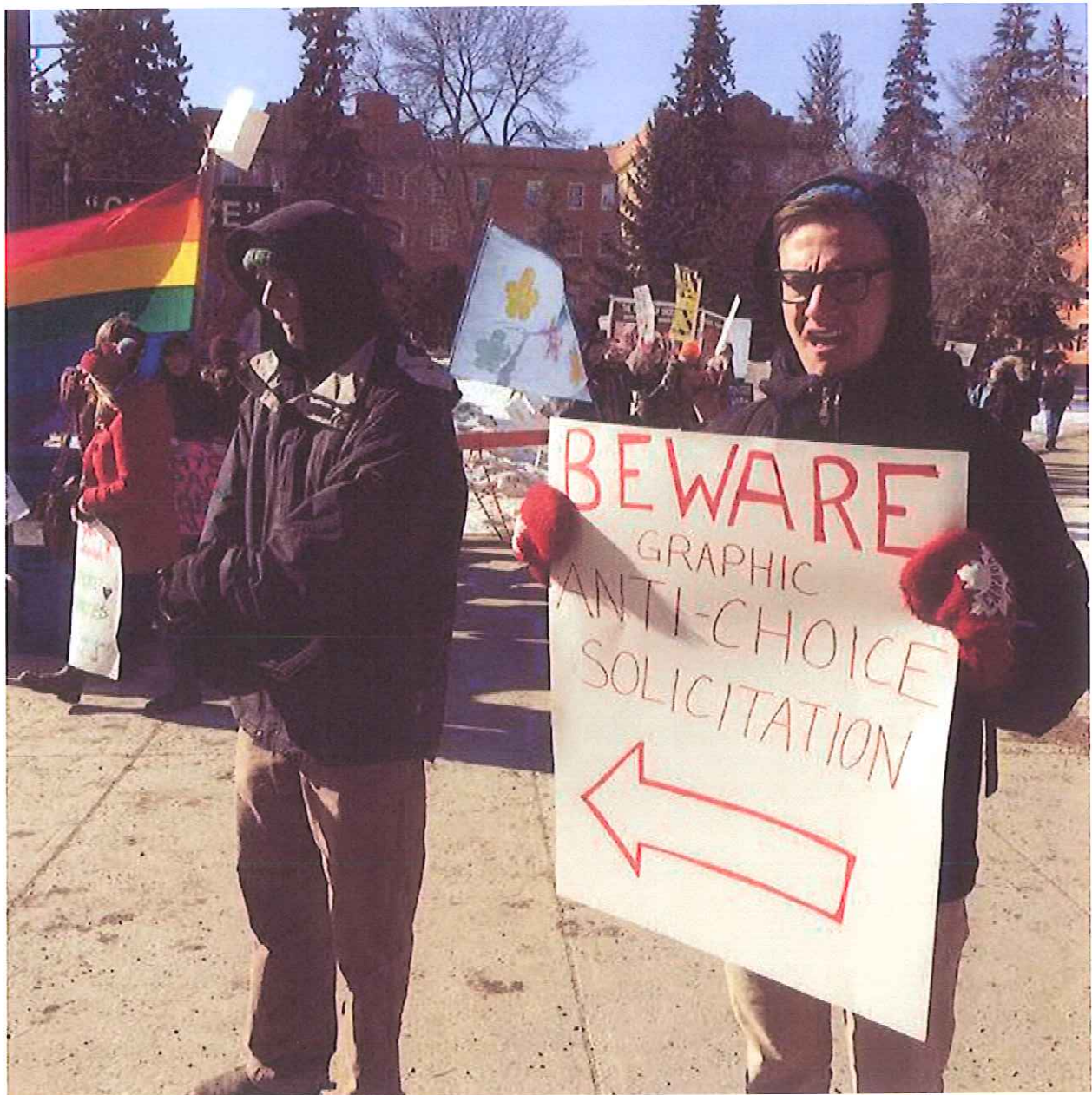
















University of Alberta Protective Services

11390-87 Avenue, Edmonton, Alberta, Canada T6G 2R5 | 780-492-5850

THIS IS EXHIBIT " I

referred to in the Affidavit of

Amberlee Nicol

File Number

15-577

Police File Number

WITNESS STATEMENT

Type of Occurrence Disrupting a demonstration	Location Main Quad	Date day of Sept A.D. 2015	Time 11:00 AM
Last Name Nicol	Given Names Amberlee Robin	Date of Birth 11/11/88	Sex F
<input type="checkbox"/> NO AFFILIATION <input type="checkbox"/> ACADEMIC STAFF <input checked="" type="checkbox"/> STUDENT <input type="checkbox"/> SUPPORT STAFF	UofA Faculty/Department Education	UofA Title Student at Law	ONEcard Number 6415014
Home Address (Street / City / Province / Postal Code) 11115 101st Street, Edmonton, AB T5H 1K1			Home Phone 780-467-1207
Work Address (Building/Room Number/Address)			Work Phone

On the morning of March 3rd, the pc-life club set up a display in main quad around 9:30am. We had gone through the appropriate channels in order to get the event approved by the university, but I saw on social media that there were several incidents planning on obstructing our display with signs, banners, and bed sheets, so that passersby could not see the display. We noticed UAPS about this specific disruption before the event, however, as soon as our display was set up, a large group of counter-protesters surrounded our display and refused to move, making our display impossible to view. Though individuals came and went throughout the day, the crowd itself remained until we took down the display around 3:30pm. The exact same thing happened at the next same time when we did the display a second day, on March 4th.

Not only were the protesters physically obstructing the display, they were also shouting and singing and intentionally disrupting conversations our volunteers were having with passersby. They tried to scare people away from volunteers by saying things like "don't talk to them!" or "don't take their pamphlets!"

The personal information collected by the University of Alberta Protective Services under the authority of section 33(c) of the Alberta Freedom of Information and Protection of Privacy Act is for investigative purposes. Certain personal information may be made available to federal and provincial government departments and agencies under appropriate authority. For further information contact: University of Alberta Protective Services, Manager Administrative Services, 11390-87 Avenue, Edmonton, Alberta, T6G 2R5 Fax: (780) 492-0793 Email: protective.services@ualberta.ca

Witness Signature <i>Amberlee Nicol</i>	Date 4/2/15	Time 1:21 PM	Page 1 of 6
Taken by: No. 16601 Name: [Signature]	Signature [Signature]	Date 4/2/15	Time 1:21 PM

WITNESS COPY

WITNESS STATEMENT

Type of Occurrence Campus Unrest		Location		Date 4/15/13		MM/DD/YY 04/15/13	
Last Name Nicol		Given Names Humbert Robin		Date of Birth YYYY MM DD		Sex	
<input type="checkbox"/> NO AFFILIATION <input type="checkbox"/> ACADEMIC STAFF <input type="checkbox"/> STUDENT <input type="checkbox"/> SUPPORT STAFF		UofA Faculty/Department		UofA Title		ONEcard Number	
Home Address (Street / City / Province / Postal Code)						Home Phone	
Work Address (Building/Room Number/Address)						Work Phone	

me and other volunteers feel intimidated. There were also university staff members participating in the protest representing the Non-Academic Staff Association (N.A.S.A.), as evidenced by the large umbrellas they were waving. N.A.S.A.'s president posted photos of himself and other staffers at the counter-protest, expressing support for the actions of the protesters. I found it very troubling that not only were students trying to intimidate us and obstruct our event, employees of the university were also encouraging and participating in the disruption in a seemingly official capacity.

