

**IN THE SUPREME COURT OF CANADA  
(ON APPEAL FROM THE COURT OF APPEAL FOR BRITISH COLUMBIA)**

BETWEEN:

**GLEN HANSMAN**

Appellant  
(Respondent)

AND:

**BARRY NEUFELD**

Respondent  
(Appellant)

---

**APPELLANT'S RECORD**

**(Pursuant to Rule 38 of the *Rules of the Supreme Court of Canada*)**

**VOLUME V OF V**

---

**Counsel for the Appellant,  
Glen Hansman**

**ROBYN TRASK**  
British Columbia Teachers' Federation  
550 West 6th Avenue  
Vancouver, BC V5Z 4P2  
Tel: 604-871-1909  
Fax: 604-871-2288  
Email: rtrask@bctf.ca

**Agent for Counsel for the Appellant,  
Glen Hansman**

**MICHAEL SOBKIN**  
Barrister & Solicitor  
331 Somerset Street West  
Ottawa, ON K2P 0J8  
Tel: 613-282-1712  
Fax: 613-288-2896  
Email: msobkin@sympatico.ca

ORIGINAL TO:       The Registrar  
                      Supreme Court of Canada

COPY TO:

**PAUL E. JAFFE**

200 – 100 Park Royal  
West Vancouver, BC V7T 1A2  
Tel: 604-230-9155  
Fax: 604-922-1666  
Email: jaffelawfirm@gmail.com

Counsel for the Respondent,  
Barry Neufeld

**GOWLING WLG (CANADA) LLP**

160 Elgin Street, Suite 2600  
Ottawa ON K1P 1C3  
**D. Lynne Watt**  
Tel: (613) 786-8695  
Fax: (613) 788-3509  
Email: lynne.watt@gowlingwlg.com

Ottawa Agent for Counsel for the Respondent,  
Barry Neufeld

## TABLE OF CONTENTS

TAB	DESCRIPTION	DOCUMENT DATE	PAGE
<b>VOLUME I</b>			
<b>PART I</b>			
1.	Reasons for Judgment, Supreme Court of British Columbia, 2019 BCSC 2028	November 26, 2019	1
2.	Order, Supreme Court of British Columbia	November 26, 2019	47
3.	Reasons for Judgment, Court of Appeal for British Columbia, 2021 BCCA 222	June 9, 2021	50
4.	Order, Court of Appeal for British Columbia	June 9, 2021	76
5.	Judgment of the Supreme Court of Canada granting leave to appeal, SCC File No. 39796	January 13, 2022	79
<b>PART II</b>			
6.	Amended Notice of Civil Claim filed in the Supreme Court of British Columbia by Plaintiff Barry Neufeld	January 2, 2019	80
7.	Amended Response to Civil Claim filed in the Supreme Court of British Columbia by Defendant Glen Hansman	January 23, 2019	102
8.	Reply to Response to Civil Claim filed in the Supreme Court of British Columbia by Plaintiff Barry Neufeld	November 8, 2018	122
9.	Notice of Application filed in the Supreme Court of British Columbia on March 7, 2019 by Defendant Glen Hansman (application to strike part of pleadings)	March 6, 2019	126

TAB	DESCRIPTION	DOCUMENT DATE	PAGE
10.	Application Reponse filed in the Supreme Court of British Columbia on March 26, 2019 by Plaintiff Barry Neufeld (response to application to strike part of pleadings)	March 25, 2019	140
11.	Notice of Application filed in the Supreme Court of British Columbia by Plaintiff Barry Neufeld (application for documents)	April 1, 2019	150
12.	Application Response filed in the Supreme Court of British Columbia on April 24, 2019 by Defendant Glen Hansman (response to application for documents)	April 23, 2019	159
13.	Notice of Application filed in the Supreme Court of British Columbia on by Defendant Glen Hansman ( <i>Protection of Public Participation Act</i> )	April 23, 2019	163
14.	Application Reponse filed in the Supreme Court of British Columbia on May 23, 2019 by Plaintiff Barry Neufeld ( <i>Protection of Public Participation Act</i> )	May 22, 2019	178
15.	Reply Argument filed by Defendant Glen Hansman at hearing of application under the <i>Protection of Public Participation Act</i>	August 6, 2019	188
16.	Notice of Appeal filed in the Supreme Court of Canada	February 14, 2022	198

## VOLUME II

### PART III

17.	Affidavit #1 of Jacqueline E.M. Thorsell filed in the Supreme Court of British Columbia on March 26, 2019	March 25, 2019	1
	<b>Exhibit A:</b> List of Documents by Glen Hansman February 14, 2019	February 14, 2019	3

TAB	DESCRIPTION	DOCUMENT DATE	PAGE
	<b>Exhibit B:</b> Letter, Paul Jaffe to Christopher Dafoe and Carey Veinotte	February 19, 2019	13
	<b>Exhibit C:</b> Letter, Christopher Dafoe to Paul Jaffe March 5, 2019	March 5, 2019	15
	<b>Exhibit D:</b> Various articles, first article is entitled "B.C. teachers' union files human rights complaint against Chilliwack school trustee Barry Neufeld over allegations of transphobia"	April 10, 2018 to October 19, 2018	17
	<b>Exhibit E:</b> Photographs of people holding protest signs	Undated	59
18.	Affidavit #1 of Glen Hansman filed in the Supreme Court of British Columbia on April 18, 2019	April 17, 2019	62
	<b>Exhibit A:</b> Document entitled "Provincial Standards for Codes of Conduct Order," as of:	September 30, 2018	74
	<b>Exhibit B:</b> Article from <i>The New Yorker</i> entitled "The Year Russian L.G.B.T. Persecution Defied Belief"	December 29, 2017	77
	<b>Exhibit C:</b> Article from <i>NBC News</i> entitled "Paraguay Bans Material on 'Gender Ideology' in Public Schools"	October 17, 2017	82
	<b>Exhibit D:</b> Article from <i>C-Fam</i> entitled "Parents Defeat Gender Ideology in Paraguay"	October 19, 2017	84
	<b>Exhibit E:</b> Article from the <i>Vancouver Sun</i> entitled "Chilliwack school trustee slammed for comments about LGBTQ youth and anti-bullying curriculum," updated:	October 24, 2017	88
	<b>Exhibit F:</b> Article from the <i>Huffington Post</i> entitled "Barry Neufeld, Chilliwack School Board Trustee, Slams B.C. Gender Inclusivity Program"	October 24, 2017	94
	<b>Exhibit G:</b> Letter, Heather MacNaughton to Kari Simpson	July 15, 2009	100
	<b>Exhibit H:</b> Document entitled "Form 1.3 – Complaint for Group or Class", Tribunal Case No. 17364	Undated	105

TAB	DESCRIPTION	DOCUMENT DATE	PAGE
	<b>Exhibit I:</b> Article from <i>The Star Vancouver</i> entitled “Parent group to rally in support of LGBTQ kids outside of BCTF on Monday”	April 16, 2018	119
	<b>Exhibit J:</b> Article from <i>CityNews 1130</i> entitled “Controversial Chilliwack trustee the subject of Human Rights Tribunal complaint”, updated:	April 22, 2018	124
	<b>Exhibit K:</b> Article from <i>CBC News</i> entitled “Controversial Chilliwack school trustee facing human rights complaint from BCTF”	April 13, 2018	128
	<b>Exhibit L:</b> Article from <i>CityNews 1130</i> entitled “Rallies for, against SOGI resource planned in Vancouver”, updated:	April 23, 2018	133
	<b>Exhibit M:</b> Letter, Paul Jaffe to Glen Hansman	September 19, 2018	138
	<b>Exhibit N:</b> Article from <i>The Valley Voice</i> entitled “SD33 Trustee Neufeld Suing BCTF President for Defamation”	September 20, 2018	141
	<b>Exhibit O:</b> Letter, Christopher Dafoe to Paul Jaffe	September 27, 2018	146

### VOLUME III

19.	Affidavit #1 of Sara Dettman filed in the Supreme Court of British Columbia on April 18, 2019	April 17, 2019	1
	<b>Exhibit “A”:</b> A true copy of the Plaintiff’s Facebook page on or around:	November 23, 2017	14
	<b>Exhibit “B”:</b> A true copy of a post on the Plaintiff’s Facebook page regarding two books	December 18, 2017	34
	<b>Exhibit “C”:</b> A true copy of a post on the Plaintiff’s Facebook page entitled “Article - Transgender women want male genitalia back after surgery”	December 18, 2017	40
	<b>Exhibit “D”:</b> A true copy of a post on Natasha Neufeld’s Facebook page entitled “News Release by Barry Neufeld”	January 30, 2018	44

TAB	DESCRIPTION	DOCUMENT DATE	PAGE
	<b>Exhibit “E”:</b> A true copy of the Plaintiff’s Facebook Page concerning an article called “Trans Lobby seeks to Silence Healthy Debate”	February 14, 2018	47
	<b>Exhibit “F”:</b> A true copy of the Plaintiff’s Facebook page on the topic of the medical profession	March 19, 2018	52
	<b>Exhibit “G”:</b> A true copy of is a true copy of the Plaintiff’s Facebook page entitled “The Activist Mommy”	unidentified day in July 2018	59
	<b>Exhibit “H”:</b> A true copy of the Plaintiff’s Facebook page	August 29, 2018	61
	<b>Exhibit “I”:</b> A true copy of the Plaintiff’s Facebook page entitled “Elect Kaethe Jones for School Trustee”	October 19, 2018	63
	<b>Exhibit “J”:</b> A true copy of the Plaintiff’s Facebook page with an article entitled “SOGI controversy won’t end after the election”	October 19, 2018	65
	<b>Exhibit “K”:</b> A true copy of the Plaintiff’s Facebook page on the topic of his re-election to the Chilliwack Board of Education	October 22, 2018	69
	<b>Exhibit “L”:</b> A true copy of the Plaintiff’s Facebook page regarding an anti-Semitism lecture at Congregation Schara Tzedek	October 30, 2018	74
	<b>Exhibit “M”:</b> A true copy of the Plaintiff’s Facebook page regarding the Defendant Glen Hansman and GoFundMe	November 3, 2018	77
	<b>Exhibit “N”:</b> A true copy of the Plaintiff’s Facebook page with an article entitled “School has Seventeen Children Changing Gender”	November 17, 2018	79
	<b>Exhibit “O”:</b> A true copy of the Plaintiff’s Facebook page with an article entitled “London doctor who treated transgender youth disciplined, ends practice”	November 20, 2018	97

TAB	DESCRIPTION	DOCUMENT DATE	PAGE
	<b>Exhibit “P”:</b> A true copy of the Plaintiff’s Facebook page on the topic of the Chilliwack School Board demonstrating its inclusiveness	November 30, 2018	103
	<b>Exhibit “Q”:</b> A true copy of the Plaintiff’s Facebook page with an article entitled “Kids are turning to black market sex-change hormones for secret transitions”	December 9, 2018	109
	<b>Exhibit “R”:</b> A true copy of the Plaintiff’s undated Facebook page with three photos of anti-SOGI supporters	Undated	122
	<b>Exhibit “S”:</b> A true copy of an article published by CTV News entitled “Trans-friendly curriculum is 'biologically absurd': school trustee”	October 23, 2017	124
	<b>Exhibit “T”:</b> A true copy of an article published by Global News entitled “Chilliwack school trustee: letting kids choose their gender is ‘child abuse’”	October 23, 2017	128
	<b>Exhibit “U”:</b> A true copy of an article published by News 1130 entitled “Chilliwack school trustee blasts LGBTQ-friendly school curriculum”	October 23, 2017	132
	<b>Exhibit “V”:</b> A true copy of an article published by the Chilliwack Progress entitled “Chilliwack trustee calls LGBTQ school program ‘weapon of propaganda’”	October 23, 2017	140
	<b>Exhibit “W”:</b> A true copy of an article published by News 1130 entitled “Chilliwack trustee should step down after post about LGBTQ-friendly curriculum, says BCTF president”	October 23, 2017	147
	<b>Exhibit “X”:</b> <i>No Exhibit X – removed as duplicate of Exhibit “U”</i>		
	<b>Exhibit “Y”:</b> A true copy of an article published by the Abbotsford News entitled “Abbotsford school board to hear about new LGBT policies, but also from SOGI opponent”	October 24, 2017	152



TAB	DESCRIPTION	DOCUMENT DATE	PAGE
	<b>Exhibit “Z”:</b> A true copy of an article published by CBC News entitled “Calls for Chilliwack school trustee to resign following Facebook rant on school gender policies”	October 24, 2017	155
	<b>Exhibit “AA”:</b> A true copy of an article published by CBC News entitled “Chilliwack school trustee: Allowing children to 'change gender is nothing short of child abuse”	October 24, 2017	159
	<b>Exhibit “BB”:</b> A true copy of an article published by CTV News entitled “School trustee's gender identity rant prompts emergency meeting”	October 24, 2017	164
	<b>Exhibit “CC”:</b> A true copy of an article published by Global News entitled “Chilliwack school trustee should apologize for LGBTQ Facebook post says fellow board member”	October 24, 2017	166
	<b>Exhibit “DD”:</b> A true copy of an article published by the Huffington Post entitled “Barry Neufeld, Chilliwack School Board Trustee, Slams B.C. Gender Inclusivity Program”	October 24, 2017	171
	<b>Exhibit “EE”:</b> A true copy of an article published by the Langley Times entitled “Langley school district answers top 10 parents’ questions about SOGI education”	October 24, 2017	177
	<b>Exhibit “FF”:</b> A true copy of an article published by News 1130 entitled “Controversial Chilliwack school trustee not quitting, yet”	October 24, 2017	180
	<b>Exhibit “GG”:</b> A true copy of an article published by the Chilliwack Progress entitled “Chilliwack school board to discuss trustee’s opinions on LGBTQ program”	October 24, 2017	184
	<b>Exhibit “HH”:</b> A true copy of an article published by the Chilliwack Progress entitled “Educators speak out against Chilliwack school trustee’s anti-LGBTQ post”	October 24, 2017	187
	<b>Exhibit “II”:</b> A true copy of an article published by the Globe and Mail entitled “B.C. school trustee criticizes gender policy, links it to child abuse”	October 24, 2017	194

TAB	DESCRIPTION	DOCUMENT DATE	PAGE
	<b>Exhibit “JJ”:</b> A true copy of an article published by the Toronto Sun entitled ““Nothing short of child abuse”: B.C. school trustee Barry Neufeld blasted for LGBTQ curriculum post”	October 24, 2017	198
	<b>Exhibit “KK”:</b> A true copy of an article published by the Vancouver Sun entitled “Chilliwack school trustee blasted for linking gender inclusivity policy to child abuse”	October 24, 2017	200
	<b>Exhibit “LL”:</b> A true copy of an article published by the Vancouver Sun entitled “Chilliwack school trustee slammed for comments about LGBTQ youth and anti-bullying curriculum”	October 24, 2017	203
	<b>Exhibit “MM”:</b> A true copy of an article published by CBC News entitled “Chilliwack school trustee sorry for causing offence with post on gender identity”	October 25, 2017	209
	<b>Exhibit “NN”:</b> A true copy of an article published by CBC News entitled “Parents deserve better communication of gender and sexuality lessons, says LGBT advocate”	October 25, 2017	213
	<b>Exhibit “OO”:</b> A true copy of an article published by CTV News entitled “School trustee apologizes to those hurt by gender identity rant“	October 25, 2017	217
	<b>Exhibit “PP”:</b> A true copy of an article published by Global News entitled “Chilliwack school trustee apologizes for gender identity rant on Facebook”	October 25, 2017	219
	<b>Exhibit “QQ”:</b> A true copy of an article published by Kamloops This Week entitled “BASS: Let them be who they are”	October 25, 2017	222
	<b>Exhibit “RR”:</b> A true copy of an article published by News 1130 entitled “Chilliwack school trustee apologizes after controversial Facebook post”	October 25, 2017	225
	<b>Exhibit “SS”:</b> A true copy of an article published by the Chilliwack Progress entitled “Chilliwack trustee issues apology for Facebook comments”	October 25, 2017	230

TAB	DESCRIPTION	DOCUMENT DATE	PAGE
	<b>Exhibit “TT”:</b> A true copy of an article published by the Chilliwack Progress entitled “UPDATE: Former Chilliwack student creates online petition”	October 25, 2017	236
	<b>Exhibit “UU”:</b> A true copy of an article published by the Georgia Straight entitled “Chilliwack trustee Barry Neufeld apologizes after launching broadside against gender theory”	October 25, 2017	241
	<b>Exhibit “VV”:</b> A true copy of an article published by the Vancouver Sun entitled “Chilliwack school trustee apologizes to those ‘hurt’ by LGBTQ comments”	October 25, 2017	244
<b>VOLUME IV</b>			
	Tab 19, continued: Affidavit #1 of Sara Dettman <b>Exhibit “WW”:</b> A true copy of an article published by the Agassiz Harrison Observer entitled “Throness weighs in on Neufeld controversy”	October 26, 2017	14
	<b>Exhibit “XX”:</b> A true copy of an article published by CBC News entitled “‘People just don’t understand’: parent of transgender teen hoping to open debate on gender identity”	October 26, 2017	18
	<b>Exhibit “YY”:</b> A true copy of an article published by CTV News entitled “B.C. trustee apologizes after ‘child abuse’ comments about gender identity”	October 26, 2017	22
	<b>Exhibit “ZZ”:</b> A true copy of letters to the Editor published by Surrey Now-Leader entitled “LETTERS: Surrey students agree - LGBTQ lessons belong in schools”	October 26, 2017	24
	<b>Exhibit “AAA”:</b> A true copy of an article published by the Chilliwack Progress entitled “Column: Chilliwack school trustee should step down”	October 26, 2017	30

