



Abortion Rights
Coalition of Canada

Coalition pour le droit à
l'avortement au Canada

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No Merit to Anti-Choice Club's Lawsuit Against Student Society, Says Pro-Choice Group

VICTORIA – A lawsuit by the University of Victoria's anti-choice group Youth Protecting Youth (YPY) against its Student Society is bound to fail because of a total lack of evidence of any wrongdoing, according to Abortion Rights Coalition of Canada, a national pro-choice group.

YPY filed a Petition (<http://www.bccla.org/pressreleases/10Petition.pdf>) in the Supreme Court of BC in early May seeking "relief" against the University of Victoria Student Society (UVSS). The Petition asked the court to declare that refusals by the UVSS to fund or ratify YPY as a club are "unlawful." Further, the petition asked the court to grant club ratification and funding to YPY immediately, to enjoin the UVSS from refusing to do so in the future, and to quash amendments made by the UVSS to its own policy manual (which were primarily to clarify and expand the definition of "harassment.")

However, as a legal society operating under the *Society Act*, the UVSS has broad leeway to do whatever its members or Board of Directors agree to do, within the law. Courts will not intervene or second guess the decisions of societies, provided they act within their bylaws and the *Society Act*, and do not offend any other law.

"That means the UVSS is fully entitled to have a pro-choice policy, to define 'harassment' pretty much any way it wants to, and to prohibit clubs or club activities that violate UVSS policy," said Joyce Arthur, Coordinator of the Abortion Rights Coalition of Canada. "This Petition is nothing more than a frivolous invitation to the court to meddle where it doesn't belong."

"The lawsuit is bound to fail because there aren't any grounds for granting relief to YPY," said Arthur. The Petition lists 43 facts to support YPY's application to the Court for relief. "What's remarkable is that these facts provide no evidence whatsoever that the UVSS has violated their bylaws or constitution, or any law," said Arthur. "On the contrary, the stated facts serve as strong evidence against the Petitioner's grievances, because they demonstrate that the UVSS has acted entirely lawfully."

Specifically, YPY's Petition describes the conditions of membership that clubs must meet, the circumstances under which club status can be revoked, and disciplinary measures that can be taken against clubs. "The rest of YPY's stated facts are self-incriminating: they list YPY's violations of club conditions and policies, and the appropriate responses of the UVSS to those violations," said Arthur. She pointed out that the UVSS received several complaints about YPY, and the UVSS has an obligation to hear complaints and take disciplinary measures against delinquent clubs. "But the UVSS has also made many good faith efforts to accommodate YPY over the years, often voting to approve funding or certain activities for the group, only to see YPY violate clubs policy again."

Arthur was surprised that the Petition doesn't focus on constitutional issues, even though YPY's main claim until now has been that it has a constitutional right to freedom of speech as a student club, and that this right was allegedly being infringed by the UVSS. "We hope this means that YPY has finally accepted the strong legal precedent that universities are not subject to the *Charter of Rights and Freedoms*. According to the Supreme Court of Canada, universities are autonomous and not considered to be 'government actors'," Arthur explained. "Of course, that applies even more to student societies. The *Charter* has absolutely nothing to do with this issue."

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