Furthermore, while I do not know whether or not they participated in the disruption directly, two different professors, Dr. Barbara Strain and Dr. Katherine Wells, were and encouraged individuals who coordinated the counter-protest, with Dr. Wells advising them on ideas for using the protest as a fund-raising opportunity, and Dr. Strain passed along info about the protest to her students, as well as invited protest coordinator to come to her class in order to promote their plans to her students. It makes it appear like both Dr. Wells and Dr. Strain were condoning what was done to us.

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Witness Signature <i>Robin Humbert Nicol</i>		Date 4/15/13	Time 5:43pm	Page 3	of 6
Taken by: No. 1 Name M. Jean		Date 4/15/13		Time 17:17	

WITNESS COPY

WITNESS STATEMENT

Place of Occurrence <i>University of Alberta</i>		Location		Date <i>2015/11/11</i>	
Last Name <i>Niemi</i>		Given Names <i>Amberlee Robin</i>		Date of Birth YYYY MM DD	
<input type="checkbox"/> NO AFFILIATION <input type="checkbox"/> ACADEMIC STAFF <input type="checkbox"/> STUDENT <input type="checkbox"/> SUPPORT STAFF		UofA Faculty/Department		UofA Title	
Home Address (Street / City / Province / Postal Code)				ONEcard Number	
Work Address (Building/Room Number/Address)				Home Phone	
				Work Phone	

To expand on the offences of the three main organizers of the disruption, namely Claire, Zoe, and Brian, we believe them to be violating the following portions of the university's code of student conduct:

Claire Edwards - 30.3.4(1)c, 30.3.6(5) - getting someone else to break the law
 30.3.4(1)b - obstructing university activities, university related functions
 30.3.4(1)c - inciting a mob, refusing to disperse
 or 30.3.4(2)d - recruitment, for allowing, harboring volunteers
 30.3.6(1)a - mischief

Zoe Hughes - 30.3.4(1)c, 30.3.6(5), 30.3.4(1)b, 30.3.4(1)c, 30.3.4(1)c
 (for the same reasons listed for Claire, minus harassment)

Brian Steele - same offences as Zoe, for the same reasons

We would like the rest of the obstructors to be punished for violating 30.3.4(1)b, 30.3.4(1)c, ~~30.3.4(1)c~~, 30.3.6(2).4.

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Witness Signature <i>Amberlee Niemi</i>		Date <i>2015/11/11</i>	Time <i>6:10</i>	Page <i>4</i> of <i>6</i>
Taken by: No. <i>1761</i> Name <i>EPW</i>		Date <i>2015/11/11</i>		Time <i>6:10</i>
Signature <i>[Signature]</i>		Date <i>2015/11/11</i>		Time <i>6:10</i>

WITNESS COPY

WITNESS STATEMENT

Type of Occurrence Campus U. activity		Location		Date 2019 Mar 24	
Last Name Nigel		Given Names Ambrose Robin		Date of Birth YYYY MM DD	
<input type="checkbox"/> NO AFFILIATION <input type="checkbox"/> ACADEMIC STAFF <input type="checkbox"/> STUDENT <input type="checkbox"/> SUPPORT STAFF		UofA Faculty/Department		UofA Title	
Home Address (Street / City / Province / Postal Code)					ONEcard Number
Work Address (Building/Room Number/Address)					Home Phone
					Work Phone

For Claire Edwards, we would like to see her expelled from the university, because she has demonstrated a willingness to defy VAPS and to harass and intimidate pro-lifers on campus, making this an unsafe space for me and my club to hold events and express opinions freely on campus. As students we should not have to be afraid that any time we dare express our opinions on campus, Claire will organize another mob of 100+ people that will knowingly break the law in order to silence us. As demonstrated by her willingness to commit these acts in spite of multiple warnings from VAPS, both in relation to this event and in relation to her destruction of our posters, it seems clear that she will continue to break laws and regulations in order to attack our club.

Because Brian Steele is not a student, and has chosen to disrupt campus activities and break laws and university regulations, we would like to see him banned from campus for helping orchestrate and carry out this disruptive behavior.

The personal information collected by the University of Alberta Protective Services under the authority of section 33(c) of the Alberta Freedom of Information and Protection of Privacy Act is for investigative purposes. Certain personal information may be made available to federal and provincial government departments and agencies under appropriate authority. For further information contact: University of Alberta Protective Services, Manager Administrative Services, 11390-87 Avenue, Edmonton, Alberta, T6G 2R5 Fax: (780) 492-0793 Email: protective.services@ualberta.ca

Witness Signature <i>Ambrose Robin</i>		Date 2019 Mar 24		Time 11:11 AM		Page 5 of 6	
Taken by: No. 12345 Name <i>J. Doe</i>		Signature <i>J. Doe</i>		Date 2019 Mar 24		Time 17:51	

WITNESS COPY

University of Alberta
Protective Services

11390-87 Avenue, Edmonton, Alberta, Canada T6G 2R5 | 780-492-5050

File Number

15-577

Police File Number

WITNESS STATEMENT

Type of Occurrence <i>Complaint University</i>		Location		Date <i>7/28/19</i> <i>1431</i> <i>05/14</i>	
Last Name <i>Nicol</i>		Given Names <i>Ambrose Robin</i>		Date of Birth YYYY MM DD	
<input type="checkbox"/> NO AFFILIATION <input type="checkbox"/> STUDENT		<input type="checkbox"/> ACADEMIC STAFF <input type="checkbox"/> SUPPORT STAFF		Sex	
UofA Faculty/Department				UofA Title	
Home Address (Street / City / Province / Postal Code)				ONEcard Number	
Work Address (Building/Room Number/Address)				Home Phone	
				Work Phone	

Because Zoe Chyris is our knowledge has not had a previous offense in this area, but has still behaved in an illegal and disruptive fashion by openly organizing, representing and participating in this lawless behavior, we would like to see her assigned community service hours as punishment, as well as a written letter of apology addressed to our club.

For the rest of the contributors to and participants in the disruption and obstruction of our display, we would also like each offender to issue a letter of apology addressed to the club. We would also like the university to take action in order to reprimand employees of theirs who have behaved inappropriately in relation to this ~~matter~~ matter.

The personal information collected by the University of Alberta Protective Services under the authority of section 33(c) of the Alberta Freedom of Information and Protection of Privacy Act is for investigative purposes. Certain personal information may be made available to federal and provincial government departments and agencies under appropriate authority. For further information contact: University of Alberta Protective Services, Manager Administrative Services, 11390-87 Avenue, Edmonton, Alberta, T6G 2R5 Fax: (780) 492-0793 Email: protective.services@ualberta.ca

Witness Signature <i>Ambrose Nicol</i>		Date YYYY MM DD		Time <i>5:49</i>		Page <u>6</u> of <u>5</u>	
Taken by: No. <i>11601</i> Name <i>A. TERNON</i>		Signature <i>A. TERNON</i>		Date <i>7/28/19</i> <i>1431</i> <i>05/14</i>		Time <i>17:49</i>	

WITNESS COPY

THIS IS EXHIBIT " 6 " referred to in the Affidavit of Amberlee Nicol
Sworn before me this 11 day of Sept, A.D. 20 15
[Signature]
A Commissioner in and for the Province of Alberta

identified after the Registration Deadline will be administered under the Code of Student Behaviour. (EXEC 04 MAY 2009)

