

THE VARSITY

THE UNIVERSITY OF TORONTO'S STUDENT NEWSPAPER SINCE 1880

Inside the Justice Centre for Constitutional Freedoms

The Varsity explores the group helping UTM Students for Life, Trinity Western University in court

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From helping pro-life campus groups sue student unions to assigning universities ratings on “campus freedom,” one Alberta-based non-profit is becoming prominent within Canadian campus politics.

Formed in 2010, the Justice Centre for Constitutional Freedoms (JCCF) tackles controversial legal cases across the country. The registered charity defends individuals, groups, and organizations pro bono — it defends “Canadians facing a violation of one of their human rights or constitutional freedoms.”

The centre also criticizes government policies and court decisions that it believes “impact the civil and constitutional rights of Canadians.”

The centre hosts an annual student essay contest to promote critical thinking on constitutional freedoms and publishes an annual Campus Freedom Index, which measures the state of free speech on Canadian university campuses using a five-tier grading scale.

The latest Campus Freedom Index was released on November 1 and gave U of T students’ unions ‘F’ grades in freedom.

JCCF represents a number of campus groups suing their student

unions. Given its prominence on the Canadian university scene, The Varsity looked into the centre by exploring some of its ongoing lawsuits and operations.

The University of Toronto Mississauga Students’ Union (UTMSU) is currently being sued by Students for Life, an anti-abortion group that was denied club status for the 2015–2016 year.

The club did not have its status renewed by the union because of its stance on abortion. Campus groups without official UTMSU status do not have access to certain resources that accredited clubs may access.

The JCCF decided to take this case and filed a court application on the behalf of Students for Life. The centre says it is defending the campus group and suing UTMSU for “violating its own rules,” acting in a way that was biased and without good faith, obstructing fair procedure and “natural justice,” and “failing to respect students’ fundamental freedoms of expression and association.”

The JCCF is also defending the Ryerson Men’s Issues Awareness Society (MIAS) in a lawsuit against the Ryerson Students’ Union (RSU), which denied club status to this group. The RSU cited potential women’s safety concerns as a

reason for rejecting MIAS’ application for club status.

The JCCF filed a court application against the RSU, arguing that procedural fairness and justice were not upheld and that the RSU acted in a biased manner, therefore violating their own policies. The JCCF stated that the RSU acted in a way that was “unreasonable, discriminatory and contrary to fundamental common law values and the values of the Canadian Charter of Rights and Freedoms.”

In what is possibly its highest profile case, the JCCF successfully helped Trinity Western University — an Evangelical Christian university located in British Columbia — sue the Law Society of British Columbia (LSBC), which refused to accredit the university’s law school.

Trinity Western has garnered controversy recently for requiring law students to sign a Community Covenant which prohibits, among other things, “sexual activity outside of the marriage of one man and one woman.” The decision is pending an appeal from the LSBC.

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The JCCF team includes Founder John Carpay, staff lawyers, a Director of Communications and Development, a Student-at-Law, and an Administrative Assistant. The centre also has a Board of Directors and an Advisory Council.

Carpay was the Alberta Director for the Canadian Taxpayers Federation from 2001–2005. Additionally, Carpay was a candidate for Alberta's Wildrose Party in 2012. Now, he frequently writes columns for National Post, Calgary Herald, and Huffington Post Canada.

After receiving official charity status in 2010, the JCCF runs on a donation basis to operate and provide legal defence for those who cannot afford to pay lawyers.

Carpay confirmed that the JCCF has "a number of lawyers across Canada" who work pro bono for the centre. The JCCF does not receive any money directly from the government or government-affiliated organizations.

The JCCF's website says that the centre was created in response to the ongoing erosion of some of Canada's fundamental principles — including freedom and equality.

The JCCF argues that the government and government-supported institutions, like Canadian universities or human rights commissions, are often sites for the erosion of the principles it promotes.

"We see daily and aggressive attacks against free expression on university campuses across Canada," Carpay told The Varsity. "University administrations which pander to mobs which use physical coercion to censor the expression of opinion on campus... law societies in three provinces attacking the charter freedoms on Trinity Western University... student unions denying club status to campus groups on ideological grounds; the list goes on."

Currently, the JCCF has three open legal cases that involve a party suing their university students' unions and one against the university of Alberta.

Carpay said, "What happens on campus often spills out into larger society." He argues that other arenas of public life could experience similar erosion if no current action is taken on campuses.

Carpay added, "Public universities owe it to tax payers to fulfill their mission and mandate and be a safe space for the frank discussion and

vigorous debate of all ideas."

Additionally, the centre says it defends those who have faced censorship, which it defines as "when a student union or university restricts or limits your right to communicate your beliefs and opinions with other people."

The JCCF states, "Prior to the JCCF agreeing to provide representation for your club on your behalf, you will be asked to make a commitment to stand up for your rights."

Although it calls itself non-partisan, the JCCF showcases endorsements from popular conservative thinkers and personalities on its website. Notable endorsements include Rebel Media founder Ezra Levant, former speechwriter for Prime Minister Stephen Harper Michael Taube, and current President and CEO of the Canadian Taxpayers Federation Troy Lanigan.

The centre outlines six specific fundamental values from the Charter on their website: freedom of religion and conscience; freedom of thought, belief, opinion, and expression; freedom of peaceful assembly; freedom of association; and equality before the law.