

*Court file no.*

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

**DIANE ZETTEL, CAMERON GRANT AND CHAD HAGEL**

**Applicants**

**and**

**UNIVERSITY OF TORONTO MISSISSAUGA STUDENTS' UNION**

**Respondent**

**AFFIDAVIT OF DIANE ZETTEL**

I, Diane Zettel, of the City of Mississauga, in the Regional Municipality of Peel, 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.
2. I am currently a full-time student at University of Toronto Mississauga ("UTM") in my fourth year of the Concurrent Teachers Education Program majoring in Mathematics and French. I am the President of UTM Students for Life ("SFL").
3. Cameron Grant is a full-time student at the University of Toronto Mississauga currently in his fourth year of a four year program majoring in Theatre and Drama Studies. Mr. Grant serves as the Treasurer of SFL.
4. Chad Hagel is a full-time student at the University of Toronto Mississauga currently in his third year of an Honours Bachelor of Arts program majoring in History. Mr. Hagel serves as the Secretary of SFL.
5. Use of the terms such as "we", "us" and "our" references members of SFL's executive: Cameron Grant, Chad Hagel and myself.



6. SFL is a student group established by students at University of Toronto Mississauga who, *inter alia*, encourage discussion on topics important to their belief-system, including respect for the value of human life at all stages. In August 2014, UTMSU granted SFL club recognition. A copy of SFL's constitution, approved by UTMSU in August 2014 is attached as **Exhibit "A"** to this affidavit.

#### The Decision to Reject Our Application

7. On June 1, 2015, we sent UTMSU an application for club re-recognition, as required annually by UTMSU's *Union Clubs' Policy* and its *Clubs' Handbook*. A copy of UTMSU's *Union Clubs' Policy* posted on the UTMSU website as of January 1, 2016, is attached as **Exhibit "B"** to this affidavit. A copy of UTMSU's *Clubs' Handbook* posted on the UTMSU website as of January 1, 2016, is attached as **Exhibit "C"** to this affidavit. A copy of UTMSU's *Constitution and Bylaws* is attached as **Exhibit "D"** to this affidavit.

8. On July 20, 2015, the UTMSU Clubs Committee, chaired by UTMSU Vice President of Campus Life, Russ Adade, met and approved all the club applications for re-recognition, except for the application of SFL. Members of the Committee were concerned about the "political nature" of SFL. Francesco Otello-Deluca, UTMSU Vice President Internal, suggested that it was not necessary to give us the opportunity to make a presentation to the UTMSU Board of Directors because, as he stated, "[i]f the clubs committee feels that this club does not represent the UTMSU then they will not be a UTMSU recognized club." Mr. Adade moved, and Mr. Otello-Deluca seconded, a motion to discuss SFL's application at a future meeting. A copy of the Clubs Committee Minutes for July 20, 2015 is attached as **Exhibit "E"** to this affidavit.

9. At Clubs Committee meetings on August 17 and 19, 2015, there were unrecorded and *in camera* discussions about SFL. Minutes of the Clubs Committee meetings on August 17 and 19, 2015, are attached as **Exhibit "F"** to this affidavit. We were not notified of, or given an opportunity to present at, these meetings. At the August 19 meeting, the Clubs Committee held an *in camera* vote in regard to



SFL. This *in camera* discussion and vote, was agenda item #4. Following this discussion, Club Committee member Abdulla Omari moved, and Mr. Adade sustained, the following motion:

I motion that you rule item 4 of the clubs committee meeting agenda number 3 [sic] out of order, due to the adverse effects it will have on membership of UTMSU. And in clear contrast opposes [sic] to the core documentation policy manual as adopted, and clear implications it will have on our relations with our sister unions, and affiliated organizations to which as an organization we must place highest interest in the institution instead of a single occasion.