The Appeals Coordinator, Dean of Students, Student OmbudService and Student Legal Services are available on-campus to provide assistance to Students about the discipline process. Student-at-Law

30.1.1 Rights under the Code of Student Behaviour

30.1.1(1) Any Student who has been accused of having committed an offence under this Code has the right

- 30.1.1(1) a to choose whether or not to provide evidence and/or to be a witness in the case against himself or herself;
- 30.1.1(1) b to be presumed not to have committed an offence until his or her commission of an offence has been established on the balance of probabilities, before an impartial and unbiased decision-maker;
- 30.1.1(1) c to have his or her case adjudicated within a reasonable time;
- 30.1.1(1) d to consult with an Advisor, to be accompanied and assisted at any investigative meeting with a Dean or Discipline Officer or UAB hearing by an Advisor, and to be advised of these rights;
- 30.1.1(1) e to reasonable disclosure of the case of the person making the allegation against the Student within a reasonable time before the hearing of any appeal before the UAB;
- 30.1.1(1) f to reasonable notice of the time, place, and nature of any investigative meeting or hearing;
- 30.1.1(1) g to be given a reasonable opportunity to respond to any allegations before being found to have committed an offence under the Code;
- 30.1.1(1) h in any appeal before the UAB, to present evidence, to call his or her own witnesses and to question any other witnesses called;
- 30.1.1(1) i to be advised of the reasons for any decision made under this Code;

30.1.1(2) Any person who claims to have been physically injured, discriminated against or harassed, or who claims to have property damaged or stolen by a Student accused of an offence under this Code, whether or not that person is a Complainant, has the right;

- 30.1.1(2) a to be consulted before any informal resolution of any relevant charges against the Student is proposed to the Student;
- 30.1.1(2) b to provide evidence of any injury or damage for which Restitution may be an appropriate remedy and to have that evidence communicated to the appropriate decision-maker under this Code;
- 30.1.1(2) c to be informed of the time, date and place of any hearing respecting any relevant charges and to be consulted by the Dean or Director as to whether the person should be a witness at that hearing; and

Ask a Pro-Lifer

Event ID 44991, Submitted on 3/16/2015

Submission

- ☒ Details
- ☐ Introduction
- ☐ Qualifications
- ☐ General questions
- ☐ Lectures, speakers, presentations
- ☐ Thank you!

THIS IS EXHIBIT " J "
referred to in the Affidavit of
Amberlee Nicol
Sworn before me this 11
day of Sept A.D. 20 15
[Signature]
A Commissioner in and for the Province of Alberta
Student-at-Law

Comments

Type here

Post

Mathieu Trepanier

Note: room ECHA 1-1182

Posted at 3/26/2015 10:38 AM [Comment](#)

Ask a Pro-Lifer

Event ID 44991, Submitted on 3/16/2015

Organization name

Go Life: U of A Campus Pro-Life

Created by

Amberlee Nicol (amberlee@ualberta.ca)

App Theme

Cultural

Description

Pro-life speaker Maaike Rosendal, who serves as the campus outreach director for the Canadian Center for Bio-Ethical Reform, will be giving a brief introductory presentation about abortion and the pro-life position, followed by an opportunity for members of the audience to voice any questions they may have for her about pro-life activism or the pro-life perspective. This event is open to all members of the university community, and it is a great opportunity for people of all viewpoints to learn more about the abortion debate by asking a pro-lifer the tough questions.

Dates

3/31/2015 3:30 PM - 3/31/2015 5:30 PM

University of Alberta (North Campus)

Show To

Anyone in the world

Who can RSVP

Anyone

Allow anyone to self-report attendance?

No

Perks

Qualifications

Are you part of a student group?

If you're a staff member of a University or Students' Union service, click "no."

Yes

Are you submitting this form for Clubs Fair, a BBQ or a bake sale/food sale of some kind?

For BBQ tips and rules, click [here](#). For bake sale tips and rules, click [here](#). Click [here](#) for table, room and space booking information.

No

General questions

Primary Event Organizer (PEO) name:

The Primary Event Organizer is the person in charge of your event and who is doing most of the organizing or coordinating for your event.

Amberlee Nicol

PEO ualberta email address:

hidden_amethyst@hotmail.com

PEO phone number:

5879875287

PEO position in student group:

President

Secondary Event Organizer (SEO) name:

The Secondary Event Organizer is the alternate contact for your event.

Kianna Owen

SEO ualberta email address:

kianna1@ualberta.ca

SEO position in student group:

VP Secretary

Please describe in detail the activities involved in your event:

Our guest speaker from CCB, Maaiké Rosendal, will be giving a half hour presentation about abortion and the pro-life perspective, which will be followed by the main focus of the event, the Q&A session. The audience will be invited to ask Maaiké any questions they might have about being pro-life, or about pro-life activism, or any other questions they might have pertaining to abortion, and Maaiké will spend the rest of the presentation answering these questions in front of the audience.

Will minors be participating?

No

Will pictures and/or video be taken at the event by group members?

If so, print and post these signs around your event.

Yes

What does your event involve? Please check all that apply.

Speakers, lectures or presentations

Will your event take place:

On campus

How many people do you expect to attend your event?

30-40

What logos or images will you be using to advertise your event?

Club promotional materials, CCBR promotional materials.

Please describe any equipment (hot tubs, trampolines, power tools, etc) involved in your event.

N/A

We recommend that you consider risk management for your event. We may require you to do a risk management plan. If you have one, upload it here.

Click here for guidelines.

We may recommend you do an emergency action plan. If you have one, upload it here.

Click here for a template.

Lectures, speakers, presentations

Please list your speaker(s) or presenter(s):

Maaiké Rosendal, campus outreach director for the Canadian Center for Bio-Ethical Reform.

What is the topic of the lecture/presentation?

Abortion, pro-life activism.

Will there be notably amplified music or speeches? If so, how will your group mitigate the impact of the noise on the community?

No

Do you anticipate a strong reaction to your speaker by the campus community? If so, how does your group plan to deal with any issues that may arise?

Yes : Due to the controversial topic of the presentation, there may be some audience members who try to cause a disturbance at the event. Should things get out of hand, we will notify UAPS and allow them to handle the situation accordingly.

Protective Services

Special Duty Request Form

UAPS is the primary service provider for security services at the University of Alberta. Please complete all requested information to avoid processing delays. If you require assistance in completing this form, call 780-492-2943.

Request

Request Type:

*

SECTION A: Client and Billing Information

Affiliation:

*

Individual or Company
Name:

*

Mailing Address:

Postal Code:

Phone Number:

Fax Number:

E-mail Address:

Method of Payment:

Speedcode if paying by
Indent:

Additional Comments:

SECTION B: Event Location

Event Location

(area/building/room):

Is this event taking place in
a University Facility outside
regular building hours?

Do you have a space
booking confirmation:

If you do have a space
booking, what is the ID
number?

Is the event taking place
outdoors?

If this is an outdoor event
do you have an outdoor
space booking?

If this is an outdoor event,
do you have a contingency
plan for inclement weather?

Additional Comments:

SECTION C: Event Information

Event Name:

Event Type:

Description of Event:

Event On-site Contact
Person:

On-site Contact Person Cell
Phone:

Event Start Date:

Year	Month	Day
2015 ▼	September ▼	10 ▼

Event Start Time:

Event Finish Date:

Year	Month	Day
2015 ▼	September ▼	10 ▼

Event Finish Time:

Time doors open at:

Estimated number of
attendees:

Primary age of attendees

Will liquor be served?