TAB	DESCRIPTION	DOCUMENT DATE	PAGE
	<b>Exhibit “BBB”:</b> A true copy of an article published by Xtra entitled “Chilliwack trustee’s ignorant comments show the limits of religion in public life”	October 27, 2017	34
	<b>Exhibit “CCC”:</b> A true copy of letters to the editor published by the Province entitled “Letters: Only Chilliwack voters should decide trustee’s fate over gender comments”	October 31, 2017	38
	<b>Exhibit “DDD”:</b> A true copy of an article published by the Chilliwack Progress entitled “Chilliwack school district posts plan for sexual orientation talks”	November 2, 2017	43
	<b>Exhibit “EEE”:</b> A true copy of an article published by the Abbotsford News entitled “New SOGI policies will inform and protect students, LGBT youth say”	November 11, 2017	48
	<b>Exhibit “FFF”:</b> A true copy of letters to the Editor published by the Province newspaper entitled “Don’t need ‘1950s point of view’” and “Neufeld should resign” (see highlighted page 2)	November 3, 2017	53
	<b>Exhibit “GGG”:</b> A true copy of an article published by the Chilliwack Progress entitled “Labour council calls for resignation of Chilliwack school trustee”	November 7, 2017	58
	<b>Exhibit “HHH”:</b> A true copy of a letter to the editor published by the Langley Times entitled “Letter: SOGI oversteps its bounds”	November 16, 2017	62
	<b>Exhibit “III”:</b> A true copy of an article published by the Abbotsford News entitled “Parents rally to support LGBT education in Abbotsford schools”	November 21, 2017	65
	<b>Exhibit “JJJ”:</b> A true copy of a letter to the editor published by Global News entitled “Barry Neufeld, Chilliwack school trustee, compares gender transitioning to ‘child abuse’”	November 21, 2017	69
	<b>Exhibit “KKK”:</b> A true copy of an article published by News 1130 entitled “Anti-SOGI rally and counter-rally in the Fraser Valley tonight”	November 21, 2017	73

TAB	DESCRIPTION	DOCUMENT DATE	PAGE
	<b>Exhibit “LLL”:</b> A true copy of an article published by the Chilliwack Progress entitled “Chilliwack school trustee Neufeld vows to run for re-election on anti SOGI platform”	November 21, 2017	80
	<b>Exhibit “MMM”:</b> A true copy of an article published by the Abbotsford News entitled “Chilliwack trustee slated to speak at Culture Guard rally“	November 21, 2017	85
	<b>Exhibit “NNN”:</b> A true copy of an article published by CTV News entitled “School trustee renews remarks against trans-friendly curriculum”	November 22, 2017	90
	<b>Exhibit “OOO”:</b> A true copy of an article published by the Chilliwack Progress entitled “Education minister blasts Chilliwack school trustee on gender issues”	November 22, 2017	93
	<b>Exhibit “PPP”:</b> A true copy of an article published by the Abbotsford News entitled “Liberal and NDP MLAs stand together in support of SOGI education“	November 23, 2017	96
	<b>Exhibit “QQQ”:</b> A true copy of an article published by the Vancouver Sun entitled “B.C. education minister blasts Chilliwack trustee's 'shameful' behavior”	November 23, 2017	99
	<b>Exhibit “RRR”:</b> A true copy of an article published by Global News entitled “Trans rights activist reaches out to Chilliwack school trustee who compared gender transitioning to ‘child abuse””	November 26, 2017	102
	<b>Exhibit “SSS”:</b> A true copy of an article published by the Chilliwack Progress entitled “Neufeld announces stepping back from some duties”	November 29, 2017	105
	<b>Exhibit “TTT”:</b> A true copy of an article published by the Chilliwack Progress entitled “Select Chilliwack school trustees attend BCSTA ‘academy””	November 29, 2017	110

TAB	DESCRIPTION	DOCUMENT DATE	PAGE
	<b>Exhibit “UUU”:</b> A true copy of a letter to the editor published by the Chilliwack Progress entitled “Who watches the watchers?”	December 14, 2017	115
	<b>Exhibit “VVV”:</b> A true copy of an article published by the Chilliwack Progress entitled “Chilliwack school trustee calls himself a prophet”	December 18, 2017	118
	<b>Exhibit “WWW”:</b> A true copy of an article published by the Chilliwack Progress entitled “Chilliwack school board chair blasts Neufeld over continued Facebook posts”	December 20, 2017	123
	<b>Exhibit “XXX”:</b> A true copy of an article published by Global News entitled “Chilliwack trustee Barry Neufeld faces call from parents’ group to resign”	December 21, 2017	126
	<b>Exhibit “YYY”:</b> A true copy of an article published by the Chilliwack Progress entitled “Anti-transgender posters dropped on lawns in Sardis”	December 22, 2017	130
	<b>Exhibit “ZZZ”:</b> A true copy of an article published by the Chilliwack Progress entitled “Updated: Neufeld launches letter-writing campaign against DPAC chair”	January 5, 2018	136
	<b>Exhibit “AAAA”:</b> A true copy of an article published by the Chilliwack Progress entitled “Chilliwack school board should check code of conduct, says provincial parent group”	January 15, 2018	145
	<b>Exhibit “BBBB”:</b> A true copy of an article published by the Chilliwack Progress entitled “Union files human rights complaint over Chilliwack school trustee’s LGBTQ comments”	January 15, 2018	148
	<b>Exhibit “CCCC”:</b> A true copy of an article published by the Chilliwack Progress entitled “SOGI rally disrupts school board meeting”	January 16, 2018	151
	<b>Exhibit “DDDD”:</b> A true copy of an article published by News 1130 entitled “Chilliwack Teachers file motion of non-confidence against Board of Education”	January 17, 2018	156

TAB	DESCRIPTION	DOCUMENT DATE	PAGE
	<b>Exhibit “EEEE”:</b> A true copy of an article published by the Vancouver Sun entitled “Chilliwack teachers say education board has created a ‘toxic’ environment”	January 18, 2018	159
	<b>Exhibit “FFFF”:</b> A true copy of an article published by CBC News entitled “Chilliwack school board asks trustee to resign over comments about transgender children”	January 19, 2018	162
	<b>Exhibit “GGGG”:</b> A true copy of an article published by the National Post entitled “Minister, board urge B.C. school trustee to resign over LGBTQ remarks”	January 19, 2018	166
	<b>Exhibit “HHHH”:</b> A true copy of an article published by CTV News entitled “B.C. school trustee vows to stay following controversial LGBTQ remarks”	January 20, 2018	169
	<b>Exhibit “IIII”:</b> A true copy of an article published by the Vancouver Sun entitled “Chilliwack trustee Barry Neufeld rejects government’s call for resignation”	January 20, 2018	172
	<b>Exhibit “JJJJ”:</b> A true copy of a letter to the editor published by the Province newspaper entitled “Neufeld backlash a ‘disgrace’”	January 25, 2018	177
	<b>Exhibit “KKKK”:</b> A true copy of an article published by the Abbotsford News entitled “School board refuses to host meeting after anti-SOGI trustee plans to attend”	January 31, 2018	179
	<b>Exhibit “LLLL”:</b> A true copy of an article published by the Chilliwack Progress entitled “Neufeld brings residential schools into SOGI debate”	February 14, 2018	183
	<b>Exhibit “MMMM”:</b> A true copy of an article published by the Chilliwack Progress entitled “BCTF files human rights complaint against Chilliwack school trustee”	April 12, 2018	187

TAB	DESCRIPTION	DOCUMENT DATE	PAGE
	<b>Exhibit “NNNN”:</b> A true copy of an article published by the National Post entitled “Chilliwack school trustee facing human rights complaint for LGBTQ comments”	April 15, 2018	192
	<b>Exhibit “OOOO”:</b> A true copy of a letter to the editor published by the Province entitled “Rights complaint off base”	April 20, 2018	195
	<b>Exhibit “PPPP”:</b> A true copy of an article published by News 1130 entitled “Duelling rallies outside the BCTF office over SOGI program taught in schools”	April 23, 2018	197
	<b>Exhibit “QQQQ”:</b> A true copy of an opinion piece published by Burnaby Now entitled “SOGI materials are about being inclusive”	August 8, 2018	201
	<b>Exhibit “RRRR”:</b> A true copy of an article published by the Vancouver Sun entitled “Chilliwack school trustee election turning into fight over gender identity resources”	September 9, 2018	203
	<b>Exhibit “SSSS”:</b> A true copy of an article published by the Chilliwack Progress entitled “A Chilliwack family’s story of gender identity and acceptance”	September 28, 2018	208
	<b>Exhibit “TTTT”:</b> A true copy of an article published by the Vancouver Sun entitled “Government, teachers support SOGI, as opposing rallies staged in Victoria”	September 29, 2018	215
	<b>Exhibit “UUUU”:</b> A true copy of a letter to the editor published by the Chilliwack Progress entitled “Former Chilliwack DPAC chair says time for change at school district”	October 12, 2018	220
	<b>Exhibit “VVVV”:</b> A true copy of an article published by News 1130 entitled “Anti-SOGI trustees won’t be welcome in schools, warns outgoing Chilliwack board chair”	October 16, 2018	224



TAB	DESCRIPTION	DOCUMENT DATE	PAGE
	<b>Exhibit “WWWW”:</b> A true copy of an article published by Press Progress entitled “This Man is Probably The Worst School Trustee in British Columbia”	October 16, 2018	228
	<b>Exhibit “XXXX”:</b> A true copy of an article published by the Vancouver Courier entitled “Pay attention to school board candidates’ views on SOGI says Vancouver DPAC chair”	October 18, 2018	235
	<b>Exhibit “YYYY”:</b> A true copy of an article published by the Chilliwack Progress entitled “Anti-SOGI school trustee files defamation lawsuit against BCTF president”	October 19, 2018	240
	<b>Exhibit “ZZZZ”:</b> A true copy of an article published by the Vancouver Sun entitled “Election results: Voters ignore bulk of anti-SOGI school board candidates”	October 21, 2018	247
	<b>Exhibit “AAAAA”:</b> A true copy of a letter to the Editor published by the Chilliwack Progress entitled “A mother’s perspective”	October 28, 2018	250
	<b>Exhibit “BBBBB”:</b> A true copy of an article published by the Chilliwack Progress entitled “New Chilliwack school board sworn in after divisive election”	November 13, 2018	253
	<b>Exhibit “CCCCC”:</b> A true copy of an article published by the Chilliwack Progress entitled “Chilliwack Trustee Barry Neufeld says he’s the victim of workplace discrimination”	January 16, 2019	256
	<b>Exhibit “DDDDD”:</b> A true copy of an article published by the Chilliwack Progress entitled “UPDATE: Founders of defunct autism society shocked at Chilliwack school trustee’s fundraiser”	November 23, 2019	259
	<b>Exhibit “EEEEEE”:</b> A true copy of a list of video media and video posts in our possession or available online relating to Trustee Neufeld and SOGI-related issues	Various dates	262

TAB	DESCRIPTION	DOCUMENT DATE	PAGE
<b>VOLUME V</b>			
20.	Affidavit #1 of Rosalind Britten filed in the Supreme Court of British Columbia on May 23, 2019	May 22, 2019	1
	<b>Exhibit "A"</b> : Article from <i>CNSNews</i> entitled "Johns Hopkins Psychiatrist: Transgender is 'Mental Disorder;' Sex Change 'Biologically Impossible'"	June 2, 2015	3
	<b>Exhibit "B"</b> : Article from <i>The Daily Caller News Foundation</i> entitled "Ontario Makes Disapproval of Kid's Gender Choice Potential Child Abuse"	June 5, 2017	5
	<b>Exhibit "C"</b> : Document headed "Speech to the Chilliwack Parents/Grandparents rally"	November 21, 2017	7
	<b>Exhibit "D"</b> : Screenshot of a post from the Twitter account of Morgane Oger	January 11, 2018	15
	<b>Exhibit "E"</b> : Media Release from CUPE Local 411	January 15, 2018	16
	<b>Exhibit "F"</b> : Media Release from the Chilliwack School District	January 19, 2018	17
	<b>Exhibit "G"</b> : Document headed "Statement in response to School Board District 33 press release"	January 19, 2018	18
	<b>Exhibit "H"</b> : Article from the <i>National Post</i> entitled "Barbara Kay: B.C. school official protests 'transgender education' - and pays the price"	January 24, 2018	19
	<b>Exhibit "I"</b> : Article from <i>CityNews 1130</i> entitled "BCTF president speaks out against anti-refugee, anti-LGBTQ school trustee candidates"	September 16, 2018	23
	<b>Exhibit "J"</b> : Excerpt from the Official Report of Debates (Hansard)	November 26, 2018	27
21.	Affidavit #1 of Barry Neufeld filed in the Supreme Court of British Columbia on May 31, 2019	May 31, 2019	30

TAB	DESCRIPTION	DOCUMENT DATE	PAGE
22.	Affidavit #1 of Kailey Wong filed in the Supreme Court of British Columbia on July 4, 2019	July 4, 2019	31
	<b>Exhibit "A":</b> A true copy of a excerpt from Hansard, Legislative Assembly	February 14, 2019	33
	<b>Exhibit "B":</b> A copy of the previous homepage of the ARC Foundation at the URL <a href="http://www.arcfoundation.ca">http://www.arcfoundation.ca</a>	October 14, 2018	37
	<b>Exhibit "C":</b> A copy of the first ten pages from link "Learn about SOGI 1 2 3" that is on the current version of the ARC Foundation home page (Exhibit "B")	July 4, 2019	41
23.	Affidavit #2 of Barry Neufeld filed in the Supreme Court of British Columbia on July 5, 2019	July 5, 2019	52
	<b>Exhibit "A":</b> Emails between Paul Jaffe and Carey Veinotte	July 4 and 5, 2019	54
	<b>Exhibit "B":</b> Article from <i>CityNews 1130</i> entitled "Thousands of UBC staff call for cancellation of anti-SOGI event"	June 20, 2019	57
	<b>Exhibit "C":</b> Article from <i>The Georgia Straight</i> entitled "UBC employee association calls for cancellation of talk by controversial anti-SOGI activist Jenn Smith"	June 21, 2019	60
	<b>Exhibit "D":</b> Article from the <i>National Post</i> entitled "Jordan Peterson: Gender politics has no place in the classroom"	June 21, 2019	64
	<b>Exhibit "E":</b> Article from <i>The Star Vancouver</i> entitled "Protesters detained at controversial UBC talk about sexual orientation, gender identity lessons in schools"	June 24, 2019	69
	<b>Exhibit "F":</b> Article from the <i>National Post</i> entitled "Barbara Kay: When gender identity education and theory goes wrong," updated:	June 26, 2019	74

TAB	DESCRIPTION	DOCUMENT DATE	PAGE
24.	Transcript Extract (Pages 11, 12 and 18), Submissions for the defendant by Ms. Trask and Mr. Veinotte – S35152 BCSC in Chambers, <i>Neufeld v Hansman</i> , Day 1 – July 11, 2019	July 11, 2019	78
25.	Transcript Extract (Pages 44-47 and 79-82), Submissions for the plaintiff by Mr. Jaffe – S35152 BCSC in Chambers, <i>Neufeld v Hansman</i> , Day 2 – July 12, 2019	July 12, 2019	81

**PART IV (exhibits from trial): Nil**

Affidavit #1 of Rosalind Britten made May 22, 2019



NO. S35152  
CHILLIWACK REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

BARRY NEUFELD

PLAINTIFF

AND:

GLEN HANSMAN

DEFENDANT

#### AFFIDAVIT

I, Rosalind Britten, receptionist, at 200-100 Park Royal, West Vancouver, in the Province of British Columbia, MAKE OATH AND SAY AS FOLLOWS THAT:

1. That, I am a receptionist in the office of plaintiff's counsel herein and as such, I have personal knowledge of the matters herein deposed to except where stated to be on information and belief and where so stated, I verily believe them to be true.
2. That, attached hereto and marked as the following exhibits to this affidavit are what I am advised by plaintiff's counsel to be the following:

Exhibit A : June 2, 2015 article written by Michael Chapman for CNSNews.com) entitled "Johns Hopkins Psychiatrist: Transgender is Mental Disorder; "Sex Change Biologically Impossible"

Exhibit B: June 5, 2017 article written by Grace Carr for The

Daily Caller, entitled "Ontario Makes Disapproval of Kid's Gender Choice Potential Child Abuse"

Exhibit C : Text of the plaintiff's speech delivered on November 21, 2017 entitled "Speech to the Chilliwack Parents/Grandparents rally Nov. 21, 2017"

Exhibit D: January 11, 2018 Screen grab from Morgane Oger@MorganeOgerNDP twitter account

Exhibit E: January 15, 2018, CUPE 411 "Media Release"

Exhibit F: January 19, 2018, School Board District 33 "Media Release"

Exhibit G: January 19, 2018, plaintiff's "Statement in response to School Board District 33 press release"

Exhibit H: January 24, 2018 National Post "Barbara Ky" B.C. school official protests "transgender education" -- and pays the price"


Exhibit I: September 16, 2018 BCTF president speaks out against anti-refugee, anti-LGBTQ school trustee candidates, CityNews 1130, Sept. 16/18

Exhibit J: November 26, 2018, excerpt from Official Report of Debates (Hansard) of the BC Legislature (L. Throness, MLA)

SWORN BEFORE ME at the City of )  
West Vancouver, in the Province of )  
British Columbia, this 22<sup>nd</sup> )  
day of May, 2019 )



A Commissioner for Taking Affidavits  
Within British Columbia



Rosalind Britten

# Johns Hopkins Psychiatrist: Transgender is 'Mental Disorder;' Sex Change 'Biologically Impossible'

By Michael W. Chapman | June 2, 2015 | 1:34 PM EDT

**Dr. Paul R. McHugh. (Photo:  
Johns Hopkins Medicine)**

(CNSNews.com) -- Dr. Paul R. McHugh, the former psychiatrist-in-chief for Johns Hopkins Hospital and its current Distinguished Service Professor of Psychiatry, said that transgenderism is a "mental disorder" that merits treatment, that sex change is "biologically impossible," and that people who promote sexual reassignment surgery are collaborating with and promoting a mental disorder.

Dr. McHugh, the author of six books and at least 125 peer-reviewed medical articles, made his remarks in a recent commentary in the *Wall Street Journal*, where he explained that transgender surgery is not the solution for people who suffer a "disorder of 'assumption'" – the notion that their maleness or femaleness is different than what nature assigned to them biologically.

He also reported on a new study showing that the suicide rate among transgendered people who had reassignment surgery is 20 times higher than the suicide rate among non-transgender people. Dr. McHugh further noted studies from Vanderbilt University and London's Portman Clinic of children who had expressed transgender feelings but for whom, over time, 70%-80% "spontaneously lost those feelings."

While the Obama administration, Hollywood, and major media such as *Time* magazine promote transgenderism as normal, said Dr. McHugh, these "policy makers and the media are doing no favors either to the public or the transgendered by treating their confusions as a right in need of defending rather than as a mental disorder that deserves understanding, treatment and prevention."

