

*File no.*

**THE QUEEN'S BENCH  
BRANDON CENTRE**

**B E T W E E N:**

**CATHERINE DUBOIS, KYLE COFFEY AND SILAS LEE**

**Applicants**

**- and -**

**BRANDON UNIVERSITY STUDENTS' UNION**

**Respondent**

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**AFFIDAVIT OF CATHERINE DUBOIS**

**SWORN:** \_\_\_\_\_

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Marty Moore  
Justice Centre for Constitutional Freedoms  
#253, 7620 Elbow Drive SW  
Calgary, Alberta T2V 1K2  
Phone: 403-475-3622  
Facsimile: 587-747-5310  
Email: mmoore@jccf.ca  
Counsel for the Applicants

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**AFFIDAVIT OF CATHERINE DUBOIS**

I, Catherine Dubois, of the City of Brandon, MAKE OATH AND SAY:

1. I have personal knowledge of the matters and facts hereinafter deposed to by me, except where same are stated to be based upon information and belief, in which cases I believe them to be true.

The Applicants

2. I am a full-time student at Brandon University currently in the Bachelor of Business Administration program. I serve as the President of the Brandon University Students for Life ("Students for Life").
3. Kyle Coffey is a full-time student at Brandon University, currently in the Bachelor of Business Administration program. Mr. Coffey is the Treasurer of Students for Life.

4. Silas Lee is a full-time student at Brandon University, currently in the Bachelor of Business Administration program. Mr. Lee is a member of Students for Life.
5. Students for Life is a student group established in 2012 by students at Brandon University to promote the protection of human life from the moment of conception to natural death, by engaging and informing students at Brandon University about life issues. See Constitution of Students for Life, attached as **Exhibit “A”** to this affidavit.
6. Use of the terms such as “we”, “us” and “our” refers to members of Students for Life

#### The Respondent

7. The Brandon University Students’ Union (“BUSU”) is a not-for-profit society incorporated under *The Corporations Act*, C.C.S.M. c. C225. BUSU is the official student union of Brandon University, recognized in *The Brandon University Act*, C.C.S.M. c. 890 (attached as **Exhibit “B”** to this affidavit), and represents over 3,000 students at Brandon University. All Brandon University students are required to be members of BUSU and pay mandatory student-union fees, unless otherwise exempted.
8. In its *By-laws* (attached as **Exhibit “C”** to this affidavit), BUSU commits itself to acting in an impartial manner in all its decision making. BUSU By-law 200-33 states:

Whereas the Brandon University Students’ Union recognizing equal opportunity and fairness in all levels of the decision-making process, hereby implements the practice of impartial decision-making. Uncontested hearsay evidence, irrelevant to voting and decision-making, shall not bear significance when rendering decisions, and shall remain moot.

9. The Brandon University *Statement of Student Rights and Responsibilities* (attached as **Exhibit “D”** to this affidavit) states, under the heading of “Principle of Freedom of Expression”:

Brandon University prizes and defends freedom of speech. It affirms the rights of its members to teach and learn in an environment free from coercive force, intimidation, and interference, and subject only to the constraints of reasoned discourse and peaceful conduct.

10. The Brandon University *Respectful Environment Policy* (attached as **Exhibit “E”** to this affidavit), which BUSU claims we have violated, states at section 4.0-f:

Brandon University recognizes that as an academic and free community, it must uphold its fundamental commitments to academic freedom and to freedom of expression and association. Therefore, it will maintain a respectful environment in which students and teaching and non-teaching staff can engage in free enquiry and open discussion of all issues.

11. BUSU provides recognition to student groups, which are then entitled to book space from BUSU and Brandon University without charge and to receive funding and numerous other benefits from BUSU.

#### Relevant Background

12. Beginning in the fall semester of 2012, we sought to apply to BUSU for student group recognition for Students for Life. BUSU discouraged us from applying for student group recognition and refused to provide us with the application form. We eventually acquired the application form and, on January 23, 2013, we applied for student group recognition. BUSU denied our application in February, 2013.

13. On March 5, 2013, we resubmitted our application for student group recognition, but we were informed by BUSU on April 2, 2013, that BUSU would not consider our application until the fall semester. We sought the assistance of the Justice Centre for Constitutional Freedoms (“Justice Centre”), which wrote a legal warning letter to BUSU on April 30, 2013. See Letter from Justice Centre to BUSU President, dated April 30, 2013, attached as **Exhibit “F”** to this affidavit.

14. In September 2013, BUSU granted our application, and provided Students for Life with student group recognition.

15. During a day-long event in November 2013, I, along with other members of Students for Life, stood silently in buildings on the Brandon University campus and handed out sheets of paper titled “Why I am Silent”. A true copy of this sheet is attached as **Exhibit “G”** to this affidavit. This handout discussed abortion statistics on one side and listed some developmental milestones of the foetus on the other. Towards the end of the day, the (then) president of BUSU approached us and demanded that we cease handing out these papers because the Women’s Collective had complained the handouts were offensive. Specifically, the Women’s Collective found the use of the word “killing” to describe abortion to be offensive.