If liquor is served, do you
have an approved liquor
permit?

If liquor is served, what
time will sales start?

If liquor is served, what
time will sales stop?

If liquor is served, what
time will consumption end?

Will food be sold or served?

Type of admission and ticket
sales:

How is your event being
advertised?

Does the event require
traffic or pedestrian control?

Additional Comments:

SECTION D: Event Background Information

Have you hosted this event
in the past?

Please describe any past concerns or problems you've had with this event.

Additional Comments:

SECTION E: Shift Information

Number UAPS officers requested

Please describe why you require UAPS at your event:

Please describe what duties you would like each officer to perform:

Additional Comments:

SECTION F: Volunteers (If none, go to section G)

Number of volunteers assisting at the event:

How will the volunteers be identified?

Where will the volunteers be stationed at the event?

What are the volunteers responsibilities?

Name of on-site volunteer contact:

On-site volunteer contact cell phone number:

Additional Comments:

SECTION G: Police (If none, go to section H)

Name of on-site police officer contact:

On-site police contact cell
phone number:

Number of police assisting
at the event:

What are the police officers
responsibilities?

Additional Comments:

SECTION H: Terms and Conditions

Effective July 1, 2011, the rate is \$75 hour, per officer.

There is a minimum charge of 3 hours for each Peace Officer. If an event ends prior to the required time beyond the three hour mark, officers will be paid to the nearest hour.

Rates include statutory holidays.

Use of a UAPS vehicle is an additional charge of \$30.00 per hour.

There is a 25% surcharge for all requests with less than 10 working days notice prior to the date of the event.

Special Duty requests are processed on a first come, first serve basis. Officers cannot be guaranteed regardless of how far in advance a request is submitted.

Factors beyond the control of our service, such as committing officers to emergent events coupled with a high demand may prevent Special Duty officers from being obtained. Under these circumstances, we may engage a third party agency to fulfill select Special Duty requests.

Minimum 48 hours notice is required to cancel Special Duty at no charge.

3 hours will be paid out to each officer where there is less than 48 hours cancellation notice.

Please forward cheques to the Department of Resource Planning, #1204 College Plaza, 8215-112 Street, Edmonton AB, T6G 2C8.

UAPS is not able to accept payment directly for Special Duty Services.

Submit

THIS IS EXHIBIT "L"

referred to in the Affidavit of
Amberlee Nicol

Sworn before me this 11
day of Sept. A.D. 2015

A Commissioner in and for the Province of Alberta

Student-at-Law

Please remit payment & make cheques payable to:

University of Alberta
Financial Services
Attn: Accounts Receivable
3rd Floor Admin. Bldg.
Edmonton AB T6G 2M7



INVOICE

Bill To:

Go Life: U of A Campus Pro-Life
72263 Summerwood RPO
Sherwood Park AB T8H 0M6

Invoice No: UA172953
Invoice Date: April 10, 2015
Customer Number: GAR23887
Payment Terms: NET 30
Due Date: May 10, 2015

AMOUNT DUE: \$225.00 CAD

GST Registration Number: 108102831

Description	Quantity	Price	Net Amount	GST	Amount
Special Duty Service provided during the Go Life: Ask a Pro-Lifer at ECHA 1-182					
31-March-2015	3.0000 HR	75.00	225.00	0.00	225.00

Payment Inquiries: Accounts Receivable
780 492 0698
fsar@ualberta.ca

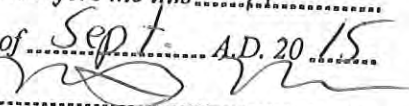
Billing Department: U of A Protective Services
Billing Inquiries: 780-492-0144

Subtotal	225.00
GST	0.00
TOTAL \$	225.00

Original

September 11, 2015

University of Alberta
Financial Services
Attn: Accounts Receivable
3rd Floor Admin. Bldg.
Edmonton, AB T6G 2M7

THIS IS EXHIBIT " M "
referred to in the Affidavit of
Amberlee Nicol
Sworn before me this 11
day of Sept A.D. 20 15

A Commissioner in and for the Province of Alberta
Stedent-at-Law

Dear Sir or Madam:

Re: Special Duty Service Invoice No. UA172953

We are paying this \$225 invoice under protest. We did not request the services of UAPS, but were required to complete a form which "requested" UAPS services. We dispute the policy of the University of Alberta which uses "security fees" to penalize students who seek to express controversial or unpopular opinions on campus.

Sincerely,

UAlberta Pro-Life (formerly "Go-Life: U of A Campus Pro-Life")



Justice Centre for Constitutional Freedoms

June 11, 2015

Jaxine Oltean
Senior Legal Counsel
University of Alberta
3-03 South Academic Building (SAB)
Edmonton, Alberta, T6G 2G7

Dear Ms. Oltean,

RE: "Special Duty Service" Invoice (March 31, 2015 event of Go-Life campus club)

I am writing on behalf of Go-Life, a University of Alberta campus club. Go-Life has informed me that they were invoiced \$225.00 for "Special Duty Service" related to their March 31, 2015 classroom event, "Ask a Pro-Lifer". I have advised Go-Life not to pay the invoice, on the basis that this invoice was issued in violation of their rights to freedom of expression and assembly, is contrary to the University of Alberta's own commitment to free expression, and is contrary to the rule of law.

I will expand.

Unnecessary and unjustified delay in approving Go-Life's March 31 event

On March 16, 2015, Go-Life applied for a room booking and event approval for its planned March 31 event, in accordance with the University's requirements. The following day, Go-Life received room booking confirmation from the University. Go-Life was not advised, at the time, of any other requirements it needed to fulfill in order to receive event approval. In particular, Go-Life was not directed to complete any further form(s) by the University.

On March 23 (only eight days prior to the event), Go-Life was advised by Mathieu Trepanier, the Student Event Risk Management Coordinator, that before Go-Life's event could be approved, it would have to apply for a "security assessment" from UAPS. Mr. Trepanier did not refer Go-Life to any kind of form or weblink that the University wanted the students to use to make the application and, in fact, the University does not seem to have a form called "security assessment" on its website, which caused confusion and delay on the part of the students, as they tried to comply with this request.

Go-Life had never been required to obtain a "security assessment" for its previous meetings and events held on campus, and being unable to find a form to use to apply for a "security assessment," the students sought a meeting with Mr. Trepanier to seek direction. Mr. Trepanier was not available to meet with the students until March 26 – ten days after they first applied to hold the event, and a mere five days before the event was to be held.

THIS IS EXHIBIT " N "
referred to in the Affidavit of
Amberlee Nicole
Sworn before me this 11
day of Sept. A.D. 20 15
[Signature]
A Commissioner in and for the Province of Alberta
Student-at-Law

On March 26, Go-Life was told that security requirements were being imposed on them because their planned event was “controversial.” The form they were told to fill out was titled a “Special Duty Request Form,” not a “Security Assessment Request” as indicated by the University on March 23. Further, despite the fact that the delay was due to the University’s failure to advise Go-Life of the need for this new security procedure, the students were told they could not advertise their event until formal event approval was granted.

Immediately following the March 26 meeting, Go-Life filled out and submitted the form Mr. Trepanier required. It is relevant that this “Special Duty Request Form” completed and submitted by Go-Life on March 26 did not ask for any information that the students had not already submitted to the University in their initial application on March 16. Specifically, on March 16 Go-Life had already informed the University of the event’s location, time, date, nature, description, absence of food and liquor, expected attendance and so on. Moreover, ordering Go-Life to submit a request for extra security (without which the University would not allow their event to proceed) is disingenuous, because it was the University’s choice – not the choice of Go-Life members – to provide a UAPS staff member and to charge Go-Life for that service. The invoice submitted to Go-Life is a result of the University’s demand, not the students’ “request”.

