



Justice Centre for Constitutional Freedoms

December 4, 2017

VIA EMAIL AND FACSIMILE

Clubs and Societies Committee
AMS Student Society of UBC Vancouver
6133 University Boulevard
Vancouver, BC V6T 1Z1
Fax: 604-822-9019
Email: clubquestions@ams.ubc.ca

Dear Clubs and Societies Committee,

Re: Denial of Club Status of Advocacy for Men and Boys

We write on behalf of Jordan Schroeder, President of Advocacy for Men and Boys at UBC (the “AMB Club”). The AMB Club has, in good faith, applied to become an AMS-constituted student club three times. Three times it has been denied, receiving reasons that are inconsistent, unreasonable and irrelevant.

As the body that manages student clubs at UBC Vancouver, the Clubs and Societies Committee is responsible for ensuring that the AMS Student Society of UBC Vancouver (“AMS Student Society”) does not violate its legal obligations, or the legal rights of students. The actions taken by the AMS Student Society described below violate the AMB Club’s freedom of expression and association.

Background

The AMB Club first applied to become an AMS-constituted club in August 2016. On September 14, 2016, the AMB Club received an email from then-Associate VP Administration Rob Willoughby (enclosed), stating that the application had been denied because the AMB Club’s mandate “overlapped” with the mandate of the AMS Student Society Healthier Masculinities Program (the “Healthy Masculinities Program”).

The AMB Club applied for club status again on January 31, 2017. Executive members of the AMB Club met with then-VP Administration, Chris Scott, on February 24, 2017, to discuss the AMB Club’s application. On March 16, 2017, Chris Scott emailed the AMB Club (enclosed) to state he had denied the AMB Club’s application. His reasons were as follows:

1. The AMB Club’s association with the UBC Free Speech club;
2. The AMB Club’s association with the Canadian Association For Equality (“CAFE”); and
3. The opinion of the AMS Women’s Centre and Feminist Collective (“Feminist Collective”) that the AMB Club was insufficiently cooperative with the Feminist Collective.

Mr. Scott also explicitly stated in his email that the AMS Student Society had no concerns about the AMB Club's mandate being too similar to that of Healthy Masculinities Program.

The AMB Club applied for club status a third time on September 28, 2017. On October 31, Pooja Bhatti, VP Administration, emailed the AMB Club (enclosed) to state the AMB Club's application had again been denied, this time because the AMB Club's "goals are fulfilled by... the Healthy Masculinities program," which Ms. Bhatti claimed is "very similar" to the AMB Club's mandate.

In this letter, the three denials of the AMB Club's application to become an AMS-constituted club are collectively referred to as the "Decisions".

The AMB Club's mandate is:

To build a movement centered on **raising awareness of issues affecting Men and Boys** through public education through positive, non-violent activism for a healthier society. Issues may include: Men's health, fathers and family issues, suicide, violence, safety, workplace issues, misandry, crime and punishment. [Emphasis added]

The mandate of Healthy Masculinities Program is:

[T]o eradicate gender-based and sexualized violence by critically examining the damaging stereotypes that society teaches us about masculinity, and what it means to be masculine. This can include engaging in discussions on power, privilege, mental health, boundaries and consent, gender stereotypes, incarceration rates, and sexuality. [Emphasis added]

The Healthier Masculinities Program's "guiding principles" include the following:

- Working from **an anti-colonial, anti-oppressive and intersectional lens**
- **Acknowledging privilege and positionality**
- Critically acknowledge, utilize, and **challenge gender social constructs**
- Remain **accountable to intersectional feminist knowledge and frameworks**, and to the women and non-masculine identified folks in our community¹ [Emphasis added]

As evidenced above, the AMB Club is significantly different from the Healthy Masculinities Program. In fact, instead of being similar to the AMB Club, the Healthy Masculinities Program is very similar to the Feminist Collective, whose goals and viewpoints differ sharply from that of the AMB Club. The Feminist Collective:

[E]xists to support women of the UBC community and beyond who share **intersecting histories of sexual and colonial violence, classism, ableism, racism, homophobia, transphobia** (and so on). Its coordinators recognize that **patriarchy is only one (important) aspect of an interlocking system of power and oppression**, that safe spaces are not guaranteed, and that continual efforts to

¹ <http://amssasc.ca/services/25739-2/creating-healthier-masculinities-program/>

maintain openness, respect, and honesty are crucial for **anti-oppressive organizing** and ways of relating to one another.² [Emphasis added]

Without being granted club status by the AMS Student Society, the AMB Club cannot:

1. Participate in Club Days and Imagine Day, thereby eliminating the ability to engage effectively with other students;
2. Book space in buildings owned by the AMS Student Society without paying a fee; thereby thwarting the AMB Club's ability to meet and engage in AMB Club activities;
3. Book space in buildings owned by UBC Vancouver without paying a fee; thereby further thwarting the AMB Club's ability to meet and engage in AMB Club activities; and
4. Access general funding available to all AMS-constituted student clubs.

