



CORRESPONDENCE:

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Humanrights.novascotia.ca

Society for Academic Freedom and Scholarship
Robert Thomas, President of SAFS
2807 24th Avenue
Regina, SK
S4S 1J7

42000-30-H19-2138

March 13, 2024

Sent via email: robert.thomas@uregina.ca

Re: Kendra Gould v. Saint Mary's University and The Society for Academic Freedom and Scholarship-19-2138

Dear Robert Thomas:

Based on information obtained from investigation of this complaint, and as detailed in the attached Investigation Report, I have concluded that it is appropriate for a decision to be made on this complaint under section 32A of the Nova Scotia Human Rights Act.

Accordingly, I will be referring this complaint to the Commissioners of the Human Rights Commission for their decision pursuant to section 32A of the Human Rights Act with a recommendation it be referred to a Board of Inquiry.

Your right to make written submissions to the Commissioners

Prior to the Commissioners making a decision, parties to the complaint have the right to provide written submissions regarding my recommendation. You are not obligated to do so, but if you choose to make written submissions, please forward it to myself for receipt no later than **April 3rd, 2024**. Per the Commission's Policy (which I have attached a copy of) any submissions must be legible and no greater than five single sided, letter-size, pages in length. A copy of your submission will be sent to the other parties following the deadline for submissions, for their information only.

I will then place the matter before the Commissioners who will review the file, including your submissions on my recommendation. The Commissioners are not bound by my recommendation and will come to a decision based upon a review of all the information

provided. The Commissioners may decide to refer the complaint to a Board of Inquiry, dismiss the complaint pursuant to one of the subsections under section 29 of the Act, or refer it back for further investigation. I am also enclosing a copy of section 29 in full for ease of reference.

Sincerely,

A handwritten signature in cursive script that reads "Robyn Martelly". The signature is written in black ink and is positioned above the printed name.

Robyn Martelly
Human Rights Officer

Section 29(4) Policy

24. If the HRO determines that one or more subsections of section 29(4) of the Act are relevant to the Complaint, and the matter should be dismissed by the Director, the HRO shall:

- a. advise the parties in writing in as timely a manner as possible that the HRO is recommending that the Complaint be dismissed and the reasons for the recommendation;
- b. invite the parties to make submissions with respect to the recommendation and advise the parties that any submission:
 - i. must be made within 15 business days of the recommendation;
 - ii. must be in writing or typed, legibly and that it may not exceed five (5) letter sized, single sided pages; and
 - iii. will be provided to the other parties for their information.
- c. submit a written recommendation to the Director that the Complaint be dismissed pursuant to s. 29(4) of the Act; and
- d. advise the parties that the decision of the Director to dismiss the Complaint is only reviewable upon application to the Supreme Court of Nova Scotia for a judicial review.

25. The HRO's recommendation and any submissions received from the parties pursuant to section 24 of these procedures shall be provided to the Director who shall make a final determination on the disposition of the Complaint. The decision of the Director will be communicated to the parties and to the HRO in writing from the Office of the Director & CEO.

Procedure on Complaint

29 (1) The Commission shall inquire into and endeavour to effect a settlement of any complaint of an alleged violation of this Act where

(a) the person aggrieved makes a complaint in writing on a form prescribed by the Director; or

(b) the Commission has reasonable grounds for believing that a complaint exists.

(2) Any complaint must be made within twelve months of the date of the action or conduct complained of, or within twelve months of the last instance of the action or conduct if the action or conduct is ongoing.

(3) Notwithstanding subsection (2), the Director may, in exceptional circumstances, grant a complainant an additional period of not more than twelve months to make a complaint if to do so would be in the public interest and, having regard to any prejudice to the complainant or the respondent, would be equitable.

(4) The Commission or the Director may dismiss a complaint at any time if

(a) the best interests of the individual or class of individuals on whose behalf the complaint was made will not be served by continuing with the complaint;

(b) the complaint is without merit;

(c) the complaint raises no significant issues of discrimination;

(d) the substance of the complaint has been appropriately dealt with pursuant to another Act or proceeding;

(e) the complaint is made in bad faith or for improper motives or is frivolous or vexatious;

(f) there is no reasonable likelihood that an investigation will reveal evidence of a contravention of this Act; or

(g) the complaint arises out of circumstances for which an exemption order has been made pursuant to Section 9. R.S., c. 214, s. 29; 2007, c. 41, s. 6.