Having met the University’s demand to complete the form, the Go-Life students did not receive a reply until March 31, and this less than two hours prior to the start of their event. This reply from Mr. Trepanier did not consist of approval, but rather a voice-mail left for Amberlee Nicol requesting further discussion. In short, Go-Life did not receive approval from the University to promote and advertise its event prior to the event’s commencement – an event which had been requested by Go-Life two weeks earlier. UAPS personnel did ultimately permit the event to proceed, but fewer than ten people attended, because advertising had been prohibited by the University. This last-minute approval was conditional on Go-Life’s agreement to pay a UAPS officer to be present at their event. Go-Life agreed to this, but under protest.

Go-Life was not able to change the date of the event, as the speaker, Maaiké Rosendal, was coming in from Ontario. Because the “approval” (if Mr. Trepanier’s request for further discussions can be construed as such) wasn’t granted until minutes prior to the start of the March 31 event, Go-Life was unable to advertise, thereby rendering the event almost meaningless. By insisting that Go-Life complete a form that required information that was already in the University’s possession, the University, without reason or cause, prevented Go-Life from advertising its event.

Discriminatory treatment of Go-Life by the University

In my March 27, 2015 letter, I explained that imposing security costs on campus groups which express unpopular opinions violates the rule of law, and is also inconsistent with the University’s stated commitment to free speech. Go-Life and its anti-abortion message are not popular at the University of Alberta. The popularity or unpopularity of a campus club’s beliefs or message ought to be irrelevant when it comes to upholding the right of students to express their opinions peacefully on campus. It is manifestly unfair that Go-Life’s members are subjected to conditions and requirements, such as “security fees,” which are not imposed on those who express more popular opinions. Subjecting the expression of unpopular opinion on campus to “security fees” that are not imposed on students wishing to express popular opinions is discriminatory, and contrary to the University’s mission to provide learning opportunities and its purpose as a forum for the debate of ideas.

Destruction of Go-Life's property condoned by the University

Throughout the 2014-2015 academic year, other U of A students sought to silence Go-Life's expression by tearing down all of Go-Life's advertising posters, contrary to section 30.3.5(1)a of the *Code of Student Behaviour* (hereafter "*Code*"), which states: "*No Student shall possess, misappropriate, convert, destroy or otherwise damage University property or the property of any other member of the University Community.*" The destruction of another's property is also a *Criminal Code* offense, and should not be taken lightly by the University.

Go-Life has presented UAPS with screen-shots of Facebook postings by U of A students who openly boasted about having torn down Go-Life's posters. Facebook posts by U of A students admitting publicly to having torn down Go-Life's posters are still on the internet today. Yet neither UAPS nor the University has required those who openly admitted to destroying Go-Life's property to pay restitution to Go-Life as authorized by section 30.4.2(12)a, which states that "*Restitution is an order that a Student pays money to one or more of another individual, a corporation, an unincorporated association or other unincorporated group, or the University, as Restitution for damage to or the loss or destruction of any property as the result of the commission of an offence by the Student. The amount of Restitution shall not exceed the replacement cost of the property as of the date that the order is imposed, less the value of any part of the property that has been returned.*"

Why has the University not required those who have admitted to destroying Go-Life's property to pay restitution to Go-Life for the damage they caused?

The violation of sections 30.3.4(1)c and 30.3.6(5) of the *Code*

On March 3 and 4, 2015, several dozen U of A students, also joined by some non-students, engaged in the physical obstruction and disruption of Go-Life's display on campus, which was a function or activity that had been expressly approved by the University.

Prior to March 3, several U of A students advocated on Facebook for the disruption and obstruction of Go-Life's university-related function, contrary to section 30.3.4(1)c of the *Code*, which states: "*No Student shall use words that incite others to behaviour that is inappropriate to members of the University Community, whether or not in connection with a demonstration, rally or picketing.*" These publicly posted Facebook threats to violate the *Code* were also contrary to section 30.3.6(5) of the *Code*, which states: "*No Student shall counsel or encourage or knowingly aid or assist, directly or indirectly, another person in the commission of any offence under this Code.*"

Go-Life presented these Facebook screenshots to UAPS prior to the March 3 university-related function. If, when UAPS was first presented with these Facebook screenshots prior to March 3, it had commenced disciplinary proceedings against the individuals who violated sections 30.3.4(1)c and 30.3.6(5) of the *Code* (by inciting inappropriate behaviour and by encouraging the commission of violations of the *Code*), it is unlikely that the individuals in question would have proceeded to engage in further violations of the *Code*.

The violation of section 30.3.4 of the *Code* through disruption and obstruction

On March 3 and 4, several dozen U of A students disrupted and obstructed Go-Life's display, contrary to sections 30.3.4 and 30.2.38 of the *Code*, which state:

30.3.4 Inappropriate Behaviour towards Individuals or Groups

30.3.4(1) Disruption

30.3.4(1) b No Student shall, by action, words, written material, or by any means whatsoever, obstruct University Activities or University-related Functions.

30.3.4(1) c No Student shall use words that incite others to behaviour that is inappropriate to members of the University Community, whether or not in connection with a demonstration, rally or picketing.

30.2.38 University-related Functions. "University-related Functions" include, but are not limited to activities occurring in the course of work or study assignments inside or outside the University; at work or study-related conferences or training sessions; during work or study-related travel; during events such as public lectures, performances, social or sports activities; or over the telephone or computer.

Numerous witnesses can confirm that, during the obstruction of Go-Life's display on campus on March 3 and 4, UAPS staff did not attempt to take down the names or student identification numbers of students who deliberately and publicly violated section 30.3.4 of the *Code*. UAPS refused to exercise the authority granted to it by section 30.3.6(3) of the *Code*, which states: "*No Student shall refuse to provide identification upon request by a University Official or employee acting in the course of that person's duties, provided the University Official or employee has reason to believe the Student is committing, has committed or is about to commit an offence.*"

Further, UAPS did not take photographs of students who violated the *Code*. UAPS thereby engaged in wilful blindness as to deliberate and public violations of the *Code* taking place on campus by U of A students, and put itself into a situation such that it would not be capable of subsequently commencing disciplinary proceedings against those who had violated the *Code*.

It is understandable that UAPS may not have been in a position to arrest and remove those who violated the *Code*, as they were several dozen in number. However, nothing prevented UAPS from photographing these students, approaching students individually, demanding to see each student's identification (as expressly authorized by s. 30.3.6(3) of the *Code*), and pursuing charges for violations of the *Code*. Had UAPS started asking identification of individuals engaged in violating the *Code*, in conjunction with taking their pictures, it is highly likely that other students who were also engaging in misconduct would have ceased their behaviour and left. Even if all the students engaged in this disruption and obstruction had stayed to continue with their misconduct, and had individually provided their identification to UAPS upon demand, UAPS could then have prosecuted these students immediately for violating the *Code*. Instead, UAPS took no meaningful action. UAPS did make oral requests of the *Code*-violators to cease their conduct, but when those requests went unheeded, UAPS did not photograph the students, or ask to see their identification, or inform them that their conduct was in violation of the *Code*, or commence disciplinary proceedings against these students.