16. Following the “Why I am Silent” event in November 2013, the (then) president of BUSU offered to mediate a meeting between Students for Life and the Women’s Collective in hopes of preventing future complaints from the Women’s Collective. The Women’s Collective declined, stating that there was no need to meet.

17. During a week-long event in April 2014, Students for Life put up a number of “personhood posters” on the Brandon University campus, attached as **Exhibit “H”** to this affidavit. BUSU demanded Students for Life remove the posters and to refrain from putting up any more posters for the rest of the 2013-2014 school year. BUSU did not provide a reason for the removal of the posters.

18. BUSU approved Students for Life’s application to renew its student group recognition in September 2014 without any mention of the “personhood posters” or the “Why I am Silent” event.

19. I submitted Students for Life’s application for student group recognition renewal to BUSU in September, 2015, as per by-law 2500-5. The renewal application was approved by BUSU, and Students for Life participated in the club day on September 15, 2015, setting up a display table in the Mingling Area and engaging with students about life issues.

20. On October 14, 2015, members of Students for Life conducted a planned event we called “Let’s Chalk About It”. The event involved writing statements in chalk on sidewalks and paved areas owned by the City of Brandon and adjacent to the Brandon University campus. Pictures of the chalked statements are attached as **Exhibit “I”** to this affidavit. The statements related to the issues of abortion, euthanasia, the right to life, and the legal status of “persons”. A list of the statements is attached as **Exhibit “J”** to this affidavit.

## Revocation of Student Group Recognition

21. On January 22, 2016, Andrew Madill, Students for Life's communications director, attempted to book space in the Mingling Area in the Knowles Douglas Student Union Centre, to set up a Student for Life table display. Free use of student-accessible space at Brandon University, such as the Mingling Area, is a benefit of student group recognition. BUSU informed Mr. Madill that Students for Life did not have student group recognition and therefore was ineligible to book space in the Mingling Area. Andrew Madill informed me via e-mail and text message (attached as **Exhibit "K"** to this affidavit) that Students for Life was being denied the use of the Mingling Area because BUSU had revoked our student group recognition.

22. Prior to January 22, 2016, neither I nor any other member of Students for Life was aware of the revocation of Students for Life's student group recognition. BUSU had not notified us of the revocation despite having access to all of Students for Life's contact information. More importantly, BUSU did not inform us of its intention to revoke our club status, and did not provide us with any opportunity to defend ourselves against this administrative action.

23. We were forced to suddenly cancel the planned table event that was supposed to take place in the Mingling Area, because BUSU had revoked our student group recognition. No other area on campus provides the equivalent or comparable opportunity to engage our fellow students as does the Mingling Area. Further, we could not afford to pay to use space on campus.

### Request for Reasons and Reconsideration

24. We immediately contacted BUSU to request a meeting to discuss the reasons for BUSU's revocation of Students for Life's student group recognition (the "Decision"). Nick Brown, BUSU's then-Interim President, informed Mr. Madill on January 22, 2016, that Students for Life would have to contact Rhoni Mohanraj, BUSU's then-Vice President External, to discuss Students for Life's student group recognition (see **Exhibit "L"** attached to this affidavit). Andrew e-mailed Mr. Mohanraj (attached as **Exhibit "M"** to this affidavit) requesting the reasons for the revocation of Students for Life's student group recognition, and to set up a meeting, but Students for Life did not receive any response from Mr. Mohanraj.

25. On January 27, 2016, Mr. Madill and I were walking through the Mingling Area when we saw Mr. Mohanraj. We approached him and requested a meeting. He agreed to meet on January 29, 2016.

26. Mr. Madill and I attended a meeting with BUSU executives Rhoni Mohanraj and Nick Brown on January 29, 2016 (the "January 29 meeting"). I took handwritten notes during the meeting, which I typed out later that same day (attached as **Exhibit "N"** to this affidavit).

27. The meeting started with Mr. Mohanraj asking me to explain what Students for Life "stands for". After offering an explanation of Students for Life's views and activities, Mr. Mohanraj informed us that BUSU Council had held a meeting on November 4, 2015, for the purpose of reviewing student clubs, and had decided to revoke Students



for Life's student group recognition. There is no mention of this Decision in the public minutes for the Council meeting on November 4, 2015, attached as **Exhibit "O"** to this affidavit. Mr. Mohanraj said he had attempted to e-mail Students for Life to inform us of BUSU's Decision, but when we told him that we never received such an e-mail, Mr. Mohanraj admitted he sent the e-mail to the wrong e-mail address (see e-mail attached as **Exhibit "P"** to this affidavit).