Rights of student members of Advocacy for Men and Boys

Freedom of expression and freedom of association are not merely aspirations. These fundamental freedoms are legal rights held by students at UBC Vancouver, including the AMB Club members.

In *Wilson v University of Calgary*, the Court set aside as unreasonable the university's decision to find students guilty of non-academic conduct for having peacefully expressed unpopular opinions on campus. The court held that the university had failed to properly take into account students' expressive rights and the "nature and purpose of a university as a forum for the expression of differing views". The court stated that:

Members of the University community expect to be able to engage in the exchange of ideas and open discourse. Mr. Hickie's reasons fail to demonstrate that he took into account the nature and purpose of a university as a forum for the expression of differing views. Nor do they demonstrate that any prior attempt to balance *Charter* values by interfering "no more than necessary" was reasonably undertaken. Neither Ms. Houghton's nor the Appeal Boards' decisions demonstrate that due regard has been given to the importance of the expressive rights and Mr. Hickie's conclusion to the contrary is unreasonable.³

Apart from the *Canadian Charter of Rights and Freedoms*, freedom of expression must be respected at educational institutions:

Freedom of expression is not, however, a creature of the *Charter*. It is one of the fundamental concepts that has formed the basis for the historical development of the political, social and educational institutions of western society.⁴ [Emphasis added]

Further, the freedom of expression "protects the right to receive expressive material as much as it does the right to create it".⁵

² <http://www.ubcwomenscentre.com/>

³ 2012 ABCA 139 at para 163.

⁴ *RWDSU v Dolphin Delivery Ltd.*, [1986] 2 SCR 573 [*Dolphin Delivery*] at para 12.

⁵ *Little Sisters Book and Art Emporium v. Canada (Minister of Justice)*, [2000] 2 SCR 1120 at paras 40-41 citing *Edmonton Journal v Alberta (Attorney General)*, [1989] 2 SCR 1326 at pp 1339-1340.

Any organization claiming to represent students and trusted with protecting the rights of students – such as the AMS Student Society – must permit free and open discussion and diversity of opinion regarding these issues. Public educational institutions ought to be a *locus* of peaceful, vigorous and provocative debate on such important issues, not a hotbed of censorship. Peaceful, public and vigorous advocacy regarding issues uniquely affecting men is entitled to protection under the fundamental Canadian value of free expression, even if such expression is unpopular or makes some people feel uncomfortable.

The Decisions violate AMS Student Society’s legal obligations

The AMS Student Society is legally required to respect the AMB Club’s freedom of expression and freedom of association. The principles of administrative law require the AMS Student Society to make decisions in accordance with the fundamental values of Canadian society. McLachlin J. (as she then was) explicitly described freedom of expression as a “fundamental Canadian value” in *R. v. Keegstra*.⁶ Likewise, in *R.W.D.S.U. v. Dolphin Delivery Ltd.*, the Court stated that “[f]reedom of expression is not, however, a creature of the *Charter*. It is one of the fundamental concepts that has formed the basis for the historical development of the political, social and educational institutions of western society.”⁷ [Emphasis added]

The Decisions violate the AMB Club student members’ freedom of expression and freedom of association. Further, the Decisions are unreasonable, arbitrary, based on irrelevant considerations, and in violation of the AMS Student Society’s own Mission Statement. It is unreasonable to claim that the AMB Club’s mandate is “very similar” to the Healthy Masculinities Program’s mandate. The Healthy Masculinities Program is an AMS Student Society program that adheres to a particular ideology, as evidenced by the “guiding principles” of “acknowledging privilege” and being “accountable to intersectional feminist knowledge and frameworks”. The AMB Club is independent from the AMS Student Society, and does not need to subscribe to the same particular feminist ideology as the Healthy Masculinities Program or the Feminist Collective.