Is it the usual and ordinary practice of UAPS to refrain from taking photos of those who violate the *Code*, and to refrain from asking students engaged in misconduct to produce their identification?

On or about March 11, Go-Life members presented UAPS with formal complaints against students who disrupted and obstructed the March 3 and 4 display. The information which Go-Life presented to UAPS, including the identities of students who engaged in disruption and obstruction, as well as the identities of students who publicly advocated for the violation of the *Code* prior to March 3, was information which UAPS could easily have obtained itself, yet it neglected or refused to do so. It was not until UAPS was presented with formal complaints on March 11 that it even began to consider taking action to uphold the *Code*, and UAPS had already put itself into a position where it could not have commenced disciplinary proceedings on its own initiative. A reasonable observer would conclude that UAPS effectively condoned the violation of the *Code* on March 3 and 4, as well as the violation of the *Code* prior to March 3 through the incitement of inappropriate behaviour.

The conduct of these U of A students against Go-Life, in tearing down posters and in disrupting a university-related function on campus, amounts, in our opinion, to bullying, which evidently is not a phenomenon limited to grade school, but appears to be flourishing in post-secondary educational institutions as well. Through the failure of UAPS to take action to support the free expression rights of Go-Life students, the University of Alberta has condoned this bullying.

Criminal conduct condoned by UAPS

It is worth noting that section 30.3.6(2) of the *Code* states: “*No Student shall engage in conduct that violates any municipal by-law, Provincial or Federal statute or regulation, or University regulation (Rules External to the Code). Conduct that breaches Rules External to the Code shall be deemed to be an offence under this Code and shall be subject to the disciplinary and appeal processes set out in this Code, if the conduct has a real and substantial link to the University, University Activities, the University Community, or University-related Functions, whether or not the conduct occurred on or in relation to University property.*”

Section 430 of the *Criminal Code* prohibits the destruction and damage of property (such as Go-Life’s posters), as well as the obstruction and interruption of the lawful use, enjoyment or operation of property. A reasonable and impartial observer would note that Go-Life’s campus display was its property, that Go-Life members were lawfully using and operating their property by displaying it for view on campus with the University’s approval, and that those who physically obstructed and interrupted Go-Life’s display were interfering with the property’s lawful use.

Unlawful demand by UAPS that Go-Life members not distribute literature

During the March 3 and 4 Go-Life function, UAPS personnel requested or demanded that Go-Life members refrain from distributing literature on campus. This demand or request was not made pursuant to any University policy, rule, by-law or regulation and was, accordingly, unlawful. Further, the Alberta Court of Queen’s Bench in *R. v. Whatcott*, 2012 ABQB 231, expressly upheld the right of individuals to distribute literature on a university campus, and in that case by someone who was not even a student.

Go-Life members punished for the misconduct of other students

Assuming it was the violation of the *Code* by Go-Life's opponents on March 3 and 4 which led to the University's decision to demand that Go-Life apply for a "security assessment" and hire a security guard for its March 31 event, then the University was in essence requiring Go-Life to pay hundreds of dollars to guard against the expected or potential misconduct of other students. The University in fact demanded that Go-Life "request security", which is fundamentally different from "requesting a security assessment", as the latter suggests that security may or may not be required.

Go-Life appreciates that the University may appropriately require security payments on account of the nature of some events, such as events that serve alcohol. For example, the form completed by Go-Life members on March 16 inquires whether an event will use hot tubs, trampolines, power tools, or other equipment. However, imposing security fees on the campus activities and events of a student group simply because it wishes to express its opinion on campus in a peaceful manner amounts to *de facto* extortion in respect of a fundamental freedom enjoyed by all citizens. Punishing Go-Life and its members because their expression is unpopular, and because *other students* (i.e. students opposed to Go-Life's message) may choose to violate the *Code*, is manifestly unfair.

The University's legal obligation to uphold campus free speech

The actions of UAPS and the University in condoning numerous violations of the *Code*, failing to require those who destroyed Go-Life's property to pay restitution to Go-Life, prohibiting Go-Life from advertising its event until minutes before it commenced, demanding that Go-Life members not distribute literature, and extorting "security fees" from students wishing to express an unpopular opinion on campus are indefensible, particularly in light of the University's governing statute, the *Post-secondary Learning Act*, S.A. 2003, c. P-19.5, which states in its preamble:

WHEREAS the Government of Alberta is committed to ensuring that Albertans have the opportunity to enhance their social, cultural and economic well-being through participation in an accessible, responsive and flexible post-secondary system; and

WHEREAS the Government of Alberta is committed to ensuring Albertans have the opportunity to participate in learning opportunities

Prohibiting controversial expression on campus unless students pay a "security fee" grossly violates the rule of law and the fundamental value of freedom of expression, essential to individuals' participation in learning opportunities. Under the rule of law, administrative decision makers, including University officials, do not have unfettered discretion to act against unpopular groups: *Roncarelli v. Duplessis*, [1959] S.C.R. 121. The University has an obligation to uphold students' rights to freedom of expression, but has instead done the opposite by demanding payment to address the potential misconduct of students who openly publicize their intentions to violate the *Code*, and who then follow through on their threats.

The principles of the rule of law and freedom of expression are fundamental to Canada's free and democratic society, and their violation cannot be overlooked or ignored. The University's issuance of the \$225.00 invoice to Go-Life violates these principles. It is entirely inconsistent with President Samarasekera's February 27, 2015, statement in support of freedom of expression and equality for student groups.

Any additional action taken by the University against Go-Life or any of its members related to the March 31, 2015 event, or in relation to the non-payment of the \$225.00 invoice, will constitute a further violation of their rights, which will be corrected by the Court if necessary. See *Wilson v. University of Calgary*, 2014 ABQB 190; *R. v. Whatcott*, 2012 ABQB 231; and *Pridgen v. University of Calgary*, 2012 ABCA 139.

Free expression rights are enjoyed by viewers and listeners

It is important to note that freedom of expression protects the right to receive expressive material as much as it does the right to create and disseminate it: *Edmonton Journal v. Alberta (Attorney General)*, [1989] 2 S.C.R. 1326, at pp. 1339-40. *Charter* section 2(b) protects not only speakers, but viewers, listeners, readers and recipients as well. See: *Ford v. Quebec (Attorney General)*, [1988] 2 SCR 712, at p. 767; *Little Sisters Book and Art Emporium v. Canada (Minister of Justice)*, 2000 SCC 69, para 41; *Harper v. Canada (Attorney General)*, [2004] 1 SCR 827; *Toronto Coalition to Stop the War v. Canada (Public Safety and Emergency Preparedness)*, 2010 FC 957 (CanLII), at paragraph 85; and *Morin v. Prince Edward Island School Board, Regional Administrative Unit No. 3*, 2005 PESCAD 14.

In *Harper*, the Court held at paragraph 18 that “This [the right to receive information] is not a Canadian idiosyncrasy. The right to receive information is enshrined in both the *Universal Declaration of Human Rights*, G.A. Res. 217 A (III), U.N. Doc. A/810, at 71 (1948), and the *International Covenant on Civil and Political Rights*, Can. T.S. 1976 No. 47. Canada is a signatory to both. American listeners enjoy the same right; see *Red Lion Broadcasting Co. v. Federal Communications Commission*, 395 U.S. 367 (1969), at p. 390; *Martin v. City of Struthers*, 319 U.S. 141 (1943), at p. 143. The words of Marshall J., dissenting, in *Kleindienst v. Mandel*, 408 U.S. 753 (1972), at p. 775, ring as true in this country as they do in our neighbour to the south:

[T]he right to speak and hear — including the right to inform others and to be informed about public issues — are inextricably part of [the First Amendment]. The freedom to speak and the freedom to hear are inseparable; they are two sides of the same coin. But the coin itself is the process of thought and discussion. The activity of speakers becoming listeners and listeners becoming speakers in the vital interchange of thought is the means indispensable to the discovery and spread of political truth.

