

Re: Kendra Gould v. Saint Mary's University and The Society for Academic Freedom and Scholarship, 42000-30-H19-2138

To the Commissioners,

This submission is made in response to Robyn Martelly's March 13, 2024 recommendation that the above-noted matter be referred to a Board of Inquiry for a determination pursuant to section 29 of the Nova Scotia *Human Rights Act* (the *Act*).

The Parties

1. The Society for Academic Freedom and Scholarship (SAFS) is an Ontario, Canada not-for-profit corporation registered in 1992 (OCN 962008). SAFS is a membership-based organization that publishes a newsletter, holds meetings from time-to-time, and convenes an annual conference, held typically in London, Ontario in May. SAFS provides opportunities for members and affiliates to meet and discuss issues of public concern related to post-secondary education and policy in Canada. SAFS advocates for Canadian scholars whose academic freedom protections and Charter rights are curtailed or threatened by institutions of higher learning. SAFS provides opportunities for members and affiliates to express *political belief*, a prohibited ground of discrimination pursuant to Section 5(1)(u) of the *Act*.
2. At the time of the complaint, received October 20, 2020, Kendra Gould (Gould) was resident in Nova Scotia.

The Respondent SAFS Position

3. The complainant (Gould) has not made out a *prima facie* case of discrimination. The respondent (SAFS) has not denied Gould membership in the organization, refused publication of any document outlining her views in the SAFS' newsletter, nor denied an application to attend any meeting including the annual SAFS conference on the basis of a characteristic outlined in the *Act*, or for any other reason.
4. Gould provides no evidence she sought to publish in our newsletter, join SAFS, or participate in any meeting, including our annual meeting and was denied the benefit. Gould has provided no evidence that SAFS imposed a burden or disadvantage on her or a class of individuals that was not imposed on others or the corollary of denying a benefit to the complainant or class that was afforded to others pursuant to the *Act*.
5. At no time did SAFS publish, display or broadcast, or permit to be published, displayed or broadcast, on lands or premises, in a newspaper, by radio or television or by means of any medium, a notice, sign, symbol, implement or other representation indicating discrimination or an intention to discriminate against an individual or class of individuals because of a characteristic referred to in clauses (h) to (v) of subsection (1) of Section 5 of the *Act*.

6. SAFS relies on section 7(2) of the *Act* regarding the publication of opinion writing on matters of interest to the public concerning post-secondary education in Canada.
7. SAFS relies on the prohibition of discrimination against individuals or a class of individuals pursuant to Section 5(1)(u) *political belief, affiliation or activity* of the *Act*.
8. SAFS submits that the Gould complaint must be dismissed Pursuant to Section 29(4)(b) as it is without merit having made out no *prima facie* case of discrimination.
9. SAFS further submits that the Gould complaint must be dismissed Pursuant to Section 29(4)(c) as the complaint raises no significant issues of discrimination.
10. SAFS additionally submits that the Gould complaint must be dismissed Pursuant to Section 29(4)(c) as the complaint is made in bad faith or for improper purpose or is frivolous or vexatious.

All of the above information is respectfully submitted on behalf of the Board of the Society for Academic Freedom and Scholarship.

Sincerely,

Robert G. Thomas

President, Society for Academic Freedom and Scholarship

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