10. UTMSU is a member of the Canadian Federation of Students (“CFS”), whose membership includes student unions across Canada. A list of Member Students’ Unions of CFS taken from CFS’s website is attached as **Exhibit “G”** to this affidavit. In 2008, the CFS passed a motion encouraging its member student unions not to recognize student clubs with pro-life views. A copy of the 2008 CFS motion is attached as **Exhibit “H”** to this affidavit.

11. In a report to the Board of Directors, dated August 24, 2015, Mr. Adade indicated the decision not to recognize SFL as a campus club had been made (the “Decision”). A copy of Mr. Adade’s report is attached as **Exhibit “I”** to this affidavit.

Students For Life, which has been recognized by UTMSU in the past, was not recognized for the up-coming school year due to their stance on Abortion, in terms of being Pro-Life and using their platform to tell women what they should do in those situations.

12. On August 26, 2015, we received an email from Mr. Adade, responding to SFL’s re-recognition application. A copy of this email is attached as **Exhibit “J”** to this affidavit. Mr. Adade informed us that he, the chair of the Clubs Committee, had denied SFL’s application for club recognition because, he alleged, SFL’s mandate was in direct conflict with the mission statement of UTMSU. No further explanation or details were provided. Mr. Adade indicated that the Decision had been ratified by the UTMSU Board of Directors, but that a request could be made to have the Board re-vote on the application.



13. On September 1, 4, 10 and 21, 2015, we emailed Mr. Adade, requesting that he explain what in SFL's club mandate was in conflict with UTMSU's mission statement. A copy of these emails are attached as **Exhibit "K"** to this affidavit.

14. On September 23, 2015, Mr. Adade replied to our request, stating that SFL's constitution directly conflicted with UTMSU's mission statement because "you are telling folks especially women what to do with their bodies." Mr. Adade continued by explaining that "you folks can't put them down for making a decision that doesn't fit with your mandate." Mr. Adade did not provide any examples of us "telling folks, especially women what to do with their bodies" or "put[ting] them down". Mr. Adade once again informed us that we could request that the Board of Directors re-vote on the Decision. A copy of Mr. Adade's September 23 email is attached as **Exhibit "L"** to this affidavit.

#### Our Attempts to Appeal the Decision

15. We decided to request that the Board of Directors re-vote on the Decision. In emails dated September 29 and October 13, 2015, we asked UTMSU Vice President Internal, Francesco Otello-DeLuca, to inform us of the date of the next UTMSU Board meeting, so SFL could appeal the Decision. These emails are attached as **Exhibit "M"** to the affidavit.

16. On October 16, 2015, Mr. Otello-DeLuca sent us a reply email, stating that the next Board meeting would be the week of October 26, with the specific date and time to be determined. A copy of this email is attached as **Exhibit "N"** to this affidavit. Mr. Otello-DeLuca further stated that he would inform SFL "whether a board meeting is the right space for an appeal."

17. On October 19, 2015, counsel for SFL sent a letter to UTMSU's Board of Directors urging the Board to reverse the Decision. A copy of this letter is attached as **Exhibit "O"** to this affidavit.

18. On October 26, 2015, Mr. Adade sent us an email inviting two SFL representatives to attend a meeting of the Clubs Committee, which the UTMSU had designated to hear SFL's appeal of the Decision. A copy of this email is attached as **Exhibit "P"** to this affidavit.



19. On October 29, 2015, we responded to Mr. Adade's email, indicating that we were willing to meet with the Clubs Committee, but explaining that we maintained our legitimate expectation and right to have the Board of Directors decide the appeal of the Decision. A copy of this email is attached as **Exhibit "Q"** to this affidavit.

UTMSU's Attempt to Change the Basis for the Decision

20. On November 3, 2015, Mr. Adade sent us an email (attached as **Exhibit "R"** to this affidavit) stating the Decision had been based on technical violations of UTMSU policies in SFL's constitution:

The reasoning behind the decision of the clubs committee to revoke club status for your club is due to the violations and discrepancies we found within your constitution in relation to the clubs handbook and UTMSU operational policy as it pertains to clubs.

Attached as **Exhibit "S"** is a list of discrepancies Mr. Adade provide to us on November 4, 2015.