By condoning the physical suppression, obstruction and interruption of the peaceful expression of opinion on campus, and by punishing Go-Life members for the violation of the *Code* by other students through “security fee” extortion, the University of Alberta has violated not only the expressive freedom of Go-Life members, but also the freedom and rights of viewers and listeners.

Any denial of Go-Life’s free expression rights in the 2015-16 academic year or any year thereafter, through the University’s refusal to permit Go-Life events, or through another University demand for security fee payments as a condition of allowing the peaceful expression of opinion on campus, or through UAPS condoning the violation of the *Code*, will constitute a further violation of the free expression rights of Go-Life and its members, as well as others on campus who are deprived of their legal right to see, hear and consider Go-Life’s expression.

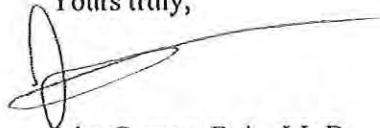
In closing, we respectfully request that the University withdraw its request for payment of \$225.00 for security services imposed on Go-Life on March 31, 2015.

We would also appreciate your response to the following questions:

- 1) Is it the usual and ordinary practice of UAPS to refrain from taking photos of those who violate the *Code*, and to refrain from asking students engaged in misconduct to produce their identification?
- 2) Will the University require those individuals who have admitted to destroying Go-Life's property to pay restitution to Go-Life for the damage these individuals have caused?
- 3) In future, will the University delay its approval of Go-Life events until the day of the event itself?
- 4) In future, will the University prohibit Go-Life from advertising its events?
- 5) In future, will UAPS personnel ask Go-Life members to cease distributing literature on campus?
- 6) In future, will UAPS or the University contact those it knows are promoting the obstruction or disruption of Go-Life's events, and warn those individuals that their advocacy and incitement is a violation of the *Code*, and further warn them that obstructing and disrupting university-related functions is a violation of the *Code* for which they will be charged?
- 7) In future, will UAPS or the University address the obstruction and disruption of Go-Life's events immediately and decisively, by photographing those engaged in obstruction and disruption, by demanding to see their identification, and by initiating disciplinary proceedings against those who violate the *Code* (without waiting passively for a complaint)?
- 8) In future, will the University uphold the legal right of Go-Life to express its opinions peacefully on campus without being subject to property damage, the obstruction and disruption of its events, prohibitions on advertising its events, and the payment of "security fees"?

We request your response to these questions by close of business on Friday, July 10, 2015.

Yours truly,



John Carpay, B.A., LL.B.
President
Justice Centre for Constitutional Freedoms

cc. Amberlee Nicol, Go-Life President
Kianna Owen
Cameron Wilson
Mathieu Trepanier, Student Event Risk Management Coordinator
Grace Berry, Acting Director, University of Alberta Protective Services
Dr. Indira Samarasekera, President, University of Alberta

5-02 Students' Union Building
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Fax: 780.492.1545
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Justice Centre for Constitutional Freedoms
#253, 7620 Elbow Drive SW
Calgary, AB T2V 1K2

VIA EMAIL jcarpay@jccf.ca (hard copy to follow by ordinary mail)

July 23, 2015

Dear Mr. Carpay,

Re: Special Duty Service Invoice (March 31, 2015 Go-Life student group event)

I am the Interim Vice-Provost and Dean of Students whose office is the office of administrative responsibility under the University of Alberta's *Student Groups Procedure* ("Procedure"), a copy of which is enclosed. Your letter dated June 11, 2015, directed to the University's Office of General Counsel, has been referred to me for response.

Your letter dated June 11, 2015 raised concerns related to events Go-Life held on the University of Alberta campus on March 3-4 and March 31, 2015. My understanding is that UAPS previously responded to you with respect to the earlier event, and I do not intend on addressing that matter here.

With respect to the March 31 event, your concern relates to the decision that one security officer should be present at Go-Life's event and that Go-Life would be responsible for the associated cost of \$225.00 as a condition of this office's approval of the event. I refer to the attached *Procedure*, which provides my office with the authority to make that determination. I note that Go-Life agreed to that condition prior to their March 31, 2015 event, albeit under protest.

However, in their submission for event approval, Go-Life itself stated:

...Due to the controversial topic of the presentation, there may be some audience members who try to cause a disturbance at the event. Should things get out of hand, we will notify UAPS and allow them to handle the situation accordingly.

Based on this information, and the concurrence from University of Alberta Protective Services ("UAPS") that security presence was recommended, particularly having regard to the very recent March 3-4 event at which UAPS and Edmonton Police Service members were required, I concluded pursuant to the *Procedure* that a security presence was a condition on the approval of the proposed event.

THIS IS EXHIBIT " 0 "
referred to in the Affidavit of
Amberlee Nicol
Sworn before me this 11
day of Sept. A.D. 20 15
A Commissioner in and for the Province of Alberta
Student-at-Law

I have considered your letter as a request made on behalf of Go-Life to reconsider the decision noted above. Part 5 of the *Procedure*, however, requires that the Dean of Students receive a request for reconsideration no more than 15 Business Days after the group is notified of the Dean's decision. At the very latest, the decision was communicated to Go-Life on March 31, and therefore my office has no jurisdiction to reconsider the decision under the *Procedure*.

The attached *Procedure* speaks to the context and manner in which all recognized student groups at the University are regulated, as well as the obligations and processes which all such groups are subject to at the University. My hope is that my office and Go-Life can work cooperatively, in accordance with the *Procedure*, and with the acknowledgment that, in order to be approved, recognized student group events or activities must, among other requirements under the *Procedure*, be balanced with the University's obligations, including the obligation to maintain a safe working and learning environment for all members of the University community.

Prior to closing I would like to address some of the other concerns you raise in your letter. It is important to highlight that, under the *Procedure*, recognized student group events are approved by me, in my capacity as the Dean of Students. The ability to reserve a room or other space on campus (which, as Go-Life is aware, is not done through my office) does not mean the event has been approved. As Go-Life has sought and obtained event approval from my office for past events, I find your statement that "Go-Life was not advised, at the time, of any other requirements it needed to fulfill in order to receive event approval" surprising. The *Procedure* expressly provides that "All Student Group Events and Activities must be approved by the Office of the Dean of Students" and Go-Life is or ought to be well aware of this having regard to their familiarity with the *Procedure* and associated materials and resources.

There is also mention of delay. The *Procedure* itself does not set out a time frame by which requests for event approvals should be submitted to my office or a time frame by which they will be approved by my office. However, the recommendations contained in the instructions to the Event Approval Form (which recognized student groups access electronically via Beartracks) provides as follows:

...The form must be submitted 10 business days prior to your event start date to avoid penalty, and also must be submitted before you begin to advertising your event, so chances are you'll want to submit it earlier than 10 business days prior.

We recommend starting the event approval form about six weeks before the date of your event, and submitting it about four weeks before the date of your event. Give yourself as much time as possible to complete the form.