The AMB Club has not breached any AMS Student Society policy. Further, no rule, policy or by-law grants the AMS Student Society authority to withhold club recognition based on the political, philosophical or moral opinions of club members. In fact, the AMS Mission Statement commits AMS to be “democratic, fair, accountable to, and accessible to its members” and to “**encourage free and open debate, as well as respect for differing views.**”⁸ [Emphasis added]

The AMB Club’s association with CAFE and the UBC Free Speech club is not relevant for the purpose of determining club status. Similarly, the fact that the Feminist Collective disagrees with the AMB Club’s opinions and beliefs is not a relevant consideration in deciding to grant club status to the AMB Club. The arbitrary nature of the Decisions is evidenced by the fact that the reasons given for the denial of club status have not been consistent.

⁶ [1990] 3 S.C.R. 697 at para. 190.

⁷ *Dolphin Delivery* at para. 12.

⁸ <http://www.ams.ubc.ca/wp-content/uploads/2013/07/Mission-Statement.pdf>

The AMS Student Society Clubs Handbook does not provide any basis for denying an application to become an AMS-constituted club. This Handbook does state that student clubs can be “deconstituted” for “any reason” by the Clubs and Societies Committee.⁹ However, in *Roncarelli v. Duplessis*, [1959] SCR 121, the Supreme Court of Canada made it clear that administrative decision-makers must exercise their discretion in accordance with their mandate, not arbitrarily or based on irrelevant considerations. At paragraph 41 of *Roncarelli*, Rand J. stated:

In public regulation of this sort there is no such thing as absolute and untrammelled "discretion", that is that action can be taken on any ground or for any reason that can be suggested to the mind of the administrator; no legislative Act can, without express language, be taken to contemplate an unlimited arbitrary power exercisable for any purpose, however capricious or irrelevant, regardless of the nature or purpose of the statute. ... "Discretion" necessarily implies good faith in discharging public duty[.]

According to the Supreme Court of Canada, “[t]he concept of free and uninhibited speech permeates all truly democratic societies and institutions.” *Edmonton Journal v. Alberta (Attorney General)*, [1989] 2 S.C.R. 1326, at p. 1336. In *R. v. Zundel*, [1992] 2 S.C.R. 731, at p. 752, McLachlin J. (as she then was) stated that protection for freedom of expression extends to protecting “beliefs which the majority regard as wrong or false”, frequently involving “a contest between the majoritarian view of what is true or right and an unpopular minority view”.

Through its Decisions, certain AMS Student Society executive(s) have imposed their own personal biases regarding men’s issues, gender and feminism as a pre-requisite for becoming an AMS-constituted club. The Decisions are therefore outside the mandate of the AMS Student Society, and *ultra vires*. Further, the Decisions are particularly egregious in light of the fact that all UBC undergraduate students are required to pay membership dues to the AMS Student Society. In an authoritarian fashion, the AMS Student Society has imposed one particular ideological viewpoint on students, and through this denial of club status excludes diverse opinions and beliefs.

Student associations should support free speech and vigorous debate, not attempt to muzzle it. As John Stuart Mill stated, “To refuse a hearing to an opinion, because they are sure that it is false, is to assume that their certainty is the same thing as absolute certainty. All silencing of discussion is an assumption of infallibility”. Courts have stated that universities are to facilitate the free exchange of ideas for the good of society. As the Alberta Court of Queen’s Bench notably remarked:

Does anyone actually expect to attend a university campus and encounter only the ideas they already embrace? Are only select viewpoints now permissible on our university campuses? John Stuart Mill in his essay "On Liberty" opined that "he who knows only his own side of the case, knows little of that."¹⁰

⁹ AMS Club Handbook, at p. 6.

¹⁰ *R v Whatcott*, 2012 ABQB 231 at para 33.

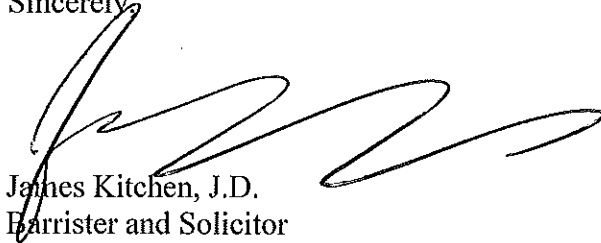
Conclusion

The AMS Student Society Clubs and Societies Committee has a legal duty to prevent violations of students' legal rights.

We demand that the Clubs and Societies Committee exercise its authority to reverse the unlawful Decisions, and grant the AMB Club's application to become an AMS-constituted club no later than December 18, 2017, and effective until the end of the 2017-2018 academic year.