21. We were shocked by Mr. Adade's November 3 explanation of the reasoning behind the Decision, because we had never been previously notified that there were any problems with SFL's constitution, which had been approved by UTMSU in 2014. Further, all of our interactions with Mr. Adade and UTMSU prior to November 3 had made it abundantly clear that the sole reason why UTMSU denied SFL's re-ratification application was on account of SFL's beliefs and viewpoint.

22. Despite Mr. Adade's contradiction of his own previous explanation, we immediately set about to to comply with the UTMSU's new directions to amend correcting SFL's constitution. We sent Mr. Adade emails on November 4 and 5 (attached as **Exhibit "T"** to this affidavit) seeking to involve him in the process and seeking clarification. Mr. Adade did not respond to these emails. On November 5, 2015, we held a SFL club meeting, passed eight amendments to SFL's constitution, and forwarded Mr. Adade a copy of SFL's amended constitution. A copy of the minutes to the November 5, 2015 SFL meeting are attached as **Exhibit "U"** to this affidavit. A copy of SFL's amended constitution is attached as **Exhibit "V"** to this affidavit.



23. On November 6, 2015, Mr. Grant and myself met with the UTMSU Clubs Committee. Mr. Grant and I explained why the Decision violated our rights and UTMSU's own policies. The Clubs Committee did not dispute that the basis of the Decision was SFL's beliefs and viewpoint. However, the Clubs Committee refused to consider our position that that basis was wrong. Instead, the Clubs Committee continued to take issue with SFL's constitution, asserting that the constitutional amendments we passed were not effective. The Clubs Committee insisted that SFL needed to elect a fourth executive member and then have all four SFL executive members ratify the amendments to SFL's constitution. Further, the Clubs Committee required that a UTMSU representative attend the SFL meeting to elect the fourth executive and to ratify SFL's constitutional amendments.

24. We agreed to hold another meeting and add a fourth executive, and to have Mr. Adade present at the SFL meeting.

#### Interference with the Election

25. On November 23, 2015, Mr. Cameron, Mr. Hagel, SFL member Marigrace Noronha and myself met to elect Ms. Noronha as SFL's fourth executive. We had notified all the SFL members of the meeting. Since the meeting was held merely to address technical issues in SFL's constitution and organization, no other SFL members attended the meeting. Aside from the SFL's membership list, the only other person who was notified of the meeting was Mr. Adade.

26. Before the meeting started however, five other individuals entered the meeting room: Salma Fakhry (Associate to UTMSU Vice President University Affairs and Academics), Taman Khalaf, Ariana Serapigia, Hashim Yussuf (Associate to Vice President University Affairs and Academics) and Nyasha Chikowore (collectively the "Non-members"). The Non-members were not members or supporters of SFL, and had never been involved with SFL previously. When we asked the Non-members why they had come to the meeting room, they all indicated they were there at the request of Mr. Adade, stating: "We're here with Russ." The Non-members obviously had a connection with Mr. Adade as they spoke together as friends with Mr. Adade in the meeting room.



27. After the meeting was called to order, Mr. Grant nominated Ms. Noronha to be Vice President of SFL. This was supported by Mr. Hagel and myself. The vote was taken by secret ballot. Mr. Adade did not vote. Although they were not voting members SFL and did not ask to become members of SFL, Mr. Adade permitted the Non-members to participate in the vote. Mr. Adade and Mr. Grant counted the ballots. Mr. Grant announced that the motion to elect the required fourth executive was defeated by a vote of 5-4. The minutes from this meeting are attached as **Exhibit "W"** to this affidavit.

28. The UTMSU *Clubs Handbook* does require on page 4, #5 that campus clubs be "open" to all students, regardless of students' personal characteristics of race, religion, gender, academic inclination, age, and sexual orientation. The *Clubs Handbook* on page 3, #2 and on page 4, #4 differentiates between "UTMSU members", all registered undergraduate full-time and part-time students, and club "voting members", club members who are also UTMSU members and can vote in the club's elections. None of the Non-members were voting members of SFL and they did not ask to join SFL as members.