"This intensely felt sense of being transgendered constitutes a mental disorder in two respects. The first is that the idea of sex misalignment is simply mistaken – it does not correspond with physical reality. The second is that it can lead to grim psychological outcomes."

The transgendered person's disorder, said Dr. McHugh, is in the person's "assumption" that they are different than the physical reality of their body, their maleness or femaleness, as assigned by nature. It is a disorder similar to a "dangerously thin" person suffering anorexia who looks in the mirror and thinks they are "overweight," said McHugh.

This assumption, that one's gender is only in the mind regardless of anatomical reality, has led some transgendered people to push for social acceptance and affirmation of their own subjective "personal truth," said Dr. McHugh. As a result, some states – California, New Jersey, and Massachusetts – have passed laws barring psychiatrists, "even with parental permission, from striving to restore natural gender feelings to a transgender minor," he said.

The pro-transgender advocates do not want to know, said McHugh, that studies show between 70% and 80% of children who express transgender feelings "spontaneously lose those feelings" over time. Also, for those who had sexual reassignment surgery, most said they were "satisfied" with the operation "but their subsequent psycho-social adjustments were no better than those who

This is Exhibit  
affidavit of  
Sworn before me at  
in the Province of British Columbia this  
22 day of  
A Commissioner for Taking Affidavits  
in the Province of British Columbia

didn't have the surgery."

"And so at Hopkins we stopped doing sex-reassignment surgery, since producing a 'satisfied' but still troubled patient seemed an inadequate reason for surgically amputating normal organs," said Dr. McHugh.

The former Johns Hopkins chief of psychiatry also warned against enabling or encouraging certain subgroups of the transgendered, such as young people "susceptible to suggestion from 'everything is normal' sex education," and the schools' "diversity counselors" who, like "cult leaders," may "encourage these young people to distance themselves from their families and offer advice on rebutting arguments against having transgender surgery."

Dr. McHugh also reported that there are "misguided doctors" who, working with very young children who seem to imitate the opposite sex, will administer "puberty-delaying hormones to render later sex-change surgeries less onerous – even though the drugs stunt the children's growth and risk causing sterility."

Such action comes "close to child abuse," said Dr. McHugh, given that close to 80% of those kids will "abandon their confusion and grow naturally into adult life if untreated ...."

"'Sex change' is biologically impossible," said McHugh. "People who undergo sex-reassignment surgery do not change from men to women or vice versa. Rather, they become feminized men or masculinized women. Claiming that this is civil-rights matter and encouraging surgical intervention is in reality to collaborate with and promote a mental disorder."

#### **CNSNews Reader,**

The liberal media are terrified of the truth, especially when it leads to uncomfortable questions about their own leftist worldview.

CNSNews covers the stories that the liberal media are afraid to touch. It drives the national debate through real, honest journalism — not by misrepresenting or ignoring the facts.

CNSNews relies on the support of our loyal readers to keep providing the news and commentary that matter to the American people, not just stories that prop up the liberal agenda.

Make a donation today. Just \$15 a month would make a tremendous impact and enable us to keep shining the light where the liberal media are afraid to tread.



ONTARIO MAKES DISAPPROVAL  
OF KID'S GENDER CHOICE  
POTENTIAL CHILD ABUSE



This is Exhibit B referred to in the affidavit of Rosalind Britten sworn before me at West Vancouver in the Province of British Columbia this 30 day of May A.D. 2019  
A Commissioner for taking Affidavits within the Province of British Columbia

Grace Carr | Reporter

3:32 PM 06/05/2017 | WORLD

Ontario passed a law Thursday that gives the government the right to take away children from families that don't accept their kid's chosen "gender identity."

Parents who oppose or criticize the LGBT agenda will be considered potential "child abusers" and may have their children taken away by the state, according to the new bill. If the parents are ruled to be abusers by failing to wholeheartedly support their child's gender choice, that child "can be removed from that environment and placed into protection where the abuse stops."

The old law allowed parents to "direct the child's education and religious upbringing" but now says a parent must influence a child's education and upbringing "in accordance with the child's or young person's creed, community identity and cultural identity."

The Bill replaces this old law that governed child protection, foster care, and adoption services. It instructs all child services agencies and judges to look at a child's "race, ancestry, place of origin, color, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity and gender expression" when judging the fitness of the parents.

"I would consider that a form of abuse, when a child identifies one way and a caregiver is saying no, you need to do this differently," said Michael Coteau, the Bill's founder.

Ontario children and youth advocate Irwin Elman celebrated the bill, saying it signals a paradigm shift and creates a child-centered system of service that displays a strong "commitment to antiracism and children's rights."

Jack Fonseca, a political strategist for Campaign Life Coalition, criticized the new law: "With the passage of Bill 89, we've entered an era of totalitarian power by the state, such as never witnessed before in Canada's history... Bill 89 is a grave threat to Christians and all people of faith who have children, or who hope to grow their family through adoption." Child services in Ontario, Canada received wide criticism in April when it removed two foster children from a Christian home because the parents refused to tell their girls that the Easter bunny was real, according to The Christian Post.

Pro-family advocates warn that Bill 89 allows the government to effectively ban couples who disagree with the LBGTQ agenda from fostering or adopting children. "Liberals have for years been pursuing their anti-parent and anti-family agenda and Bill 89 is the latest installment," said Tanya Granic Allen, president of Parents As First Educators

(PAFE).

Children's Aid agencies now have "a type of police power to bust down your door, and seize your biological children if you are known to oppose LGBT ideology and the fraudulent theory of 'gender identity,'" said Fonseca.

"Similar tyranny [is] happening in other jurisdictions, such as Norway" where the child protection services have seized children from traditionally-principled families, added Fonseca.

## Speech to the Chilliwack Parents/Grandparents rally Nov 21, 2017

Tuesday, Nov 21, 2017

1. To our hosts, Kari Simpson and Laura Lynn Thompson; parents, grandparents, fellow Trustees and local community leaders:
2. Thank you for this opportunity to explain my views on the implementation of SOGI 123 lesson plans in the new BC Public Education Curriculum. To begin with, I want to say clearly that I fully agree with the statements of our School Board and the BC School Trustees Association that **public schools should be safe and inclusive places for all our children.**
3. Our Chilliwack Board of Education has not yet fully discussed this topic and I want to make it clear that I am not speaking for my Board of Education, or any other Trustee. I am not speaking on behalf of any religious group or Society. **The opinions expressed are simply my own,** based on my life and professional experience.
4. However, this controversial SOGI 123 program has been suddenly mandated province wide, from Kindergarten to grade 12. Is there a **better alternative to preventing bullying?** Yes, I think there is. As you know, I have been a strong advocate for Restorative Practices in schools for many years because research has proved this reduces bullying.<sup>1</sup> A Restorative process gathers the victims and offenders together and asks these questions:
5. Who has been hurt?
6. What are their needs?
7. Whose obligations are these?
8. What are the causes?
9. Who has a stake in the situation?
10. What is the appropriate process to involve stakeholders in an effort to address causes and put things right?<sup>2</sup>
11. This leads to a collaborative conversation searching for solutions that all parties can agree to.

1.

<sup>1</sup> <https://www.iirp.edu/pdf/ImprovingSchoolClimate.pdf>

<sup>2</sup> Zehr, Howard. Changing Lenses - A New Focus for Crime and Justice. Scottsdale PA: 2005 (3rd ed), 271.

This is Exhibit "C" referred to in the affidavit of ...  
 Sworn before me at West Vancouver in the Province of British Columbia this 22 day of MAY A.D. 2019  
 A Commissioner for taking Affidavits in the Province of British Columbia

12. However, development of the SOGI process has NOT been collaborative and certainly not restorative. The victims have gotten together and said in effect:
13. ***“We have been hurt, and here is what you HAVE to do to make things right, and if you don't agree we will call you names: bigots, bullies, homophobes, transphobes, haters and Nazis and SUE you.”***
14. Many people have been shocked at the outpouring of vicious name-calling, abusiveness and even threats by my critics in the media, who claim to believe in *“anti-bullying.”* One man even demanded that the Board of Education lock me up until the next election so keep me quiet! I am thankful that my fellow trustees and MLA agree that **I have a democratic right to speak my mind.** But it is obvious that supporters of SOGI are the true bullies and want to shut down any further discussion. **It frightens me that these kinds of people want exclusive influence over our children.**
15. I am a grown adult and I can handle the abuse. But I worry about young children who are forced to listen to stories, draw pictures, sing songs, read poems, give presentations and enact role plays about what it is like to come out as gay or transgender. If they object, **will they be called names by their classmates and teachers? What will happen to teachers** who have issues of conscience regarding teaching this material? Will they face disciplinary action? By focusing on being inclusive to LGBTQ students, the public system has created a new target group for ostracism and bullying: any child or parent or even teacher who happens to hold on to Traditional family values. That includes not only conservative Christians and Jews, but Jehovah Witnesses, Mormons, Sikhs, Muslims and persons of no religious persuasion. BCTF President Glen Hansman made it very clear: *“When religious scruples bump up against inclusion, we must err on the side of inclusion.”*<sup>3</sup> He meant inclusion of the LGBTQ kids, not the children from religious homes: he does not appear to be concerned if children with traditional values are excluded, marginalized and even persecuted.
16. I come from a long line of school teachers; my great grandfather was a school teacher in southern Russia when the Russian educational authorities began to implement ideas from the French Revolution that children were property of the state, and must be indoctrinated with state ideology. But my

1. \_\_\_\_\_

<sup>3</sup> Glen Hansman: Sexuality and Gender Identity in Schools <https://www.youtube.com/watch?v=nlbgzHAUuw4>

ancestors firmly believed that **education of children is primarily a parental responsibility**. My great-grandfather and his extended family wanted to live in a free country where they could live according to their consciences. So, in 1870 they responded to the invitation of Sir John A. MacDonald, Canada's first Prime Minister and they spent their entire fortune and endured many hardships to emigrate to Canada where there was freedom.

17. Ever since I have been a publicly elected school trustee, in 1992, I have honored the tradition of my ancestors by trying to ensure that the right to educate children according to parental values is not denied to anyone: it is protected in International Law and the BC School Act. I believe that the reason for electing local Trustees to boards of Education is to **ensure that the values and priorities of the local communities** are protected in their district schools.
18. Chilliwack has been implementing the ERASE Bullying program for over 12 years. (**Expect Respect and a Safe Education**), and in Chilliwack I believe we have been successful in creating schools where every child feels safe, accepted and respected, regardless of their gender, race, culture, religion or sexual orientation. Our Strategic plan includes **Social and Emotional Learning**, a process for acquiring the skills such as feeling and showing empathy for others. I do not think we need more programs.
19. The Chilliwack Board of Education has been reluctant to name particular subgroups of students in our Safe Schools Policy #514, because we believe that our policy covered all students. Nevertheless, a year ago, in response to a Ministry directive to ensure our Policy was in line with the new wording of the BC Human Rights Code, we added the categories that must not be discriminated against: **race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, and age and Transgender students**.
20. Over the years, I have become increasingly frustrated as the Ministry of Education and the powerful BC Teacher's Federation have been systematically eroding the decision-making powers of local Boards of Education to reflect the priorities of their communities. Major decisions are being made behind closed doors, and school trustees are being reduced to **rubber stamping government edicts and functioning merely as**

**cheerleaders for Public Education.** Vast changes are being rapidly foisted upon school districts, new computer record keeping, rigid rules for class composition, crowded schools and now a radical new education agenda which has been rolled out as an anti-bullying program. When SOGI came along, I felt I needed to speak out.

21. For many years, I have worked with people who struggle with addiction. SOGI in my opinion is an institutionalization of codependency: encouraging and enabling dysfunctional behavior and thinking patterns. Many of our students struggle with antisocial behavioral problems, substance abuse, eating disorders, various addictions: the list goes on. We confront that: sometimes gently and sometimes (in the case of addiction) assertively. Instead of **coddling and encouraging** what I regard as the sexual addiction of gender confusion, I believe children should be gently encouraged to be comfortable with their bodies, to accept their own biology, which can never be completely changed, and to love themselves. I believe that this is best done **privately** by the parents of their child, perhaps with the assistance of a psychotherapist, not their school teachers or peers. The message of SOGI is a subtle but powerful suggestion that perhaps there is something wrong with a child, that all children should consider rejecting their own gender identity. In kindergarten books like "*Red: A Crayon's Story*,"<sup>4</sup> educators perpetuate the lie that a child might actually be a girl in a male body or vice versa. This is Gaslighting: They attack the foundation of a child's being which is child abuse. This will have the effect of confusing children, disturbing their personal security and mental health. Furthermore, I consider rushing into the use of puberty blockers, hormone therapy and gender reassignment as child abuse.<sup>5</sup>

22. I am especially disturbed by the Ministry of Education and BCTF policy that if a child confides to teacher that they have feelings of same sex attraction or gender confusion, this will **be kept confidential from parents**.<sup>6</sup> This is contrary to the BC School Act: Parents have a right to know, even if this information upsets them. The assumption is that parents are not to be trusted: that they will not support their child and

1. \_\_\_\_\_

<sup>4</sup> <https://www.goodreads.com/book/show/22249668-red>

<sup>5</sup> "The majority of primary school aged children who exhibit gender confusion will grow out of it by the time they finish school."

<sup>6</sup> Glen Hansman: Sexuality and Gender Identity in Schools <https://www.youtube.com/watch?v=nlbgzHAUuw4>

react with rejection or violence. I have a higher view of parents. I believe that it is more rational and healthy to teach and believe the obvious - while there is a natural and welcome variation in gender expression: while none of us is completely masculine or totally feminine, **gender is nonetheless still rooted in biology**. Due to the media coverage of high profile transgendered persons like Caitlin Jenner and Laverne Cox, gender confusion appears to have become a new fad: sudden onset gender dysphoria. This, I believe, is harmful to children and we should not be encouraging it in School District 33 or the Province of BC.

23. How widespread is the issue of gender dysphoria in our School District? The Ministry of Education now requires that on the application form to the Chilliwack District we must ask parents to identify three Gender categories: Male, Female and Questioning. Currently we have about 20 students registered in the questioning category, the youngest being in preschool. It seems that this is **a very small percentage of our student body** to cause such a major upheaval in our school district. However, these children are **EXTREMELY** vulnerable and prone to self-harm and other mental illnesses, such as depression and anxiety disorders. We must be very careful.
24. I am concerned about suicide. Some statistics say that 50 per cent of people with gender dysphoria die before age 30, often from suicide after severe anxiety. I agree that something must be done to alleviate their suffering. But IMHO, under the banner of "*inclusiveness*" activists are attempting to use innocent school children to launch a **cultural revolution, dismissing heterosexuality as the norm, and denigrating religious** and cultural values which have maintained social stability for centuries. I can support programs that have proven to be Best Practices, but where is the evidence that this radical new approach will be effective in preserving and maintaining the mental health of ALL children? I can find none. In fact, I am convinced of the opposite: that it will create many unintended and dangerous side effects.
25. John Hopkins Hospital pioneered sex change operations in the mid 70's, and I saw the results of their work when I first began to work for the BC government in 1981. This was not sex change surgery: it was merely cosmetic surgery, **lopping off perfectly good body parts**. When Dr.

McHugh's team at John Hopkins did a follow up several years later they were appalled by the high suicide rate amongst their transgender patients. So, several hospitals stopped doing gender reassignment surgery, which they realized did not solve the underlying psychological problems.<sup>7</sup> The LGBTQ lobby accused John Hopkins Hospital of inadequate preparation, follow up and support.

26. So now we expect our school teachers to do a better job of supporting transgender persons than a team of psychiatrists and social workers at prestigious hospitals? When will our teachers find the time for the necessary professional development to prepare them for this complex task? And where is the time and money coming for this professional development? Our employees have a responsibility to create **a safe learning environment for ALL students**. Believe it or not, even some transgender people have contacted me with messages of support for my position. They pointed out that schoolteachers are not trained nor equipped to carry out this very complex kind of social work and psychotherapy.
27. Nothing in the SOGI materials warns children about the increasing numbers of transgender persons who regret their sexual reassignment surgery.<sup>8</sup> Have Boards of Education considered the liability issues if a transgender child completes suicide despite our best efforts to be "*inclusive*?" What if a school district fails in getting all students to create the supportive environment that transgender students claim they need? Cancel academic classes to do sensitivity training? The Chilliwack School District prioritizes **academic achievement for all our students**. Putting time, energy and resources into promoting SOGI will detract from supporting academic achievement, which I believe is the primary duty of public education. This is another instance of downloading societal problems on the public-school system.
28. The families of suicide victims will sue the local school board, NOT the Ministry of Education nor the BCTF nor the activists from the ARC Foundation who came up with the SOGI initiative. It seems no matter what a Board of Education decides, they will be facing legal action over this initiative.

1. \_\_\_\_\_

<sup>7</sup> Lawrence, Anne A. "Factors associated with Satisfaction or Regret following Male to Female Sex Reassignment Surgery." *Archive of Sexual Research* 32 (August 2003): 299-315. 4

<sup>8</sup> Ibid.



29. The SOGI 123 program is patterned after Premier Kathleen Wynne's controversial sex education program in Ontario, the development of which was overseen by her deputy minister, Dr. Ben Levin, who was subsequently charged with **several counts of child pornography**. In May of 2015 Levin was sentenced to 3 years in prison for child porn-related offences.<sup>9</sup> He was recently paroled and continues to try to influence Educational Reform by trolling academic websites.<sup>10</sup>
30. So, how can we be inclusive of the needs of all students in our public-school system who need to feel safe and included? I believe here needs to be more compassionate and knowledgeable resources in the Community to educate and support parents with these unique children: to enable parents to guide their children into making healthy decisions. In my 25 years as a school trustee, I have seen many innovative programs come and go. (most of them are simply gone!) But the usual practice has always been to introduce any new concept as a "*pilot project*" in one or two schools, work out the bugs, fine tune it and if it works, then expand it to all the schools. It is my firm conviction that in order to prevent bullying of vulnerable children who are prone to self-harm, there needs to be **far more discussion and creative compromises** than what is being suddenly foisted on the public by government fiat. In a democracy, everyone should be allowed to participate.
31. Parents both religious and non-religious are telling me they do not want their children exposed to this kind of education, and will be withdrawing their children from the public-school system. Remember, that for every 20 children who leave our school district, one teacher will lose their job. If only 500 people who signed my petition live in Chilliwack and pull their children out of SD 33, our budget will **lose at least five million dollars revenue, and we will lay off at least 25 teachers**. What will this mean for our capital planning and the new schools we hope to build? What will it mean across the province? Parents need to feel a sense of comfort that their children are being taught in a healthy way if we are to maintain the integrity of the public-school system.