The *Procedure* is clear that student groups are not permitted to advertise their events prior to event approval being issued from my office and that this "approval must occur at the planning stage of the event". In view of this, and the timing recommendations set out above, Go-Life must recognize that its inability to begin to advertise its event to the extent it wished or at all could have been avoided had they commenced the event approval process earlier than they did. My office handles many requests for event approvals from the numerous recognized student groups on campus and seeking approval only 10 business days before the proposed event unavoidably means very short timelines for approvals and then advertising.

Further, Go-Life's inability to change the date of the event is, as you properly noted, because it had already booked a speaker for March 31, 2015 without first obtaining approval for their event through my office.

As I mentioned at the outset, going forward I encourage Go-Life to work cooperatively with my office and in accordance with the *Procedure*, acknowledging that, in order to be approved, recognized student group events and activities must, among other requirements under the *Procedure*, be balanced with the University's obligations. In particular, I encourage Go-Life to work with my office especially at the planning stages of their events and to apply much earlier for approval of same.

Yours truly,

A handwritten signature in black ink, reading "Robin D. Russell". The signature is written in a cursive style with a large, stylized "R" and "D".

Encl.



Justice Centre for Constitutional Freedoms

July 29, 2015

Jaxine Oltean
Senior Legal Counsel
University of Alberta
3-03 South Academic Building (SAB)
Edmonton, Alberta, T6G 2G7

Dear Ms. Oltean,

RE: "Special Duty Service" Invoice (March 31, 2015 event of Go-Life campus club)

I acknowledge receipt of the July 23rd letter from Dr. Robin Overall, Dean of Students, responding to my June 11th letter. I will assume that her July 23rd letter is the only response to my June 11th letter that will be forthcoming from the University of Alberta. If my assumption here is incorrect, please let me know as soon as possible.

In our view, the \$225 invoice is a side issue.

The real issue – and only issue – is the failure of the University of Alberta to uphold the rule of law on campus, by condoning mob censorship and other violations of the *Code of Student Behaviour*, such that my clients are effectively prevented from exercising their legal right to express their opinions peacefully on campus. Our concern is the way in which the University of Alberta penalizes Go-Life for the wrongful conduct of other students, amounting to *de facto* approval of those other students' attempts to intimidate and silence my clients, contrary to my clients' legal rights.

This issue – upholding the rule of law on campus – affects not only Go-Life, but all other student clubs and individual students at the University of Alberta.

If the University of Alberta provides clear, specific, written assurances that it will uphold the rule of law on campus, including my clients' free expression rights, you will receive immediate payment of the \$225 invoice.

In my June 11th letter I asked the following questions:

- 1) Is it the usual and ordinary practice of UAPS to refrain from taking photos of those who violate the *Code*, and to refrain from asking students engaged in misconduct to produce their identification?
- 2) Will the University require those individuals who have admitted to destroying Go-Life's property to pay restitution to Go-Life for the damage these individuals have caused?

THIS IS EXHIBIT " P "
referred to in the Affidavit of
Amberlee Nicol
Sworn before me this 11
day of Sept A.D. 20 15
[Signature]
A Commissioner in and for the Province of Alberta
Student-at-Law

- 3) In future, will the University delay its approval of Go-Life events until the day of the event itself?
- 4) In future, will the University prohibit Go-Life from advertising its events?
- 5) In future, will UAPS personnel ask Go-Life members to cease distributing literature on campus?
- 6) In future, will UAPS or the University contact those it knows are promoting the obstruction or disruption of Go-Life's events, and warn those individuals that their advocacy and incitement is a violation of the *Code*, and further warn them that obstructing and disrupting university-related functions is a violation of the *Code* for which they will be charged?
- 7) In future, will UAPS or the University address the obstruction and disruption of Go-Life's events immediately and decisively, by photographing those engaged in obstruction and disruption, by demanding to see their identification, and by initiating disciplinary proceedings against those who violate the *Code* (without waiting passively for a complaint)?
- 8) In future, will the University uphold the legal right of Go-Life to express its opinions peacefully on campus without being subject to property damage, the obstruction and disruption of its events, prohibitions on advertising its events, and the payment of "security fees"?

In response to my second question, I understand that the U of A students who are responsible for stealing and/or vandalizing my clients' property will not be required to pay restitution to my clients.

In response to my third and fourth questions, I understand from Dr. Everall's letter that in future, my clients should strive to contact the Office of the Dean of Students six weeks prior to any event they wish to hold. However, the University of Alberta has not provided any assurance that my clients' future events will receive timely approval, rather than last-minute approval as was the case on March 31, 2015.

Dr. Everall has not provided answers to questions 1, 5, 6, 7, or 8 that were asked on June 11, 2015.

Accordingly, unless I hear otherwise from the University of Alberta, I will assume the following:

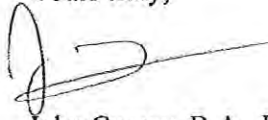
- 1) It is the usual and ordinary practice of UAPS to refrain from taking photos of those who violate the *Code*, and to refrain from asking students who are engaging in misconduct to produce their identification.
- 2) In future, UAPS personnel will continue to ask Go-Life members to cease distributing literature on campus.
- 3) In future, neither UAPS nor the University of Alberta will contact individuals who are planning and promoting the obstruction or disruption of Go-Life's events. Neither UAPS nor the University of Alberta will warn those individuals that their advocacy and incitement (apart from the actual conduct itself) is a violation of the *Code*. Neither UAPS nor the University of Alberta will warn such individuals that obstructing and disrupting university-related functions, including Go-Life's events, is a violation of the *Code* for which they will be charged.
- 4) In future, neither UAPS nor the University of Alberta will address the obstruction and disruption of Go-Life's events immediately and decisively, by photographing those engaged in obstruction and disruption, by demanding to see their identification, and by initiating disciplinary proceedings against those who violate the *Code*. Instead, UAPS and the University of Alberta will allow and condone such conduct, will only take action after the fact, and will only act upon receipt of a formal written complaint from Go-Life or from its members.

- 5) In future, the University of Alberta will not require those who steal or vandalize Go-Life's property to pay restitution to Go-Life for the damage they have caused.
- 6) If Go-Life does not pay the \$225 invoice, Go-Life will not receive approval from the University of Alberta to hold any events on campus during the 2015-16 school year, or thereafter.
- 7) In future, the University of Alberta will continue to impose "security fees" on Go-Life in respect of events it wishes to hold on campus, based on the potential misconduct (violations of the *Code of Student Behaviour* and/or the *Criminal Code of Canada*) of people who disagree with Go-Life's opinions and message. The University of Alberta will do so regardless of whether or not Go-Life pays the \$225 invoice.
- 8) In the 2015-16 school year and thereafter, the University of Alberta will not uphold the legal right of Go-Life to express its opinions peacefully on campus. The University of Alberta will not deal immediately or decisively with property damage, or with the obstruction and disruption of Go-Life events.

If any (or all) of my assumptions set out here above are incorrect, please let me know as soon as possible.

If I hear nothing further from you regarding these matters, my clients will take that to mean that these assumptions (set out here above) are correct.

Yours truly,



John Carpay, B.A., LL.B.
President
Justice Centre for Constitutional Freedoms

cc. Amberlee Nicol, Go-Life President
Kianna Owen
Cameron Wilson
Mathieu Trepanier, Student Event Risk Management Coordinator
Grace Berry, Acting Director, University of Alberta Protective Services
Dr. Indira Samarasekera, President, University of Alberta
Dr. Robin Everall, Dean of Students