28. When we asked Mr. Mohanraj and Mr. Brown the reasons for BUSU's Decision they gave the following reasons:

- a) that Students for Life had violated the *Respectful Environment Policy* by making students feel "uncomfortable" and "intimidated" during events put on by Students for Life in April 2014 and October 2015;
- b) that Students for Life was allegedly affiliated with a U.S. pro-life group, which BUSU also alleged is "anti-gay";
- c) that Students for Life was affiliated with a Canadian pro-life group that BUSU "had issues with";
- d) that Students for Life events in April 2014 and October 2015 did not align with the Canadian Federation of Students' pro-choice opinions; and
- e) that Students for Life was a redundant group because the issues of suicide and abortion were already being addressed by the BUSU's LGBTQ Collective and Women's Collective, collectively.

29. During the January 29 meeting, Mr. Brown told us several times that Students for Life may be able to gain back its student group recognition if we "changed our views." We were also told that we "can't really talk about personal issues," that we cannot hold

events or express views that make students feel “uncomfortable”, and that we are entitled to our views, but “you can’t put your views out to a larger body.”

30. During the January 29 meeting, Mr. Brown also told us that “it would be best to wait until September 2016 to reapply when some of the current BUSU council members graduate,” because many of the current BUSU Council members have been members for as long as Students for Life has been holding events, and many of them have had “issues” with the “historic” events.

31. At the end of the January 29 meeting, Mr. Mohanraj told us that he could help us “change our views” when we were ready to reapply, and that Students for Life’s student group recognition could be addressed at the next BUSU Council meeting on February 12, 2016.

#### Rejection of Appeal

32. At the next BUSU Council meeting on February 12, 2016 (“BUSU Council meeting”), BUSU Council heard our appeal of BUSU’s decision to revoke our student group recognition.

33. According to the BUSU Council meeting minutes for February 12, 2016 (attached as **Exhibit “Q”** to this affidavit), the following BUSU Council members were present: Nick Brown, Lisa Mizan, Mercedes McLean, Sarah Wallace, Chizaram Ukasoanya, Aaron Thompson, Jillian Vanderheiden, Nataly Ore and Racheal Wu. The minutes

record the statements of Students for Life members Mr. Coffey and Mr. Madill and the statements of BUSU council members Mr. Brown, Ms. Wu, and Ms. Ukasoanya.

34. Students for Life members Kyle Coffey and Andrew Madill presented a “Power Point” presentation (attached as **Exhibit “R”** to this affidavit) to BUSU Council along with their oral submissions. Mr. Coffey and Mr. Madill explained to the BUSU Council the purpose and goals of Students for Life and the life issues which we address.

35. Ms. Wu reiterated BUSU’s position that Students for Life was a redundant student group because the issue of abortion was already being addressed by the Women’s Collective. Mr. Madill reminded BUSU council that Students for Life also focuses on many other life issues, such as physician-assisted suicide, and that Students for Life’s pro-life perspective in regard to abortion is very different than that of the Women’s Collective, and Students for Life takes a more holistic approach to the issue of abortion, considering abortion’s effect on women and also on men and children.

36. Ms. Wu and Ms. Ukasoanya restated BUSU’s objection that Students for Life had made students “uncomfortable” and Ms. Ukasoanya commented that the expression of Students for Life’s views on abortion were a “form of intimidation”, acted as a “trigger” for some students, and could make students not “feel safe” while on campus.

37. Following our presentation to the Council, a vote of Council Members was taken. BUSU Council refused to grant our appeal of BUSU’s decision to revoke our student group recognition.

38. Eleven days later, Mr. Mohanraj informed Students for Life of the BUSU council's decision to reject our appeal via email on February 23, 2016 (see attached as **Exhibit "S"** to this affidavit). The reason provided by Mr. Mohanraj was that Students for Life's "mission coincides too much with the mission of the women's collective". Mr. Mohanraj also reiterated that we should try applying again once there was a new BUSU council because the new council "might have a different perspective."

39. As a result of BUSU refusing to reinstate Students for Life's student group recognition, we can no longer book meeting rooms from either BUSU or Brandon University for events designed to engage other students in discussion about life issues, unless we pay booking fees, which we cannot afford. Further, we are precluded from effectively engaging students during student clubs days, in which recognized clubs are permitted to set up tables in the Mingling Area to engage with fellow students. We also do not have the opportunity to apply for club event reimbursement from BUSU, or to receive free access to other BUSU services.

40. As members and executives of Students for Life and students of Brandon University, we feel that BUSU is excluding us from the Brandon University community. We desire to associate as a campus club, and to express our views peacefully, but the BUSU's obstruction and suppression of our views and our expression, including BUSU's revocation of our student group recognition, have significantly diminished our ability to do so. We feel marginalized, censored and discriminated against by BUSU simply

because we want to host events, share our views, and have discussions about life and death issues such as abortion and physician-assisted suicide.

Sworn before me at the City of  
Brandon in the Province of Manitoba,  
on July \_\_\_\_, 2016.

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