1. \_\_\_\_\_

<sup>9</sup> <https://www.lifesitenews.com/news/child-sex-offender-ben-levin-said-himself-that-he-was-in-charge-of-crafting>

<sup>10</sup> <http://torontosun.com/news/local-news/depraved-world-view-of-ben-levin-continues-on-parole>

32. Those who have known me know that I have a reputation for supporting and advocating for the underprivileged: the poor, the marginalized, young offenders, mentally ill, brain injured, and racial minorities and those affected by relational and sexual brokenness.
33. To conclude, I still believe in the value of public education: I have devoted my time to it for almost a quarter of a century as a Trustee, but I feel that the SOGI initiative will undermine the public's trust in Public Education. **There is more than the individual to be considered: there is also the issue of the common good.** Therefore, if after a respectful discussion, the Board votes to implement SOGI contrary to my convictions, I will not undermine the majority decision of the Board. But I still plan to run as a Trustee in the next election, on a platform of more positive gender-based teaching for the students of School District 33.
34. Thank you for the opportunity to share my opinions today. My greatest desire is to ensure that **all** our students are protected and safe, and able to achieve their dreams in our public education system.
35. Sincerely
- 36.
37. Barry Neufeld,
38. Elected Member of the Chilliwack Board of Education



**Morgane Oger**  
@MorganeOgerNOP

Follow

... is Exhibited  
affidavit of W. A. T. Abel referred to in the  
Sworn before me at West Vancouver  
in the Province of British Columbia this  
22<sup>nd</sup> day of W. A. T. Abel  
A Commissioner for taking Affidavits  
within the Province of British Columbia

Replying to @canadianmra @idpetition and 25 others

It is important for schools to keep  
confidential info from parents to protect kids  
from parents.

That's why schools are requires to do this and  
have done it for decades and decades.

2:54 PM - 11 Jan 2018 from Vancouver, British Columbia



**MEDIA RELEASE**

**Chilliwack School District employees file Human Rights Complaint following Board's failure to censure  
Trustee Barry Neufeld's homophobic and transphobic statements**

January 15, 2018  
Chilliwack

The Union representing support staff in the Chilliwack School District has filed a complaint with the BC Human Rights Tribunal alleging that their employer failed to protect them from the discriminatory effects of Trustee Barry Neufeld's transphobic and homophobic statements.

The Union, which represents over 800 custodians, bus drivers, tradespeople, clerical staff, and assistants, says that its members' right to a workplace free of harassment and discrimination is not being upheld.

"Like all workers in BC, CUPE members have a right to be safe, included and accepted for who they are when they go to work," Local President Shana Kirkland said.

"LGBTQ members have been sent the message by Mr. Neufeld that who they are is wrong and they should not be welcome in Chilliwack schools. This is heartbreaking for them and the students they work with."

Beginning in November of last year Mr. Neufeld made a number of public statements and online posts stating that educational resources that promote inclusion and acceptance of LGBTQ students, particularly transgender students, should not be used in Chilliwack schools. Mr. Neufeld's statements describe transgender identity as a symptom of mental illness and harmful to society, going so far as to say that allowing children to change their gender is nothing short of child abuse.

The Board of Trustees of the Chilliwack School District has taken no steps to censure Mr. Neufeld for his discriminatory comments.

The BC Human Rights Code protects all British Columbians from discrimination on the basis of sexual orientation, gender identity, and gender expression, among other grounds, in their workplaces.

The Union has asked the Tribunal to order the District's trustees and senior managers to complete training on LGBTQ rights and to order the Chilliwack School Board to censure Mr. Neufeld for his discriminatory comments. The Union has also asked the Tribunal to award \$50,000 to be paid on behalf of the affected employees to a non-profit organization that advocates for LGBTQ youth.

*Canadian Union of Public Employees Local 411 represents over 800 employees of the Chilliwack School District in five departments: assistants (chef assistants, education assistants, supervision assistants, etc.), clerical, custodial, maintenance, and transportation.*

**For more information contact: Shana Kirkland, President, CUPE Local 411**  
604-392-1411  
[unionoffice@cupe411.ca](mailto:unionoffice@cupe411.ca)

This is Exhibit "E" referred to in  
affidavit of Rosemary Britten  
Sworn before me at West Vancouver  
in the Province of British Columbia this  
22 day of March AD 2019  
[Signature]  
A Commissioner for taking Affidavits  
within the Province of British Columbia



### MEDIA RELEASE

For Immediate Release  
January 19, 2018

Chilliwack School District

#### Board of Education Passes Motion to Request Trustee Neufeld Resignation

Chilliwack, BC – The Chilliwack Board of Education passed a motion during an In-Camera Meeting on January 18, 2018 requesting the resignation of Trustee Barry Neufeld because of a loss in confidence, by Partners in Learning and the Board of Education, in Trustee Neufeld's ability to effectively perform the duties of a Trustee.

Trustee Neufeld has publicly expressed strong opinions in opposition to the changes in the BC Human Rights Code that was expanded to include Sexual Orientation and Gender Identity, as well as initiatives around the provincial curriculum that include Sexual Orientation and Gender Identity topics. Trustee Neufeld's public statements have led partner groups to contact the Board of Education expressing concerns for his public actions that demonstrate intolerance, are contrary to the BC Human Rights Code and contrary to the views of the Board of Education. The Board has received many letters, including from the Chilliwack School District Parent Advisory Council, the Chilliwack Teachers' Association, CUPE, BCGEU, the BC Confederation of Parent Advisory Councils and the Fraser Valley Labour Council denouncing Trustee Neufeld's controversial comments, expressing loss of confidence in Trustee Neufeld and calling for his resignation.

Barry Neufeld stated that he intends to continue his tenure as Trustee.

The Board supports all students regardless of gender identity, race, religion or background, and will continue to provide a safe and inclusive environment for all students in Chilliwack schools. The Board of Education is looking forward to refocusing on its work in supporting improving student achievement, improving the quality of teaching and learning, the provision of safe and caring schools, and making these the focus of Board of Education meetings.

On January 16, 2018 the Board of Education shared a message in support of students, staff and SOGI 123 at the Regular Meeting of the Board. That message is available [here](#).

For further information, please contact:  
Evelyn Novak, Superintendent of Schools  
evelyn\_novak@sd33.bc.ca  
604.792.1321

This is Exhibit "F" referred to in the affidavit of Russell Britten sworn before me at West Vancouver in the Province of British Columbia this 22 day of May AD. 2018  
[Signature]  
A Commissioner for taking Affidavits within the Province of British Columbia

**Statement in response to School Board District 33 press release**

Today the School Board of District 33 and the Minister of Education requested my resignation. This was partly in response to the Human Rights Complaint filed against the School Board by the CUPE Union.

The Media release by the Chilliwack School Board is in error. I did not, and do not, oppose any changes to the BC Human Rights Code, in particular inclusion of gender identity or transgender, nor is anything I have said contrary to the Code. Moreover, I too support all students regardless of sexual orientation, gender identity, race, religion or background, I support inclusion and a safe environment for all students in our public education system, including children who come from homes with traditional family values.

I have simply taken issue with one facet of the SOGI 1-2-3 learning resources; the teaching of the controversial gender-fluid theory as fact. Despite the pressure to resign, I believe that I must remain on the Board to be a lonely voice protecting impressionable children who I believe will be confused and harmed, resulting in increased occurrences of gender dysphoria in at-risk children.

It is my duty as an elected School Board official to speak up when the best interests of children may be compromised. I will continue to do my duty as Trustee in this regard, while exercising my freedom of speech as a Canadian, expressing my thoughts without anger or recrimination against those who continue to criticize me in ways that surely would be termed 'bullying' in any other circumstance.

*Barry Neufeld*

Barry Neufeld  
Chilliwack, BC January 19, 2018

This is Exhibit G referred to in the  
affidavit of *Pauline Stratten*  
Sworn before me at *West Vancouver*  
in the Province of British Columbia this  
22 day of *May* A.D. 2019  
*[Signature]*  
A Commissioner for taking Affidavits  
within the Province of British Columbia

19

# Barbara Kay: B.C. school official protests 'transgender education' — and pays the price

Long-time trustee slapped with human rights complaint by school district employees after he criticizes curriculum supplements on gender identity

This is Exhibit "H" referred to in the Affidavit of Barry Neufeld sworn before me at West Vancouver in the Province of British Columbia this 22<sup>nd</sup> day of May 2019.

*[Signature]*  
A Commissioner for Taking Affidavits within the Province of British Columbia



NATIONAL POST

Sign In Sub

NEWS • FULL COMMENT • SPORTS • CULTURE • LIFE • MORE • DRIVING • CLASSIFIEDS • JOBS • SUBSCRIBE • FINANCIAL POST • VIDEO



The union representing employees of the Chilliwack School District in B.C. has laid a human rights complaint against a long-time trustee because he has questioned the school board's Sexual Orientation and Gender Identity curriculum. *Postmedia News*



BARBARA KAY

January 24, 2018  
9:55 AM EST

Barry Neufeld, a long-time trustee of British Columbia's Chilliwack School District, hadn't planned to find himself at the centre of a legal battle, whose outcome could have far-reaching consequences for gender-related teaching programs across Canada.

But on Jan. 22, the Justice Centre for Constitutional Freedoms (JCCF, on

### FEATURED ARTICLES

server or network failed or because it's not supported.



Filed under Full Comment

Comment



RECOMMENDED FOR YOU

Ontario health units worried about province's plans to consolidate 35 agencies into 10 to cut spending

Canada ranks second in the world for cocaine use (but feels conflicted about it): Report

A farmer saved himself by cutting off his leg with a knife. This is what he wants you to know

'Hate speech at its worst': Ontario restaurateur awarded \$2.5M in defamation suit against online

whose board I sit), announced it will be defending Neufeld against a human rights complaint laid on behalf of Chilliwack School District employees. Complainant CUPE Local 411 bases its grievance on a school district policy stating staffers have the right to "operate, work or learn in an environment free from harassment."

Here "harassment" refers to Neufeld's outspoken public criticism of curriculum supplements now in district use, known as SOGI 123 (Sexual Orientation and Gender Identity). These materials promote, among other things, the concept that gender is fluid, untethered from biological sex, tenets Neufeld has, since the fall of 2017, publicly criticized as unscientific theory. CUPE 411 also named the Chilliwack School District as a respondent for having violated Sec 13(1)(b) of the B.C. Human Rights Code, in failing to have censured or removed Neufeld for creating an "unsafe" and "discriminatory" working environment for their members.

Letting little children choose to change gender is nothing short of child abuse

Last October, the chair of the school board called on Neufeld to resign and the province's education minister condemned him, when Neufeld wrote on Facebook calling members of B.C.'s education system "radical cultural nihilists" for their policies on gender rights and education. He also wrote that "letting little children choose to change gender is nothing short of child abuse" and included a photographic internet meme juxtaposing a father in 1997 telling a little boy he wouldn't allow him to get his ear pierced with a mother in 2017 responding to her child wondering if he should be a girl by telling him "we'll start hormone treatment immediately." Rob Fleming, the education minister, said Neufeld had "jeopardized student safety, divided his school community and acted against board and ministry policies" with his comments, and said his comments were working to "undermine" goals of the district and the ministry. Neufeld later apologized.

Following announcement of the human rights complaint, on Jan. 18 the Chilliwack School District board urged Neufeld to resign. On Jan. 19, so did Fleming, the education minister. But Neufeld is hanging tough. In a published response, he states that he supports the principle of inclusion for LGBT children, but "I have simply taken issue with one facet of the SOGI 123 learning resources, the teaching of the controversial gender-fluid theory as fact."

20

Conrad Black on receiving a pardon from Dc

LATEST COMMENT

Christie Blatchford: A war memorial 'built soldiers by soldiers' – that soldiers can't see

David J. Bercuson: Pompeo is blunt, but right, about Canada's north

John Ivison: Justice minister says he has own red lines – and no one has tried to cut them

Vivian Bercovici: Europe needs what Eurovision offers



media personality

*I have simply taken issue with one facet  
of the SOGI 123 learning resources*



'We did it well': Lametti  
defends Justice  
Department's response  
to subpoenas in Mark  
Norman case

This is an important freedom-of-speech case. Section 13 (1) of the B.C. Human Rights Code states that a person must not (b) "discriminate against a person ... because of the ... gender identity or expression ... of that person." But Neufeld has not discriminated against a person; his criticisms are directed at a hypothesis being presented as settled, anodyne fact, its purposeful omission of well-documented caveats, and the politicized environment surrounding SOGI 123's rushed implementation (the board of trustees was not consulted beforehand, for example, nor did SOGI follow the normal route of pilot project followed by assessment, nor were all CUPE members consulted regarding the complaint). He argues that on the contested terrain of children's "best interests" in transgender education, his role is that of proxy for parents' rights to deal with their children's sensitive health issues as they see fit.

Neufeld's opinions — which are not religion-based, it should be emphasized — will seem cogent and reasonable to many Canadians. They are rooted in respect for evidence-based knowledge, and deference to the School Board Act's mandate to provide "non-sectarian" education to children. Neufeld believes that SOGI 123 represents a sectarian belief system, whose advocates seek normalization of the statistically rare phenomenon of irreversible gender dysphoria through an unproven concept — despite the assertions of transactivist militants, there is no scientific evidence to suggest that biology and gender are unlinked — that can cause psychological harm to children.

## SEE ALSO

**Barbara Kay: Parents face scorn for worrying about letting their children change genders**

**Barbara Kay: Campus free speech advocates owe pro-life students their help**

I spoke with Neufeld, who told me he is supported by many district parents and teachers too scared to go public. I spoke with one such teacher, who must remain anonymous for obvious reasons. He is indignant about the way most media and organizational representatives are treating Neufeld for his non-conforming views. He wrote me: "Regarding SOGI 123, there appears to be a great many people afflicted with doublethink. They use words like 'inclusion' to justify exclusion, and 'diversity,' to compel conformity, and they seem to imagine that being 'safe' equates to being shielded from offensive ideas or opinions. They are fighting against bullying while behaving as bullies ... If there is credible scientific evidence that Neufeld is wrong, then let us see it. Let us examine it on its merits."

## TORONTO WEATHER

13°C

A few clouds  
Feels like 12 °C



Thursday

Friday

Saturday

Sunday

Complete Forecast →

Z:

*They are fighting against bullying while behaving as bullies*



On its merits, Neufeld's case seems solid. Unlike the school district, Neufeld's speech is protected by the Charter. Ultimately, as an elected official, his fate should rest with the voters. And he has the right to express beliefs that may offend certain CUPE employees. However strong his legal case, however, one never knows what novel interpretations judges inclined toward social justice may "discover" in the Charter.

So we must hope that actual justice prevails, and that Barry Neufeld wins this case. If he doesn't, I predict a surge toward home-schooling by parents who refuse to allow their children's minds to be exploited as pedagogical guinea pigs.

And more power to them if they do.

• Email: [kaybarb@gmail.com](mailto:kaybarb@gmail.com)

0 Comments  
[Join the conversation →](#)

FEATURED STORIES

**Conrad Black on receiving a pardon from Donald Trump**

[← Previous](#)      [Next →](#)

TOP STORIES

23

# BCTF president speaks out against anti-refugee, anti-LGBTQ school trustee candidates

BY DENISE WONG ([HTTPS://WWW.CITYNEWS1130.COM/AUTHOR/DENISE-WONG](https://www.citynews1130.com/author/denise-wong)) AND TARAN PARMAR ([HTTPS://WWW.CITYNEWS1130.COM/AUTHOR/TARAN-PARMAR](https://www.citynews1130.com/author/taran-parmar))  
Posted Sep 16, 2018 12:51 pm PDT



(iStock Photo)

### SUMMARY

Glen Hansman calls it 'abhorrent' to see a candidate 'spreading hatred against immigrants and refugees'

### RELATED STORIES

Anti-SOGL meeting in Surrey met with

### NEWS INSIDERS

#### ON AIR RIGHT NOW

[Traffic & Weather](http://podnews1130.com/podcast/traffic/1130traffic.mp3) LIVE  
May 21, 2019 @ 10:31 pm - 10:41 pm

10:41 pm Traffic & Weather UP NEXT

<http://podnews1130.com/podcast/traffic/1130traffic.mp3>  
Latest Traffic

<https://podnews1130.com/podcast/businessnews/1130busine:>  
Latest Business

This is Exhibit "I" referred to in the affidavit of Ashley Graham sworn before me at West Vancouver in the Province of British Columbia this 22 day of May, A.D. 2019  
[Signature]  
Commissioner for taking Affidavits  
Province of British Columbia

'We open our doors in public schools to families and students from all walks of life,' says BCTF president

'Like it or not, there's still racism and misogyny that exists in our school system'

VANCOUVER (NEWS 1130) – Tensions are running high as we approach next month's civic election, with some candidates sharing controversial views surrounding issues like refugees and LGBTQ supports in schools.

SOGI 12 3 aims to promote inclusivity, regardless of a student's biological sex and sexual orientation.

BC Teachers' Federation president Glen Hansman (<https://twitter.com/glenhansman>) says there is no place for hateful ideologies in public education.

"School trustees are responsible for not just the safety and well-being of the students in their care. They also have the responsibility to proactively take steps to make sure that schools are inclusive, not just for LGBTQ students, but for students who come from different cultural backgrounds, including students are refugees or new immigrants."

### Related articles:

**Anti-SOGI meeting in Surrey met with counter rally**

(<https://www.citynews1130.com/2018/07/03/anti-sogi-meeting-surrey-met-counter-rally/>)

**'LGBT: Let God Be True' event cancelled by New Westminster venue**

(<https://www.citynews1130.com/2018/06/21/sogi-critic-youth-conference/>)

**BC's education minister calls for Chilliwack school trustee's resignation**

(<https://www.citynews1130.com/2018/01/19/bc-education-minister-chilliwack-school-trustee/>)

counter rally

(<https://www.citynews1130.com/2018/07/03/anti-sogi-meeting-surrey-met-counter-rally/>)

Duelling rallies outside the BCTF office over SOGI program taught in schools

(<https://www.citynews1130.com/2018/07/03/bctf-protest-sogi-program/>)



Chilliwack school trustee apologizes after controversial Facebook post

(<https://www.citynews1130.com/2018/01/19/bc-education-minister-chilliwack-school-trustee-apology-controversial/>)

Hansman has taken to Twitter (<https://twitter.com/glenhansman/status/104110657737777152>), calling it “abhorrent” to see a candidate “spreading hatred against immigrants and refugees.”