29. Because the motion to elect a fourth executive to SFL was defeated, SFL was unable to meet the requirement of the Clubs Committee that SFL's constitutional amendments be ratified by four executives of SFL.

#### Ignoring Our Communications

30. On November 24, 2015, our counsel sent a letter to the UTMSU Board of Directors, setting out Mr. Adade's bad faith abuse of process. The letter requested that the Board exercise its responsibility and its authority to stop the violations of SFL's legal rights and to correct the Decision. The letter requested that the Board take this action before November 30, 2015. A copy of counsel's November 24, 2015, letter is attached as **Exhibit "X"** to this affidavit.

31. The Board did not respond to counsel's November 24 letter, just as the Board has not yet responded to counsel's October 19 letter.

32. Rather, on December 1, 2015, Mr. Adade sent us an email that entirely ignored our counsel's November 24 letter. Mr. Adade's email criticized us for not having more SFL members attend the

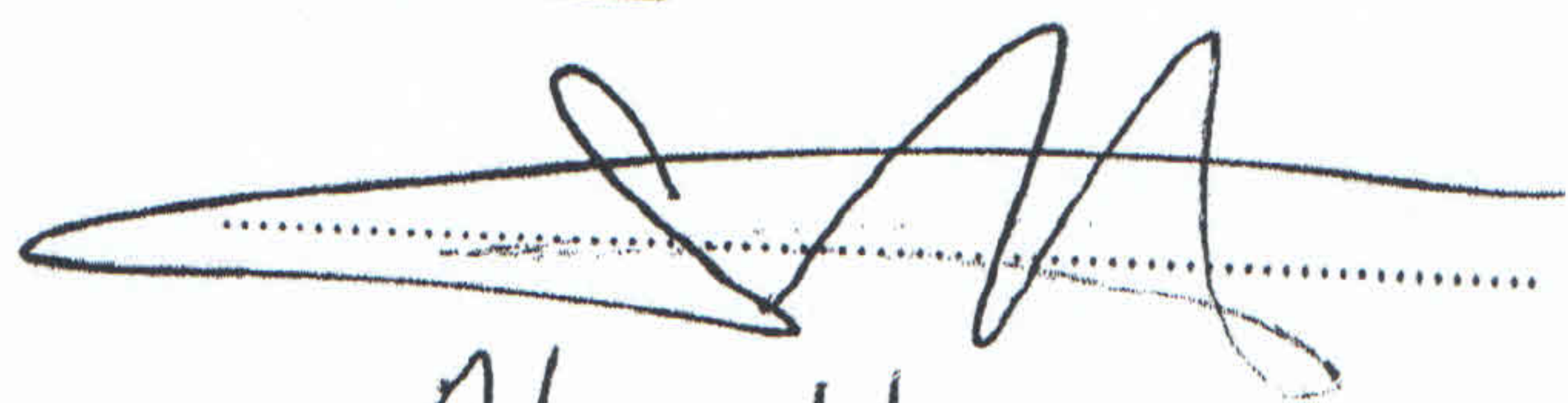


November 23 meeting. Mr. Adade, speaking on behalf of the Clubs Committee, told us that we would have to once again attempt to elect a fourth executive. A copy of Mr. Adade's December 1, 2015 email is attached as **Exhibit "Y"** to this affidavit.

33. On December 15, 2015, our counsel sent an email to the UTMSU Board of Directors and copied the UTMSU executive. A copy of counsel's December 15, 2015 email is attached as **Exhibit "Z"** to this affidavit.

34. To date, UTMSU has not responded to the December 15 email to either us or SFL's counsel.

Sworn before me at the City of Toronto  
in the ..... Province ..... of  
..... Ontario .....,  
on January 9, 2016.



Alan Flonner  
Barrister & Solicitor  
LSUC: 60985W



(Signature of deponent)

Diane Zettel