Govern yourselves accordingly.

Sincerely,



James Kitchen, J.D.
Barrister and Solicitor
Justice Centre for Constitutional Freedoms
jkitchen@jccf.ca

Enclosures

c.c. Alan Ehrenholz, AMS Student Society President
Pooja Bhatti, AMS Student Society VP Administration
Natasha Rynestad-Stahl, Clubs and Societies Clubs Administrator
Jordan Schroeder, President of Advocacy for Men and Boys at UBC

Subject: RE: Your form submission New Club Application has been denied by Rob Willoughby
Date: 2016-09-15 10:36
From: Rob Willoughby <Sacvc@ams.ubc.ca>
To: sarashs <sarashs@ece.ubc.ca>

Arash,

More information can be found here: <http://amssasc.ca/services/25739-2/creating-healthier-masculinities-program/>

Let me know if you have any other questions.

Cheers,
Rob

Rob Willoughby
Associate Vice-President Admin
AMS Student Society of UBC Vancouver
P: 604 822 2361 F: 604 822 9019

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From: sarashs [sarashs@ece.ubc.ca]
Sent: September 14, 2016 1:33 PM
To: Rob Willoughby
Subject: Re: Your form submission New Club Application has been denied by Rob Willoughby

Hello,

I was recently given this email as a point of contact regarding a decision made by the AMS that denied an application I submitted for a club focused on men's issues. It was denied on the grounds that the club I was looking to start overlapped too much with the Healthier Masculinities program lead by SASC.
Could you please provide me with information on the Healthier Masculinities program such as it's mandate and/or statement of values?

Sincerely,

S. Arash Sheikholeslam

On 2016-09-14 12:18, OrgSync wrote:

[1]

FORM SUBMISSION DENIED

Your form submission New Club Application has been denied by Rob Willoughby in Club HQ

Your application has been denied due to an overlapping mandate with the Healthier Masculinities Program already run through SASC. Check here for more information: <http://amssasc.ca/services/25739-2/cr...>

[2]. Given that you are passionate about these topics and there are important issues to be discussed, I would encourage you to think about

joining the volunteer program:
<http://amssasc.ca/volunteering/health..> [3]. Feel free to send me an email at sacvc@ams.ubc.ca if you have any questions or would like further information.

[View Submission](#) [4]

[View all of your OrgSync notifications](#) [5]

[Go To OrgSync](#) [6] | [Manage Your Notification Settings](#) [7]

OrgSync, Inc., [13140 Coit Road, Suite 405, Dallas, TX 75240.](#)

Links:

[1] <http://orgsync.com/login/university-of-british-columbia-ams>

[2]

<http://amssasc.ca/services/25739-2/creating-healthier-masculinities-program/>

[3]

<http://amssasc.ca/volunteering/healthier-masculinities-leadership-volunteer/>

[4] <http://orgsync.com/notifications/42521524>

[5] <http://orgsync.com/notifications>

[6] <http://www.orgsync.com>

[7] <http://orgsync.com/notifications/settings>

From: **Chris Scott** <Vpadmin@ams.ubc.ca>
Date: Fri, Mar 24, 2017 at 5:11 PM
Subject: RE: AMS AMB Application
To: sarashs <sarashs@ece.ubc.ca>
Cc: "tabidor@gmail.com" <tabidor@gmail.com>, "jordanschroedermail@gmail.com" <jordanschroedermail@gmail.com>

Hi Arash,

I don't believe there's more to say that wasn't written in my previous email. Additionally, if you would like feedback from the SFUSS Women's Centre, you'll need to reach out to them.

Sincerely,

Chris Scott
Vice-President Administration
T [604 822 3961](tel:6048223961) F [604 822 9019](tel:6048229019)

Annual Club Survey now open! If you are a club leader, let us know how your year has been in return for a shot at some awesome prizes.

AMS Student Society of UBC Vancouver | ams.ubc.ca
cc:AAccount

-----Original Message-----

From: sarashs [<mailto:sarashs@ece.ubc.ca>]
Sent: Friday, March 17, 2017 12:17 PM
To: Chris Scott
Cc: tabidor@gmail.com; jordanschroedermail@gmail.com

Subject: Re: AMS AMB Application

Hi Chris,

Thanks for your reply, but I'm still unclear. Would you please inform me what discrepancies you found with regard to the free speech club? I would also appreciate it if you disclosed the general idea of the feedback from the women's centre so that we can know where our application was unsuccessful.