“It is extremely problematic to have somebody who is running as a school trustee continuing to spread hate about LGBTQ people — especially trans people — and also be out there, making vile comments about refugees and immigrants, as a group.”

He is confident the majority of voters “are going to say no to this.”

**“There’s still racism and misogyny that exists in our school system”**

The public education system in B.C. is non-sectarian.

“We open our doors in public schools to families and students from all walks of life,” says Hansman. He adds “things are not great” for LGBTQ students in B.C. schools.

“Things are getting a lot better, but we have a long way to go to make sure that all schools are safe and inclusive — that youth who are transitioning feel safe to do so, that their use of pronoun is respected, that they have access to changing rooms and washrooms and other safe spaces in schools.”

Hansman notes it still isn’t easy for a gay or lesbian student to come out. “And like it or not, there’s still racism and misogyny that exists in our school system.”

“Anyone who is seeking to be a school trustee has to commit to eradicating those things, not spreading hate and not spreading bigotry.”

25

26

He says the election of trustees who are against who some students are can add to the "climate of fear" in schools. "Students see the news... They might be wondering, 'Is it going to be safe for me to come out in school?'"

Hansman adds when entering high school, students need to feel accepted and supported by their peers, teachers, and school boards.

"Things can be pretty frightening for a high school student. If they're already feeling worried or unsure about whether it's going to be safe for them at school, to have one of the adults — who is supposed to be looking out for them — making heinous comments, that might drive them back into the closet or make them doubt themselves in a way that's going to be really negative for their mental health and well-being."

BC SCHOOLS  
(HTTPS://WWW.CITYNEWS1130.COM/TAG/BC-SCHOOLS/) | BCTF  
(HTTPS://WWW.CITYNEWS1130.COM/TAG/BCTF/) | GLEN HANSMAN  
(HTTPS://WWW.CITYNEWS1130.COM/TAG/GLEN-HANSMAN/) | LGBTQ  
(HTTPS://WWW.CITYNEWS1130.COM/TAG/LGBTQ/) | MISOGYNY  
(HTTPS://WWW.CITYNEWS1130.COM/TAG/MISOGYNY/) | REFUGEES  
(HTTPS://WWW.CITYNEWS1130.COM/TAG/REFUGEES/) | SCHOOL  
(HTTPS://WWW.CITYNEWS1130.COM/TAG/SCHOOL/) | SCHOOL TRUSTEE  
(HTTPS://WWW.CITYNEWS1130.COM/TAG/SCHOOL-TRUSTEE/) | SOGI 12.3  
(HTTPS://WWW.CITYNEWS1130.COM/TAG/SOGI-12-3/)

# Energy analyst says local refinery would be best option to lower



Third Session, 41st Parliament (2018)  
**OFFICIAL REPORT**  
**OF DEBATES**  
 (HANSARD)

Monday, November 26, 2018  
 Morning Sitting  
 Issue No. 191  
 ISSN 1499-2175

*referred to in the  
 affidavit of Rosalind Pether  
 sworn before me at West Vancouver  
 in the Province of British Columbia this  
 22 day of May A.D. 2019  
 A Commissioner for Taking Affidavits  
 in the Province of British Columbia*

The HTML transcript is provided for informational purposes only.  
 The PDF transcript remains the official digital version.

[Index and preceding debate extracted]

**Private Members' Motions**  
**MOTION 33 — SEXUAL ORIENTATION**  
**AND GENDER IDENTITY POLICIES FOR**  
**INCLUSIVE EDUCATION SYSTEM**

[preceding speeches omitted]

**L. Throness:** It's a pleasure to speak to this motion today. Let me start by saying that every child should be included and accepted as they are. That means accommodating every child, no matter their self-perception. Everyone agrees, even those who oppose SOGI 123, that no child should be bullied for any reason. But I don't think SOGI 123 is the anti-bullying resource we need, and I'll tell you why. First, its anti-bullying focus is narrow, saying nothing about bullying due to other things, like race, disability or religion. We need a broader policy.

Second, SOGI 123's teaching that gender is broadly fluid runs contrary to the evidence. A very small percentage of children are gender-nonconforming, and of that small number, a dozen studies since 1972 consistently show that up to 90 percent of them will desist in their teen years. Since the vast weight of evidence suggests that gender is not generally fluid, we shouldn't be teaching all students that it is, but

SOGI 123 does just that. This does not mean that trans children should not be fully accepted. Indeed, they should be accepted and treated with sensitivity and compassion.

I think of gender as a resilient plant rooted in the soil of our biological characteristics. Above ground, the winds of change can blow that plant in a variety of directions without harm, as each person expresses their gender in their own unique way that varies across time and cultures. However, attempting to separate the plant, especially in its early years, from its biological soil generates inner conflicts that can result in mental health issues.

We each have only one body with one set of unchangeable biological characteristics. To separate gender from the body leaves one in a permanent state of transition. Even with hormonal treatment and affirmation surgery, this can be a very painful psychological space to occupy. While we should accept children who want to move this way, we should not be encouraging them to begin that journey.

Third, young children are impressionable, with personalities and preferences not fully formed. SOGI 123's gender affirmation approach, rather than the standard, more cautious watchful-waiting model, could lead some children to make deeply hurtful life choices. In this way, SOGI 123, driven by the desire to do what is right, is yet experimental and will apply to millions of children over the next decade with little attention paid to long-term unintended consequences. We need to be cautious.

Fourth, children are naturally egocentric. This means that children think about themselves first. When they hear that gender is fluid and that some people can change and when they're encouraged not to distinguish between the sexes, they will think automatically think: "How does this apply to me?"

A child's gender is one of their most basic self-identifiers. To imply, even indirectly, to children that their gender identity may be in question and to suggest to them that that they may be something different inside than what their biology tells them could destabilize some children in serious ways. Not every child would be so affected, but many will be shaken.

Take my own experience. My name, Laurie, was hard to grow up with in the tough oil town of Fort St. John. Schoolmates laughed at me. But happily, it never occurred to me to question my gender. Under SOGI 123, I would have thought: "Why do I have a girl's name? I have a boy's body, but maybe I'm really a girl inside." I would have been devastated. Honestly, I think I would have tended towards self-harm.

[11:45 a.m.]

Our schools could be unsafe for some children if SOGI 123 is fully applied. In a year or two, if any child self-harms because of it, I hope the Minister of Education will be ready to face the parents. He will certainly have to face this member in opposition.



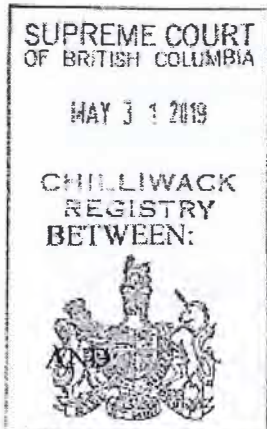
Fifth, to say that SOGI 123 is comprehensive is an understatement. The gender-fluid perspective is immersive, taught in every discipline and every grade. It is secretive, as parents are excluded from what goes on at school. It is aggressive, with paid staff, a network of leaders, training, teaching resources and 16 full pages of definitions — the first word being “allies,” which implies opponents. There are new phobic names to call people.

Finally, instead of welcoming criticism and rational scrutiny, intense vitriol accompanies any questioning of SOGI 123. This implies that the policy is weak on its own and must be carried using weapons of public denunciation and accusations of hatred and bigotry. I’m happy to endure all of that if that’s what it takes to ensure the healthiest environment for all of our children.

I would bestow on them the gift that was given to me as a child and what we ought to be imparting to our children: the knowledge that their body is beautiful just as it is, that nature did not make a mistake with them and that their gender is secure. Undergirded by these facts, our children will be confident and strong, free to express their unique personality in any way most comfortable to them.

[subsequent speeches omitted]

Affidavit #1 of Barry Neufeld, made May 30, 2019  
NO. S35152  
CHILLIWACK REGISTRY



**IN THE SUPREME COURT OF BRITISH COLUMBIA**

**BARRY NEUFELD**

**PLAINTIFF**

**GLEN HANSMAN**


**DEFENDANT**

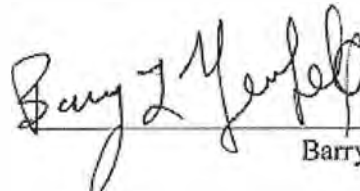
**AFFIDAVIT**

I, BARRY NEUFELD, of Chilliwack, in the Province of British Columbia, MAKE OATH AND SAY AS FOLLOWS THAT:

1. That, I am the plaintiff herein and as such, I have personal knowledge of the matters herein deposed to except where stated to be on information and belief and where so stated, I verily believe them to be true.
2. That, the public portrayal of me as a hateful, intolerant, homophobic, religious bigot and a threat to the safety of children commenced with the defendant's statements on October 24, 2017 as I have pleaded herein.
3. That, as to damages herein, the facts set out in paragraphs 46 and 47 of my Amended Notice of Civil Claim are true.

SWORN BEFORE ME at the City of Chilliwack, in the Province of British Columbia, this 30<sup>th</sup> day of May, 2019 )  
)  
)  
)  
)  
)

  
A Commissioner for Taking Affidavits  
Within British Columbia

  
Barry Neufeld

**Brian J. Vickers**  
*Lawyer*  
#3 - 45780 Yale Road  
Chilliwack, BC V2P 2N4  
Tel: 604-392-8644 Fax: 604-392-3272



This is the 1st Affidavit of Kaily Wong in this case and it was made on July 4, 2019

No. S35152  
Chilliwack Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

BARRY NEUFELD

PLAINTIFF

AND:

GLEN HANSMAN

DEFENDANT

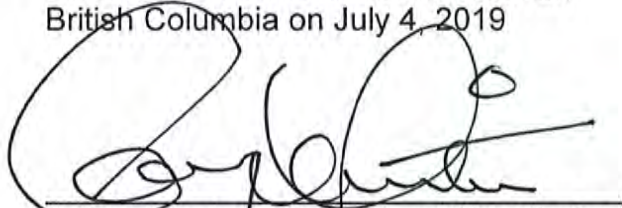
**AFFIDAVIT**

I, Kaily Wong, Paralegal, care of Taylor Veinotte Sullivan, Barristers, Suite 502 - 1168 Hamilton Street, Vancouver, British Columbia, SWEAR THAT:

1. I am a Paralegal with Taylor Veinotte Sullivan, Barristers, counsel for the Defendant Glen Hansman herein, and as such I have personal knowledge of the matters deposed to in this Affidavit, except where I depose to a matter based on information from an informant I identify, in which case I believe that both the information from the informant and the resulting statement are true.
2. Attached hereto as **Exhibit "A"** to this my Affidavit is a true copy of an excerpt from the Hansard of the Legislative Assembly from Thursday, February 14, 2019.
3. Attached hereto as **Exhibit "B"** is a copy of the previous homepage of the ARC Foundation at the URL <http://www.arcfoundation.ca>. The Foundation's current website is one page and "under construction."
4. Attached hereto as **Exhibit "C"** is a copy of the first ten pages from link "Learn about SOGI 1 2 3" that is on the current version of the ARC Foundation home page (Exhibit "B").

5. I swear this Affidavit in support of the Application of the Defendant Glen Hansman made pursuant to the *Protection of Public Participation Act* returnable July 11 and 12, 2019.

SWORN BEFORE ME at Vancouver,  
British Columbia on July 4, 2019

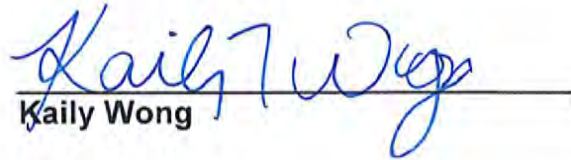


A Commissioner for taking Affidavits for  
British Columbia

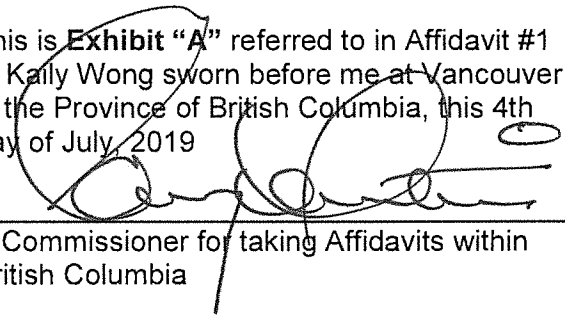
**CAREY D. VEINOTTE**

*Barrister & Solicitor*

#502 - 1168 HAMILTON STREET  
VANCOUVER, B.C. V6B 2S2  
604-484-2308 cv@tvsbarristers.com

  
Kaily Wong

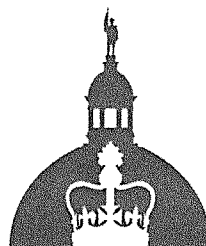
This is **Exhibit "A"** referred to in Affidavit #1  
of Kally Wong sworn before me at Vancouver,  
in the Province of British Columbia, this 4th  
day of July, 2019



---

A Commissioner for taking Affidavits within  
British Columbia

**CAREY D. VEINOTTE**  
*Barrister & Solicitor*  
#502 - 1168 HAMILTON STREET  
VANCOUVER, B.C. V6B 2S2  
604-484-2308 cv@tvsbarristers.com



LEGISLATIVE ASSEMBLY  
*of* BRITISH COLUMBIA

Fourth Session, 41st Parliament (2019)

OFFICIAL REPORT  
OF DEBATES  
(HANSARD)

Thursday, February 14, 2019  
Morning Sitting  
Issue No. 198

**Second Reading of Bills****BILL 2 — PROTECTION OF PUBLIC PARTICIPATION ACT**

**Deputy Speaker:** Members, those who do not have House duty, maybe you can proceed outside.

**Hon. D. Eby:** I move that bill be now read a second time.

[11:20 a.m.]

This is a bill that is intended to protect an essential value of our democracy, which is public participation in the debates of the issues of the day, and in particular, to respond to a mischief that has arisen, which is people who are powerful and wealthy and able to afford lawyers initiating lawsuits or threatening lawsuits against individuals who are critical of them in order to stop them from participating in that public debate.

What the bill proposes to do is strike a balance between a couple of values. One is the value of protecting an individual's reputation or a company's reputation. The other is the value of a robust and rigorous debate that the courts have described as freewheeling, that can be heated, that can result in intemperate comments. But that's part of public debate, and it shouldn't be met with threats of litigation to stop people from talking about the issues of the day. Those are the values that this bill is aimed at addressing.

I'm going to start my remarks today by taking on a bit of an introduction to the defamation action, traditionally; some changes that the Supreme Court of Canada made to it; and the history in British Columbia. We actually had a bill like this in 2001 that the previous NDP government introduced. It was repealed months later by the incoming B.C. Liberal government. We'll talk about how that happened and what the issues were that were discussed at that time. Then I'm going to go through the act to discuss why it reads the way it does and what the government's intent is in introducing this bill.

The law of defamation is really a very old example of what's called a tort in the law, which is a cause of action, basically, a way that you bring a case in front of a court. Historically, this is something that would have protected the aristocrats, protected very wealthy people from commentary from the common folks about them, and it's structured that way. It's structured in a way that is quite unique in terms of different ways of bringing forward a claim in court, or a tort, in that the way that you prove it is very strange.

There's very little burden that's placed on the person that brings the claim in court. The majority of the burden is placed on the defendant to prove that what they said was true or to prove that what they said was somehow otherwise justified. You don't even have to prove damages in a defamation action. So if someone insulted me, I could sue them. I don't even have to prove that there's been any financial consequence, professional consequence, to me. It is actionable simply because the person defamed me.

If you want to sue someone for defamation, the key piece that you have to demonstrate to the court is simply that somebody published something — they said it; they wrote it down — that would cause a reasonable member of the public to think less of you. That's it. That's all that you have to prove. Once you've crossed that hurdle, everything goes onto the defendant — the person who published it, the person who said it — to demonstrate that either what they said was true or that they have some kind of justification or that it was fair comment.

Issues that you might see in other causes of action that the plaintiff would have to prove in order to get over that initial hurdle, like malice.... You don't have to prove that there was malice. You don't have to prove that their intention was bad.

Hon. D. Eby moved adjournment of debate.

Motion approved.

Hon. D. Eby moved adjournment of the House.

Motion approved.

**Mr. Speaker:** This House stands adjourned until 1:30 this afternoon.

The House adjourned at 11:55 a.m.

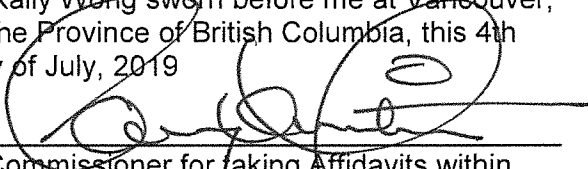
---

The Official Report of Debates (*Hansard*) and webcasts of proceedings  
are available on the Internet. Chamber debates are broadcast on television.

Copyright © 2019: British Columbia Hansard Services, Victoria, British Columbia, Canada



This is **Exhibit "B"** referred to in Affidavit #1  
of Kaily Wong sworn before me at Vancouver,  
in the Province of British Columbia, this 4th  
day of July, 2019



---

A Commissioner for taking Affidavits within  
British Columbia

**CAREY D. VEINOTTE**  
*Barrister & Solicitor*  
#502 - 1168 HAMILTON STREET  
VANCOUVER, B.C. V6B 2S2  
604-484-2308 cv@tvsbarristers.com



[HOME \(/WEB/20181014182114/HTTP://WWW.ARCFOUNDATION.CA/\)](#)

[ABOUT US \(/WEB/20181014182114/HTTP://WWW.ARCFOUNDATION.CA/ABOUT-US/\)](#)

[SOGI 1 2 3 \(/WEB/20181014182114/HTTP://WWW.ARCFOUNDATION.CA/SOGI123/\)](#)

[BENEFICIARIES \(/WEB/20181014182114/HTTP://WWW.ARCFOUNDATION.CA/BENEFICIARIES/\)](#)

[CONTACT US \(/WEB/20181014182114/HTTP://WWW.ARCFOUNDATION.CA/CONTACT/\)](#)

ARC Foundation is a private foundation established in 2007. We are based in Vancouver, BC.

## OUR MISSION

We dedicate resources to current projects in the community that support the vision of ARC. We do this in various ways:

1. Connect with community at the local, provincial and national levels
2. Fund projects
3. Share our skills, expertise and network with select projects

## OUR PROJECTS

ARC supports projects that:

- Make the general population **Aware** of the issues of the disenfranchised and the impact of prejudice
- Create an environment of **Respect** for the disenfranchised and marginalized through education
- Develop the **Capacity** within those less tolerant for understanding and acceptance

ARC welcomes donations and collaboration opportunities from individuals or corporations who support our mandate. If you're interested in supporting us, please contact us to discuss your options. Tax receipts will be issued for all charitable donations.

“

Success for ARC Foundation is when society respects and honours its minorities and their differences, at home and around the globe, embracing one another with compassion and understanding.

— ARC Foundation Trustees

“

Genuinely inclusive teaching is crucial to extending the dignity of ordinary, everyday life at school to LGBT students and staff.

— Daily Xtra, January 22, 2016

http://www.arcfoundation.ca/about-us

509

Go

SEP

OCT

NOV

14

2017

2018

2019

0 8

040



About this capture

21 captures

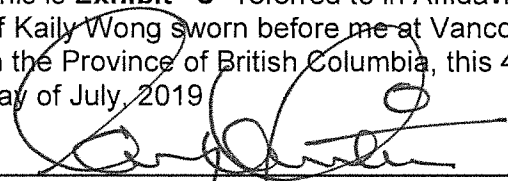
28 May 2016 - 14 Oct 2018

info@arcfoundation.ca

(https://web.archive.org/web/20181014182114/mailto:info@arcfoundation.ca)

Charitable Registration No. 85489 6693 RR0001

This is **Exhibit "C"** referred to in Affidavit #1  
of Kaily Wong sworn before me at Vancouver,  
in the Province of British Columbia, this 4th  
day of July, 2019



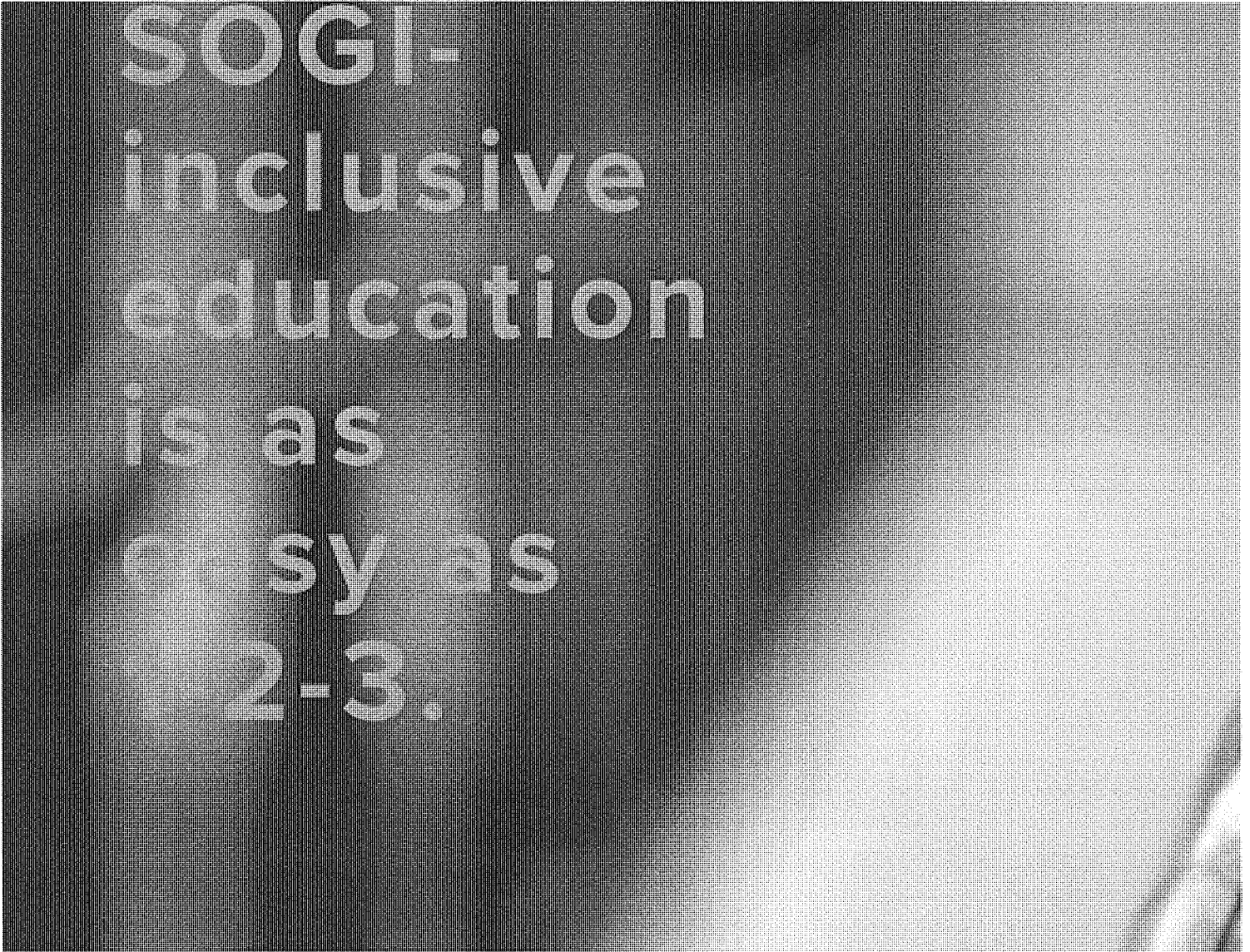
---

A Commissioner for taking Affidavits within  
British Columbia

**CAREY D. VEINOTTE**  
*Barrister & Solicitor*  
#502 - 1168 HAMILTON STREET  
VANCOUVER, B.C. V6B 2S2  
604-484-2308 [cv@tvsbarristers.com](mailto:cv@tvsbarristers.com)



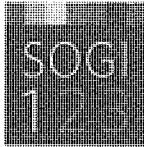
# Creating





# for SOGI-Inclusive Schools

VIDEOS



## Policies & Procedures

Policies and procedures that explicitly reference SOGI have been proven to reduce discrimination, suicidal ideation, and suicide attempts for all students.



## Inclusive Environments

Inclusive learning environments—including SOGI and LGBTQ+ signage, word choices, and extra-curricular opportunities—create a positive and welcoming space for all students.



---

Lesson plans that teach diversity and respect and include examples of SOGI topics and LGBTQ+ community members allow learning to reflect the SOGI diversity in students' lives and society.



# Three Ways We Accelerate Change





provincial institutions and associations so that more effective, sustainable, and accelerated change can take place. Many groups have been doing great work in this area for a long time. Aligning their efforts further increases the gains for all.

## 2 Educator Networks

SOGI 1 2 3 creates provincial SOGI educator networks where educators learn from each other and lead change together. Within these networks, educators act as District Leads and School Leads, bringing the benefits of collaboration back to their other colleagues.

VIDEO

## 3 Accessible Resources

SOGI 1 2 3 creates professional development and classroom resources **with** educators **for** educators that are ready to use, easy to access, and open



publicly available on the SOGI 1 2 3  
educator websites.

BC EDUCATOR WEBSITE

ALBERTA EDUCATOR WEBSITE

info@sogieducation.org

## OVERVIEW

HOME

APPROACH

RESULTS

COLLABORATORS

VIDEOS

## EDUCATORS

BC WEBSITE

ALBERTA WEBSITE

## Subscribe

Sign up to receive news and updates. Privacy policy.

SIGN UP

*We will use your email address to send you updates about our work, and we use Mailchimp for this service. By signing-up you acknowledge that your email address will be transferred to Mailchimp for processing and in accordance with their Privacy Policy.*



PARENT BROCHURE

SUPPORTERS

DONATE

Copyright © 2019 The ARC Foundation, All rights reserved.  
All images are stock photography and posed by models with no  
association to this project.





# Everyone





SOGI 1 2 3 helps educators make schools inclusive and safe for students of all sexual orientations and gender identities (SOGI). At a SOGI-inclusive school, students' biological sex does not limit their interests and opportunities, and their sexual orientation and how they understand and express their gender are welcomed without discrimination.



# Where to Begin

# For Educators

We are currently in Western Canada and looking to grow. Change will come if we work together. Learn more and find your role.

Learn what's happening in your province and download resources. There is a dedicated SOGI 1 2 3 website for educators in each participating province, with resources for creating inclusive policies, learning environments, and lesson plans.



APPROACH

RESULTS

COLLABORATORS

BC EDUCATOR WEBSITE

FOR PARENTS

ALBERTA EDUCATOR WEBSITE

VIDEOS



info@sogieducation.org

## OVERVIEW

HOME

APPROACH

RESULTS

COLLABORATORS

VIDEOS

## EDUCATORS

BC WEBSITE

ALBERTA WEBSITE

## PARENTS

PARENT INFO

PARENT BROCHURE

## SUPPORTERS

DONATE

## Subscribe

Sign up to receive news and updates. [Privacy policy.](#)

Email Address

SIGN UP

*We will use your email address to send you updates about our work, and we use Mailchimp for this service. By signing-up you acknowledge that your email address will be transferred to Mailchimp for processing and in accordance with their Privacy Policy and Terms.*

Copyright © 2019 The ARC Foundation, All rights reserved.

All images are stock photography and posed by models with no association to this project.



Affidavit #2 of Barry Neufeld made July 5, 2019

NO. S35152

CHILLIWACK REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

BARRY NEUFELD

PLAINTIFF

AND:

GLEN HANSMAN

DEFENDANT

**AFFIDAVIT**

I, BARRY NEUFELD, of Chilliwack, in the Province of British Columbia, MAKE OATH AND SAY AS FOLLOWS THAT:

1. That, I am the plaintiff herein and as such, I have personal knowledge of the matters herein deposed to except where stated to be on information and belief and where so stated, I verily believe them to be true.
2. That, regarding the contents of the Application Record for July 11, 2019, attached hereto and marked Exhibit A are, what I am advised, the email exchanges between counsel, dated July 4 and 5, 2019.
3. That, attached hereto and marked as the following exhibits to this affidavit are copies of the following recent media articles:

Exhibit B: June 20, 2019, CityNews 1130 "Thousands of UBC staff call cancellation of anti-SOGL event"




Exhibit C: June 21, 2019, Georgia Straight article "UBC employee association calls for cancellation of talk by controversial anti-SOGI activist Jenn Smith"

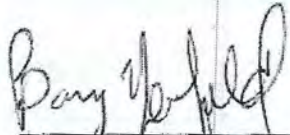
Exhibit D: June 21, 2019, National Post (Jordan Peterson): "Gender politics has no place in the classroom"

Exhibit E: June 24, 2019, The Star.com article "Protesters detained at controversial UBC talk about sexual orientation, gender identity lessons in schools"

Exhibit F: June 25, 2019, National Post (Barbara Kay): "When gender identity education and theory goes wrong"

SWORN BEFORE ME at the City of )  
Chilliwack, in the Province of )  
British Columbia, this 5<sup>th</sup> )  
day of July, 2019 )  
)  
)  
)  
)  
)  
)  
)  
)

  
\_\_\_\_\_  
A Commissioner for Taking Affidavits  
Within British Columbia

  
\_\_\_\_\_  
BARRY NEUFELD

**Trent M. Zoobkoff**  
Lawyer  
#3 45780 Yale Road, Chilliwack, BC V2P 2N4  
Tel: 604-392-8644 Fax: 604-392-3272

3

From: Paul Jaffe <jaffelawfirm@gmail.com>  
 Subject: Re: BCTF v Neufeld – Application Record Index  
 Date: July 5, 2019 at 11:42:00 AM PDT  
 To: "Carey D. Veinotte" <cv@tvsbarristers.com>  
 Cc: Kaily Wong <kwong@tvsbarristers.com>, Heather Thomson  
 <hthomson@tvsbarristers.com>

Exhibit "A" referred to in ...  
 Affidavit of CAREY NEUFELD  
 Sworn before me at Chilliwack  
 in the Province of British Columbia this  
 5 day of July A.D. 2019  
 \_\_\_\_\_  
 Commissioner for Oaths, British Columbia  
 within the Province of British Columbia

Carey, thank you for the proposed AR Index.

As you know, the Rule states, inter alia:

- (b) the application record must contain, ....  
 ....(v) a copy of every filed affidavit and pleading, and of every other document other than a written argument, that is to be relied on at the hearing;

Our communications on the contents of the AR will be put before the Court should you persist in cherry picking the contents of the AR.

I look forward to a revised AR Index which must include all filed affidavits and other documents my client seeks to rely on at the hearing.

Paul Jaffe,  
 Barrister and Solicitor,  
 Suite 200-100 Park Royal,  
 West Vancouver, B.C.,  
 V7T 1A2

Telephone: (604) 230-9155  
 Facsimile: (604) 922-1666

On Jul 5, 2019, at 10:17 AM, Carey D. Veinotte  
 <cv@tvsbarristers.com> wrote:

July 05, 2019  
 Hi Paul.

The only "Reply" I see is your Reply to the original NOCC. So I've included that [unless you mean your Application Response to the NOA dated May 23, which I already have in the Index]. Putting in the Reply I guess necessitates putting in the original NOCC and the Response, so I've done that.  
 You know have Affidavit of Kaily Wong # 1.  
 I'm not putting the other application materials [motion to strike; documents] in the Application Record. If you want those materials before the Court, you'll have to file our own Application Record and

4

seek leave, which I will oppose.  
Regards,  
Carey  
**Carey D. Veinotte**  
**Taylor Veinotte Sullivan, Barristers**  
Suite 502  
1168 Hamilton Street  
Vancouver, B.C.  
V6B 2S2  
Direct: 604.484.2308  
604.448.2308 (c)  
Tel: 604.687.7007  
  
Email: [cv@tvsbarristers.com](mailto:cv@tvsbarristers.com)  
Web: [www.tvsbarristers.com](http://www.tvsbarristers.com)

<image001.jpg>

<deleted>

---

**From:** Paul Jaffe [<mailto:jaffelawfirm@gmail.com>]  
**Sent:** July-04-19 4:15 PM  
**To:** Carey D. Veinotte  
**Cc:** Kaily Wong; Heather Thomson  
**Subject:** Re: BCTF v Neufeld -- Application Record Index  
Thanks Carey.

I have not seen an affidavit of Kaily Wong. Kindly provide it asap. Also I note the Reply pleading is missing. It should obviously be included.

As indicated in the Response and my email of yesterday, I require the materials filed on the pleadings application and documents application. Whether those applications are stayed pending this one is immaterial. That material is required for the Response as the Response indicates and will be referred to not the present application.

Accordingly, kindly add the Affidavits #1 and #2 of Jacqueline Thorsell, Defendant's Notice of Application, (to strike pleadings), filed March 7/19, Plaintiff's Response to Defendant's pleadings application, filed March 26/19, Plaintiff's Notice of Application (for amended list of documents), filed April 1/19 and Defendant's Response to Plaintiff's documents application, filed April 24/19 in addition to the Reply

As advised yesterday, may provide a brief supplemental affidavit which, interlay, makes reference to recent developments.

5

I look forward to seeing the Kaily Wong affidavit and the revised AR index.

Thanks.

PJ

Paul Jaffe,  
Barrister and Solicitor,  
Suite 200-100 Park Royal,  
West Vancouver, B.C.,  
V7T 1A2  
Telephone: (604) 230-9155  
Facsimile: (604) 922-1666

On Jul 4, 2019, at 2:48 PM, Carey D. Veinotte  
<[cv@tvsbarristers.com](mailto:cv@tvsbarristers.com)> wrote:  
July 04, 2019

Greetings, Paul.

As promised -- here is a draft of the Application Record Index. I took out all of the materials involving all of the other Applications (documents; motion to strike), as those are stayed per. the workings of the PPPA.