Regards,

Arash

On 2017-03-16 16:06, Chris Scott wrote:

- > Hi Arash,
- >
- > My apologies for the delay - with transitions happening right now I
- > have my attention split a million different ways.
- >
- > As I mentioned, I had some initial questions that I was open to
- > discussing in an attempt to get the full picture, but I'm not sure
- > that was accomplished. There are two components to the discrepancies I
- > referred to. The first is your relationship with CAFÉ and the Free
- > Speech Club. Although you mentioned having limited contact with them,
- > this is not the case in my opinion after further research.
- >
- > I was also concerned about the commitment you made to working with

> existing AMS groups/departments. You mentioned it would be welcome and
> pointed to the SFU AMB's work with the Women's Centre there. However,
> after a call to them, I found that they did not feel the same way.
>
> All of that said, there are a few other ways to pursue your cause
> though. Your application mentioned that you are in need of space and
> grants. If you find an existing club or a professor who wants to
> partner with you, you can have access to UBC spaces on campus. Since
> your focus is on advocacy for men, maybe reach out to the GRSJ
> department or Student Association? Additionally, there are a couple of
> grants around campus; particularly, the Walter H. Gage Memorial Fund
> [1], meant to enhance the reputation of the university, comes to mind.
> There are also a number of other grants around campus that can be
> found here [2].
>
> Best wishes,
>
> Chris Scott
>
> Vice-President Administration
>
> T 604 822 3961 F 604 822 9019
>
> Annual Club Survey now open! If you are a club leader, let us know how
> your year has been in return for a shot at some awesome prizes.
>
> AMS Student Society of UBC Vancouver | ams.ubc.ca
>
> cc:AAccount

From: **Natasha Rygnestad** <clubsadmin@ams.ubc.ca>
Date: Fri, Oct 27, 2017 at 12:20 PM
Subject: Your Application with the AMS
To: "Jordanschroedermail@gmail.com" <jordanschroedermail@gmail.com>
Cc: AA <Offarchive@ams.ubc.ca>

Dear AMS Advocacy for Men and Boys,

Thank you for your application to become an AMS Club. As you can imagine, we received a large number of applications. I am sorry to inform you that we are not offering you the opportunity to become an AMS Club at this time.

The Clubs and Societies Working Group thanks you for the time you invested to apply to become an AMS Club. If you have any questions about why your application was rejected I encourage you to reach out to the VP Admin, Pooja Bhatti, at vpadmin@ams.ubc.ca for feedback.

Please note that our decision for this round of applications is final, but you are welcome to apply for future cycles.

Best wishes for a successful club year. Thank you, again, for your interest in the AMS.

Best,

Natasha Rygnestad-Stahl
C&S Clubs Administrator
T [604 822 2361](tel:6048222361) F [604 822 9019](tel:6048229019)
AMS Student Society of UBC Vancouver | ams.ubc.ca
cc:AAccount

From: **Pooja Bhatti** <vpadmin@ams.ubc.ca>
Date: Tue, Oct 31, 2017 at 11:35 AM
Subject: RE: Advocacy for Men and Boys Club Rejection
To: Jordan Schroeder <jordanschroedermail@gmail.com>
Cc: AA <Offarchive@ams.ubc.ca>, Cormacodwyer <Cormacodwyer@ams.ubc.ca>

Dear Jordan,

I am writing to follow up on your request to discuss why your club request was unsuccessful. There are several bodies in the AMS, namely the Clubs & Societies Working Group and Operations Committee, that review and vote on club applications based on the following criteria:

1. Application filled out complete
2. Goals are unique and not fulfilled by other clubs and/services.

Your application was filled out correctly, however, it seems like your goals are fulfilled by another AMS Service. We recognize that you are dedicated to supporting and advocating for male identified folks to learn more about how social and health issues impact men. The Healthy Masculinities program definitely is very similar to your mandate. The Healthy Masculinities programs meets two times per month for a dialogue night (last Thursday of the month) and men's circle (every second Thursday). They explore various issues: mental health, expectations, healthy relationships and consent. We encourage you to reach out to the coordinator, Cormac O'Dwyer who is the coordinator of this program: Cormacodwyer@ams.ubc.ca for more information.

Thank you again for understanding and we look forward to hearing about how this collaboration goes.

Pooja Bhatti

Vice-President Administration

T [604 822 3961](tel:6048223961) F [604 822 9019](tel:6048229019)

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cc:AAccount