Regards,

**Carey D. Veinotte**  
**Taylor Veinotte Sullivan, Barristers**  
Suite 502  
1168 Hamilton Street  
Vancouver, B.C.  
V6B 2S2

Direct: 604.484.2308  
604.448.2308 (c)  
Tel: 604.687.7007

Email: [cv@tvsbarristers.com](mailto:cv@tvsbarristers.com)  
Web: [www.tvsbarristers.com](http://www.tvsbarristers.com)

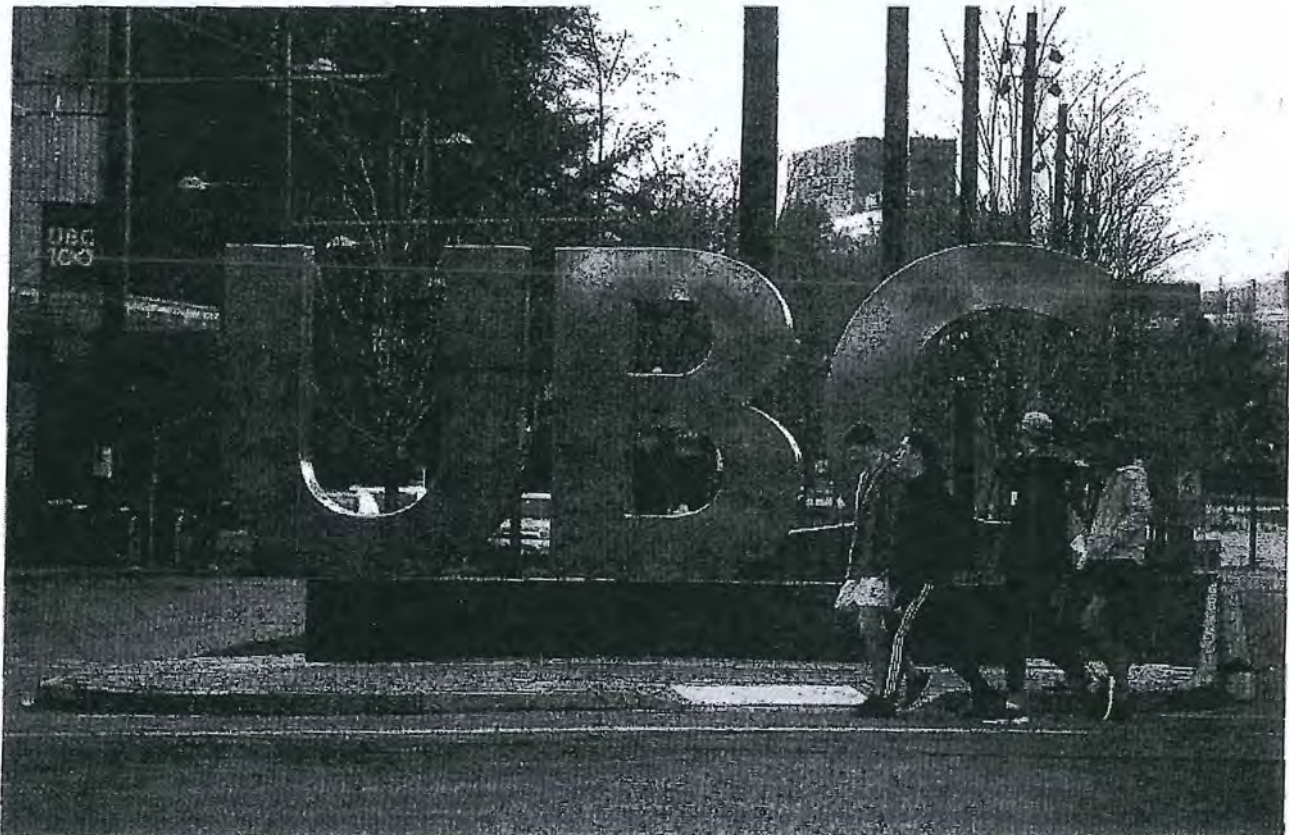
<image001.jpg>

"Exhibit" B "referred to in the  
 affidavit of Sarah Neufeld  
 Sworn before me at Chilliwack  
 in the Province of British Columbia this  
 5 day of July A.D. 2019  
 A Commissioner for Taking Affidavits  
 within the Province of British Columbia

NEWS INSIDERS

# Thousands of UBC staff call for cancellation of anti-SOGLI event

BY TARAN PARMAR ([HTTPS://WWW.CITYNEWS1130.COM/AUTHOR/TARANPARMAR](https://www.citynews1130.com/author/taranparmar)) AND  
 LISA STEACY ([HTTPS://WWW.CITYNEWS1130.COM/AUTHOR/LISA-STEACY](https://www.citynews1130.com/author/lisa-steacy))  
 Posted Jun 20, 2019 7:20 pm PDT Last Updated Jun 20, 2019 at 7:25 pm PDT



People walk past large letters spelling out UBC at the University of British Columbia in Vancouver, B.C., on November 22, 2015. (THE CANADIAN PRESS/Darryl Dyck)

#### SUMMARY

The largest employee group at UBC says by hosting the event the university is providing a platform for hate speech

The event features Jenn Smith, a critic of SOGI 123 whose speaking engagements have been protested, cancelled

Douglas College and Trinity Western University have recently cancelled speeches by Smith

VANCOUVER (NEWS 1130) – An association representing 5,000 staff members at UBC is calling on the university's president to cancel a controversial speech scheduled for this weekend.

The Association of Administrative and Professional Staff wrote in a letter that the event will provide a "platform for bigoted, anti-transgender hate speech."

The event features Jenn Smith who is an outspoken critic of SOGI 123, a teaching resource that provides guidance to teachers on how to speak to students about sexual orientation and gender identity in an inclusive, respectful and age-appropriate way.

The University has defended its decision citing a commitment to free speech.

**RELATED: UBC will host controversial anti-SOGI event, citing free speech**  
(<https://www.citynews1130.com/2019/06/10/ubc-jenn-smith-sogi/>)

The association says that free speech has limits and that Smith propagates hate speech.

"AAPS wholeheartedly rejects that argument and is frankly disappointed that the University would characterize the spreading of hate speech against transgender individuals as a matter of free speech," the letter says.

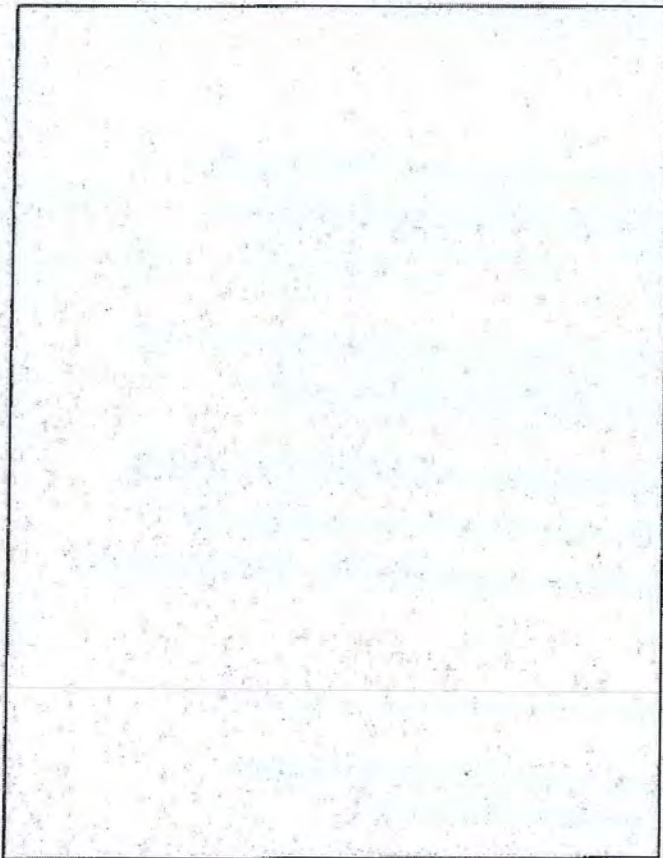
Joey Hanson, the executive director of the association, says the letter was drafted as a way to communicate what he heard from employees to the administration.

“Members had expressed concern that hosting the talk — given the content — created an unsafe work environment, created feelings of distress for them,” he says.

Hanson added that holding the event on campus undermines the university’s commitment to safety and inclusivity for LGBTQ students, faculty and staff.

“It sends a terrible message, frankly,” he says.

Trinity Western University and Douglas College have recently cancelled speeches by Smith.



#### RELATED STORIES

Trinity Western cancels anti-SOGI event

(<https://www.citynews1130.com/2019/06/08/trinity-western-anti-sogi/>)

Anti-SOGI event planned for Douglas College cancelled

(<https://www.citynews1130.com/2019/06/06/anti-sogi-event-planned-for-douglas-college-cancelled/>)

THE ORIGINAL **straight**

EVENTS ▾ GUIDES ▾

Q ⋮

GOLDEN PLATES NEWS LIFE FOOD MUSIC CANNABIS ARTS TECH MOVIES CONFESSIONS

Life

TOPICS ▾

LGBT »

# UBC employee association calls for cancellation of talk by controversial anti-SOGL activist Jenn Smith


by Craig Takeuchi on June 21st, 2019 at 2:20 PM

f t 🍷 2

This is Ex-... C... referred to...  
aff... BARRY NEUFELZ  
... before me at...  
... the Province of British Columbia this  
5 day of... A.D. 2019  
... Commissioner for taking Affidavits  
... Province of British Columbia







Speaker Jenn Smith is holding a series of talks entitled "The Erosion of Freedom: How Transgender Politics in School and Society is Undermining Our Freedom and Harming Women and Children!" across B.C.

Speaker Jenn Smith is holding a series of talks entitled "The Erosion of Freedom: How Transgender Politics in School and Society is Undermining Our Freedom and Harming Women and Children!" across B.C.

An association representing thousands of UBC employees is calling for the university to cancel a speaking engagement by a controversial speaker this weekend.

The Association of Administrative Professional Staff at UBC (AAPS) issued a letter, which has been released online, addressed to UBC president Santa Ono on June 19 about a talk that will be held on June 23 by Jenn Smith.

Smith is an anti-SOGI (sexual orientation and gender identity) activist whose previous talks on Vancouver Island sparked protests.

Smith had previously scheduled talks at Douglas College in New Westminister and Trinity Western University in Langley but these bookings were cancelled after the schools found out about the nature of the events.

AAPS executive director Joey Hansen stated in the letter, on behalf of the association's 5,000 members, that they have concerns about "the University's decision to serve as a platform for bigoted, anti-transgender hate speech".

Hansen that "a large number of AAPS members" expressed feeling violated, unsafe, or disrespected by their employer due to UBC permitting Smith's presentation to proceed.

He explained that the APPS "wholeheartedly rejects" University provost Andrew Szeri's argument of free speech to allow Smith to speak and "is frankly disappointed that the University would characterize the spreading of hate speech against transgender individuals as a matter of free speech".

Hansen asks for an explanation why the university "believes that transgender/non-binary individuals are not worthy of the same protections as individuals in other marginalized groups", adding that "surely, the university would not offer a platform to an individual spreading hate speech about racialized or Indigenous communities".

He also expressed concerns that the university appears to be valuing free speech above the "safety and well-being of the university community".

The *Georgia Straight* contacted UBC for comment in response to this letter but was directed to UBC provost Andrew Szeri's statement previously released on June 14.

Szeri had cited the university's 1976 Senate's Statement on Academic Freedom, which states that all university members have the right to "the freedom, within the law, to pursue what seems to them as fruitful avenues of inquiry, to teach and to learn unhindered by external or non-academic constraints, and to engage in full and unrestricted consideration of any opinion".

The Senate statement goes on to condemn any restrictions on free discussion.

"Suppression of this freedom, whether by institutions of the state, the officers of the University, or the actions of private individuals, would prevent the University from carrying out its primary functions.... Behaviour that obstructs free and full discussion, not only of ideas that are safe and accepted, but of those which may be unpopular or even abhorrent, vitally threatens the integrity of the University's forum. Such behaviour cannot be tolerated."

Szeri adds that as hate speech is governed by the Criminal Code of Canada, anyone who is concerned about a speaker involved in hate speech should contact the University RCMP. He also stated that the university and UBC Campus Security is working with the RCMP and other service providers to have safety measures in place.

UBC has previously allowed events featuring controversial speakers to be held on campus.

Last year, Toronto professor Jordan Peterson, whose views on gender, gender identities, and identity politics have been met with criticism and protest, spoke at UBC in both February and July 2018. 12

Outcry arose when U.S. conservative political commentator Ben Shapiro was slated to speak at UBC in October 2018. Shapiro's right-wing opinions about the Israeli-Palestinian conflict, Muslims, African Americans, LGBT rights, abortion, and more have sparked controversy and criticism.

While Smith's event will take place on June 23, LGBT activists and allies are planning to concurrently hold a rally for trans rights.

*You can follow Craig Takeuchi on Twitter at @cinecraig or on Facebook. You can also follow the Straight's LGBT coverage on Twitter at @StraightLGBT or on Facebook.*

#### RELATED STORIES

LGBT activists prepare UBC rally for trans rights to counter talk by controversial anti-SOGI speaker Jenn Smith

While Trinity Western University cancels talk by anti-SOGI speaker, UBC allows Vancouver event to proceed

Anti-SOGI speaker Jenn Smith's talk at Douglas College in New Westminister cancelled

LGBT-inclusive activists gear up to protest anti-SOGI transgender speaker Jenn Smith on Vancouver Island

Opposing activist groups face off over transgender issues in Downtown Vancouver

SHOW 2 COMMENTS

#### READ LIKE A LOCAL

STRAIGHT NEWSLETTER

Get the latests events and news updates

Your email

- Straight Talk: Weekly top stories
- the List: Contests and prebuys
- Things To Do In Vancouver: Events

Jordan Peterson: Gender politics has no place in the classroom | National Post

2019-07-04, 12:17 PM

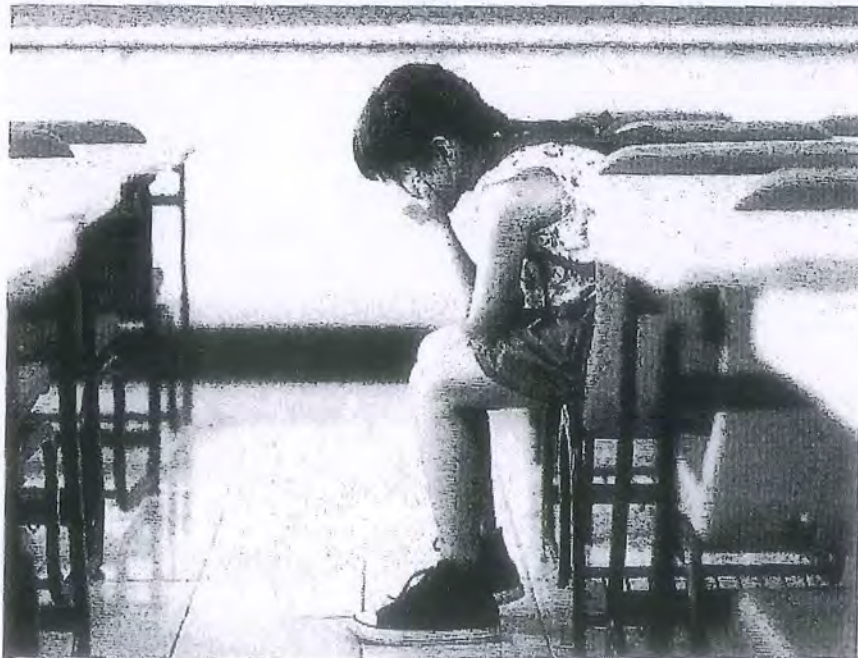
Sign In    Subscribe

# NATIONAL POST

NEWS • FULL COMMENT • SPORTS • CULTURE • LIFE • MORE • JOBS • CLASSIFIEDS • DRIVING • SUBSCRIBE • FINANCIAL POST • VIDEO

## Jordan Peterson: Gender politics has no place in the classroom

*A six-year-old girl became confused about her identity after an Ottawa teacher taught her class that 'girls are not real and boys are not real'*



NATIONAL POST  
JORDAN PETERSON

June 21, 2019  
11:54 AM EDT

Filed under  
Full Comment

Back in September of 2016, I released three videos, expressing my concern about Bill C-16, which was then under consideration by the federal government, following the passage of similar legislation in a number of provinces. C-16 purported to merely add "gender identity" and "gender expression" to the list of prohibited grounds of discrimination. However, it was embedded in a web of policy, much of it created by the Ontario Human Rights

...is Exhibit "D" referred to in the  
affidavit of Sgt. A. D. ...  
...born before me at Chilliwack  
in the Province of British Columbia this  
day of July, A.D. 2019  
A Commissioner for Taking Affidavits  
in the Province of British Columbia

### FEATURED ARTICLES

China thinks we will yield, but that can't happen

 Comment

 Facebook

 Twitter

 Reddit

 Email

 More

Commission, which indicated that the bill comprised the tip of a very large iceberg. I was particularly upset with the insistence that failure to use the "preferred pronouns" chosen by individuals whose gender-related identity did not fit neatly, according to their personal judgement, into the standard categories of boy and girl or man and woman would now become an offence punishable by law.

Worse is the insistence characteristic of the bill, the policies associated with it, and the tenth-rate academic dogmas driving the entire charade, that "identity" is something *solely determined by the individual in question* (whatever that identity might be). Even sociologists (neither the older, classical, occasionally useful type, nor the modern, appalling, and positively counterproductive type) don't believe this. They understand that identity is a *social role*, which means that it is by necessity socially negotiated. And there's a reason for this. An identity — a role — is not merely what you think you are, moment to moment, or year by year, but, as the Encyclopedia Britannica has it (specifically within its sociology section), "a comprehensive pattern of behavior that is socially recognized, providing a means of identifying and placing an individual in society," also serving "as a strategy for coping with recurrent situations and dealing with the roles of others (e.g., parent-child roles)."

Your identity is not the clothes you wear, or the fashionable sexual preference or behaviour you adopt and flaunt, or the causes driving your activism, or your moral outrage at ideas that differ from yours: properly understood, it's a set of complex compromises between the individual and society as to how the former and the latter might mutually support one another in a sustainable, long-term manner. It's nothing to alter lightly, as such compromise is very difficult to attain, constituting as it does the essence of civilization itself, which took eons to establish, and understanding, as we should, that the alternative to the adoption of socially-acceptable roles is conflict — plain, simple and continual, as well as simultaneously psychological and social.

To the degree that identity is not biological (and much, but not all of it is), then it's a drama enacted in the world of other people. An identity provides rules for social interactions that everyone understands: it provides generic but vitally necessary direction and purpose in life. If you're a child, and you're playing a pretend game with your friends, you negotiate your identity, so the game can be properly played. You do the same in the real world, whether you are a child, an adolescent, or an adult. To refuse to engage in the social aspect of identity negotiation — to insist that what you say you are is what everyone must accept — is simply to confuse yourself and everyone else (as no one at all understands the rules of your game, not least because they have not yet been formulated).

*Your identity is not the clothes you wear,*

#### LATEST COMMENT

Canadian universities have a viewpoint diversity problem. We should all be worri

David J. Bercuson: Despite China's might, Taiwan would fight to be free

Watch Stephen LeDrew: Putin's right we've killed liberalism

Randall Denley: With alarmist ad campaign Ontario Nurses' Association takes an unconstructive approach to province's health care woes

Jordan Peterson: Gender politics has no place in the classroom | National Post

15  
2019-07-04, 12:17 PM

*or the fashionable sexual preference or  
behaviour you adopt and flaunt, or the  
causes driving your activism, or your  
moral outrage at ideas that differ from  
yours*



The continually expanded plethora of "identities" recently constructed and provided with legal status thus consist of empty terms which (1) do not provide those who claim them with any real social role or direction; (2) confuse all who must deal with the narcissism of the claimant, as the only rule that can exist in the absence of painstakingly, voluntarily and mutually negotiated social role is "it's morally wrong to say or do anything that hurts my feelings"; (3) risks generating psychological chaos among the vast majority of individuals exposed to the doctrines that insist that identity is essentially fluid and self-generating (and here I'm primarily concerned about children and adolescents whose standard or normative identity has now merely become one personal choice among a near-infinite array of ideologically and legally defined modes of being), and (4) poses a further and unacceptably dangerous threat to the stability of the nuclear family, which consists, at minimum, of a dyad, male and female, coming together primarily for the purposes of raising children in what appears to be the minimal viable social unit (given the vast and incontrovertible body of evidence that fatherlessness, in particular, is associated with heightened risk for criminality, substance abuse, and poorly regulated sexual behaviour among children, adolescents and the adults that they eventually become).

So why bring all this up again? This week, journalist Barbara Kay released a story on The Post Millennial website about an application filed before the Human Rights Tribunal of Ontario by the parents of a six year girl, "N," who was made subject to the new tenets of gender identity theory by her hypothetically well-meaning elementary school teacher at Devonshire Community Public School (Ottawa-Carleton District School Board). According to Kay's account, the teacher insisted to the children that "there is no such thing as girls and boys," and "girls are not real and boys are not real." In consequence, "N" began to manifest substantial confusion about her identity. She asked her parents why her existence as a girl was not real. She asked to see a doctor for an opinion. She became unsettled about the reality of her biological existence. Her concern persisted over a three-month period — a long time in the life of a young person.

Consider this: At the tender age of six, "N" was being required, first, to question an identity she had spent continual and effortful time developing since (at minimum) the age of two — learning the rules she understood to be generically appropriate for her role, so that she knew how to fit in, play her

#### TORONTO WEATHER

28°C

A few clouds  
Feels like 24 °C



Friday	☁
Saturday	☁
Sunday	☁
Monday	☁

[Complete Forecast →](#)

part, get along, refrain from violating the expectations of her peers and the adults she interacted with, and planning, as best as she could, her course through life as a female. Second, she was being required to question what constitutes "real" — because if you are six, and you're a girl, and you know it (and so does everyone else), and you are now being told that none of that is "real," then the whole idea of reality becomes shaky and unstable. The seriousness of the philosophical and psychological confusion that such demands are capable of generating should not be underestimated.

*The seriousness of the philosophical and psychological confusion that such demands are capable of generating should not be underestimated*

f

I can barely envision a pedagogical strategy less conducive to stable early childhood development, particularly for a thoughtful child, which is exactly what "N" seems to be — much to her detriment, in this situation. Trusting her teacher, as she apparently did, "N" listened to her lessons and tried to think through what the complicated and internally contradictory mess of information she was presented with might actually signify — and failing, as was inevitable, because there is nothing that it signifies that is reasonable, logical, practical, or true. No matter; "gender fluidity" is school board policy, even for six-year olds, and the distress of a perfectly normal child at the lessons is a price well worth paying to ensure that ideological purity, no matter how counterproductive and absurd, is stringently maintained. Better the child suffers than the teacher thinks. Better the entire educational system reformulates itself around the new dogma (and to hell with the possibility that the experiment might go wrong) than the ideologues governing its structure question their absurd and fundamentally resentful presumptions.

Despite discussing their concerns with the school principal, the superintendent of the school board, and the curriculum superintendent, the parents allege that all these authorities refused to agree to "communicate with parents when sensitive discussions took place" (remember, these are six year olds) and would not issue any directive or take any corrective action "to ensure that children of female gender identity were positively affirmed." "N's" parents have since moved their child to another school where the same absolutely inexcusable foolishness has not yet repeated itself. And now we're going to find out — courtesy of the Ontario Human Rights Tribunal (an organization in which I could hardly have less faith and which should be abolished as soon as possible) — whether little girls have the right to maintain their normative, common, practical and realistic world-view and opinion of their own bodies, or

whether that is trumped administratively and legally by the existence of the incoherent set of rights inexcusably and forcibly granted to the tiny minority of people who insist that their "identities" are entirely self-generated and absolutely inviolate socially and legally. I would place a strong bet on the latter, and I think the fact that it's come to that is to our great collective shame and danger.

The silence of the majority on such issues — driven, I think, by fear of the purposeful and genuinely dangerous social alienation likely to be generated in the wake of any given individual's objections (regardless of how representative of the majority those objections happen to be) — will, in my opinion, generate a state of affairs among our children and adolescents that we will come in the decades to follow to deeply and profoundly regret.

*Jordan Peterson is a professor of psychology at the University of Toronto, a clinical psychologist and the author of the multi-million copy bestseller 12 Rules for Life: An Antidote to Chaos. His blog and podcasts can be found at [jordanbpeterson.com](http://jordanbpeterson.com).*

SEE ALSO

Jordan Peterson: When the left goes too far – the dangerous doctrine of equity

Jordan Peterson: The gender scandal – in Scandinavia and Canada



549 Comments  
[Join the conversation →](#)

FEATURED STORIES

**China thinks we will yield, but that can't happen: Coyne on the G20**



18

**Save on passes at pnc.ca**

commercial use only. To order presentation-ready copies to colleagues, clients or customers, or inquire about [www.TorontoStarReprints.com](http://www.TorontoStarReprints.com)

**VANCOUVER**

# Protesters detained at controversial talk about sexual orientation, gender lessons in schools

By **Tessa Vikander** Star Vancouver  
**Cherise Seucharan** Star Vancouver  
 Mon., June 24, 2019 | 5 min. read

This is Exhibit "E" referred to in the affidavit of **BARRY NEUFELD** sworn before me at Chilliwack in the Province of British Columbia this 5 day of July A.D. 2019

*[Signature]*

A Commissioner for Taking Affidavits in the Province of British Columbia

VANCOUVER—A University of British Columbia event was temporarily disrupted Sunday night as protesters entered a lecture hall and were led out of the building by police before being temporarily detained.

Tensions had been growing in the days ahead of the talk by Jenn Smith, an anti-SOGI (sexual orientation and gender identity) activist. Lessons on SOGI are integrated into B.C.'s curriculum, and Smith opposes teaching kids about sexual orientation and gender identity at

schools. Proponents argue the lessons aim to reduce bullying and create inclusive environments for all kids. 19

Smith is a 54-year-old transgender identified man who dresses like a woman and uses he/him pronouns. The talk at UBC, which some staff and students had loudly denounced, was in collaboration with the Canadian Christian Lobby. During the presentation titled *The Erosion of Freedom*, Smith argued transgender women are not women because they are “biologically” men. Promotional materials in advance of the event said it was meant to examine “how transgender politics in school and society is undermining our freedom and harming women and children.”

According to Canadian law, the sex a person is assigned at birth does not determine their gender identity and people are protected against discrimination based on that gender identity.

Smith spoke to an audience of about 70 people, showing photos of Morgane Oger, a prominent trans woman who has advocated in support of LGBTQ rights in B.C. for several years and saying that Oger is a man and not a woman. Smith referred to Oger using “he” pronouns.

At the rally outside, about 30 people held signs with messages of support for trans and LGBTQ people, waved the rainbow and trans flags, blew loud horns and chanted. A few of the protesters entered the building shortly after Smith’s talk began, paying the minimum \$5 donation to get into the venue. Outside, as people who wanted to hear the lecture tried to enter the venue, some protesters attempted to block them, shouting “shame, shame.”

Brad Dirks, a member of B.C. Families for Inclusivity, which organized the rally, said he was disappointed in UBC for allowing the talk to continue. He had expected it to be cancelled like previous talks

20

by Smith planned at Douglas College and Trinity Western University.

“Trans rights are not up for debate,” Dirks said. “The university should stand up for trans people, rather than to allow this stuff to take place.”

The small group of protesters who entered the lecture room chanted loudly at the front of the room, disrupting Smith’s presentation. Security was called and a couple of police officers entered the room and asked the protesters to leave.

Shortly after, the fire alarm went off, and security asked everyone to leave. Within about 15 minutes, Smith’s talk continued.

Ahead of the presentation, a student advocacy group, a transgender professor and an organization representing thousands of staff members called on the University of British Columbia to cancel Smith’s talk.

Mary Ann Saunders, a research and writing lecturer at UBC who is a trans woman, told Star Vancouver she was deeply troubled by the administration allowing Smith to speak on campus.

Smith’s views outside of the norms of acceptable discourse on trans matters, Saunders said.

“His appearance on campus, I can’t experience it as anything other than a betrayal, particularly given the university’s stated emphasis on and valuing of principles of diversity and inclusion,” Saunders said. “It doesn’t seem as though the university actually values the most vulnerable students and faculty and staff.”

Smith thinks teaching kids about gender diversity and the idea that a person can transition is “patently absurd,” as it will only confuse and upset them. Ahead of the presentation, he told Star Vancouver he is

not Christian but does support “parental rights” for those with Christian views.

21

“Parental rights would be (an idea held by) Christians who believe God created a man and a woman and they don’t want you going to their kids telling them that boys can be girls,” Smith said.

He also rejected the idea that his lectures harm trans people and said he does not engage in hate speech.

“I am transgender and I do not promote hatred of myself or transgender people in general. The charge is absurd, offensive and dangerous to my person,” Smith said.

In 2002 the Supreme Court of Canada ruled that the public education system has a right to teach tolerance and LGBTQ-inclusive curriculums.

Under provincial policies, schools must educate kids on sexual orientation and gender identity. The Ministry of Education even commissioned a special resource guide, SOGI 123, to help teach this curriculum.

UBC declined multiple interview requests. In a statement, the university said it supports trans and non-binary students through its research and campus resources, but its support “can be regarded in balance with the institution’s commitment to freedom of expression.”

The administration said Smith’s talk is not sponsored by the university and his use of its lecture hall came through a private booking.

On Wednesday, an organization representing nearly 5,000 UBC staff members sent a letter to the school’s president asking him to cancel Smith’s event. In the letter, the Association of Administrative and

Professional Staff at UBC (AAPS) accuses the school of allowing  
“anti-transgender hate speech” in its facilities. 22

“We are disappointed that the university would characterize the spreading of hate speech against transgender individuals as a matter of free speech,” it reads.

In response, UBC’s statement says hate speech is governed by the Criminal Code of Canada and anyone concerned that Smith is engaged hate speech should contact the RCMP. In a followup letter, the AAPS argued that “if the university is aware of potential criminal activity on campus, it has an obligation to curtail that activity in advance of a crime being committed.”

At a talk on May 2 in Oak Bay on Vancouver Island, members of the Soldiers of Odin — a far-right organization classified as a hate group by the non-profit Canadian Anti-Hate Network — showed up and acted as his bodyguards. The talk was cut short by protesters who disrupted the event and police were called.

Smith told Star Vancouver he did not invite the Soldiers of Odin but accepted their offer to accompany him to the front door as he was afraid of entering the building on his own among the throngs of people who showed up to protest his talk and voice support for LGBTQ youth and SOGI teachings. Members of the Soldiers of Odin then stood guard at the front doors during the talk.

*Correction: This story has been changed from a previous version that identified Jenn Smith as a trans woman. In fact, Smith is a transgender identified man who dresses like a woman and uses he/him gender pronouns.*

Tessa Vikander is a Vancouver-based reporter covering diversity, inequality and education. Follow her on Twitter: @tessavikander

Cherise Seucharan is a Vancouver-based reporter covering crime and public safety. Follow her on Twitter: @CSeucharan

# NATIONAL POST

NEWS • FULL COMMENT • SPORTS • CULTURE • LIFE • MORE • JOBS • CLASSIFIEDS • DRIVING • SUBSCRIBE • FINANCIAL POST • VIDEO

## Barbara Kay: When gender identity education and theory goes wrong

*A family is asking a school board to ensure that lessons do 'not devalue, deny, or undermine ... the female gender identity'*



A family has lodged a complaint with the Human Rights Tribunal of Ontario over the distress their six-year-old daughter experienced when informed by a teacher that gender is fluid and "girls are not real." Getty Images



BARBARA KAY

In his recent commentary in these pages on the risks associated with the teaching of gender theories to elementary schoolchildren, Jordan Peterson referenced a column I wrote in another publication. The column concerned a human rights complaint, filed by Pamela and Jason Buffono on behalf of their daughter, "N," against the Ottawa-Carleton District School Board for

Exhibit "F" referred to in the affidavit of ...  
Sworn before me at ...  
in the Province of British Columbia this ...  
5 day of ...  
July, A.D. 2019  
A Commissioner for taking Affidavits within the Province of British Columbia

### FEATURED ARTICLES

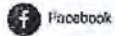


China thinks we will yield, but that can't happen

June 25, 2019  
2:48 PM EDT  
Last Updated  
June 25, 2019  
1:03 PM EDT

Filed under  
Full Comment

Comment



discrimination on the basis of gender and gender identity in contravention of the Human Rights Code.

Peterson faithfully summarized the story that led to the complaint, but readers may be interested in a few points about the complaint and the response from the school board's lawyer that Peterson omitted as not directly salient to the thrust of his thesis.

To recap briefly: the Buffones' daughter N, six years old, and by their account a happy girl (comfortable in her skin, adored school), was abruptly plunged into considerable distress when informed by her teacher (young, three years experience) during a session on gender identity that gender is fluid and untethered to biology, and that "girls are not real" and "boys are not real."

*The lessons continued and so did N's distress*



The lessons continued and so did N's distress, to the point of asking to see a doctor about her fears. The Buffones say in their claim that "they were concerned about the impact (on) N's view of herself as a girl. Prior to (the teacher's) discussions with the Grade One class, N had consistently identified as a girl and had not previously expressed uncertainty or discontent with her gender identity and biological sex." The Buffones had asked the teacher to affirm N's identity as a girl — that is, reassure her that her identity as female was "real" in order to relieve her anxiety. Nothing that the Buffones asserted was denied by the school or its officials, but their request was rebuffed out of hand, first by the teacher, who said her lessons reflected "a change within society," then by the principal, and all the way up the ladder to the superintendent of the school board and the curriculum superintendent. They removed N to another school, where these gender theories are not taught, and where her mother told me she has recovered her wonted buoyancy.

SEE ALSO

Barbara Kay: Why Quebec's immigration and secularism bills get it right

Barbara Kay: 'Genocide' appropriation makes reconciliation harder

Barbara Kay: Abortion should be about medical ethics, not Liberal politics

In their Human Rights Tribunal of Ontario claim, the Buffones request as a remedy that the tribunal order the school board to ensure that classroom instruction does "not devalue, deny, or undermine in any way the female gender identity," and that parents be informed "when lessons on gender

LATEST COMMENT

Canadian universities have a viewpoint diversity problem. We should all be worri

David J. Bercuson: Despite China's might, Taiwan would fight to be free

Watch: Stephen LeDrew: Putin's right we've killed liberalism

Randall Denley: With alarmist ad campaign Ontario Nurses' Association takes an unconstructive approach to province's health care woes

identity will take place, including the teaching objectives and the materials that will be or have been used for such lessons."

The response of the school board's lawyers, who asked for dismissal of the complaint, state the claim has no reasonable basis for success. The lawyers note that teachers' right to teach gender identity is endorsed by the minister of education, and that the "age-appropriateness of a classroom discussion does not engage a Code-protected prohibited ground." That is to say, even if N was adversely affected by the teacher's lessons — and they do not deny that this is the case — she has no grounds for redress according to the Human Rights Code.

If the school board is successful in its bid for dismissal, it means that the words "gender identity" and "gender expression" do not apply to everyone. They apply only to those whose gender identity does not synchronize with their biology — the protection of a biologically female child to identify as a girl would not be protected. Feelings of distress among the very small percentage of children whose gender identity differs from their biological sex must be alleviated at all cost. If that cost involves distress or confusion in the vast majority of other children like N, that is not "discrimination."

The Buffones are not buying this (while acknowledging the human rights tribunal may well do so). The Ontario Human Rights Code takes a fairly broad view of discrimination. It states, for example, that a "poisoned environment" is a form of discrimination. The Buffones are "going to provide evidence that the manner in which (the teacher) was teaching the concept of gender identity resulted in a poisoned environment."

*It is clear that something is going terribly wrong with regard to gender teaching in Ontario classrooms.*



I wish the Buffones well, and so do many other people. On social media many people applauded the Buffones' courage in going public on behalf of other parents with similar stories who haven't the confidence to take such a definitive step.

One respondent, who wishes anonymity, told me her son's story, which bore similarities to N's in that the child had never shown the slightest sign of gender confusion before lessons on gender theory began in school, with children being encouraged to identify along a spectrum rather than asserting they were either "girl" or "boy." Out of the blue (I wish I had a dollar for every time I've heard this phrase used in this connection), he came home one day and

## TORONTO WEATHER

28°C

A few clouds  
Feels like 34°C

Friday	☁	5
Saturday	☁	5
Sunday	☁	5
Monday	☁	5

Complete Forecast →



Barbara Kay: When gender identity education and theory goes wrong | National Post

2019-07-04, 12:15 PM

26

announced he was "pansexual" and a "demi-girl."

The parents took their son to see a psychologist. When she was told the name of the school and teacher, the therapist exclaimed, "You are the seventh set of parents from that class who have come to me with this problem!"

It is clear that something is going terribly wrong with regard to gender teaching in Ontario classrooms. Ontario must set up an investigative task force, composed of disinterested educators, disinterested gender researchers and parents, to objectively evaluate the teaching of gender identity in public schools.

• Email: [kaybarb@gmail.com](mailto:kaybarb@gmail.com) | Twitter: [Follow @BarbaraKay](#) 10.1K followers



308 Comments  
Join the conversation →

FEATURED STORIES

**China thinks we will yield, but that can't happen: Coyne on the G20**

← Previous      Next →

11  
Submissions for the defendant by Ms. Trask

1 case.

2 I'm just turning to the *Oger v. Whatcott*  
3 decision at tab 9.

4 MR. JAFFE: Okay. Thank you.

5 MS. TRASK: And at paragraph 156, which is on page 33  
6 of -- so tab 9 of the book of authorities.

7 THE COURT: "Here," in context?

8 MS. TRASK: Yes.

9

10 Here, context is critical. As Ms. Oger  
11 points out, for many social groups, public  
12 statements that they --

13

14 And by "they" she means transgender individuals.

15

16 -- are not real and that members of the group  
17 lie about who they are and may not expose  
18 them to hatred. Most protected groups do not  
19 have a social context or history of being  
20 told they do not exist and that people who  
21 claim to be part of the group are lying or  
22 mentally ill. For example, "a publication  
23 stating that women are not real and all  
24 people who call themselves 'women' are  
25 deluded men pretending to be other than they  
26 are" is unlikely to expose women to  
27 detestation and vilification because these  
28 are "not the stereotypes ascribed to women as  
29 a group".

30

31 However, as I have outlined above, this  
32 is perhaps the most pernicious stereotype  
33 about transgender people, and is one found at  
34 the root of most discrimination against them.

34

35 And the tribunal goes on and explains:

36

37 The effect of this stereotype is to  
38 dehumanize transgender people.

39

40 THE COURT: Okay.

41 MS. TRASK: So we say this context is important to  
42 understanding the public interest, not only at  
43 this step of the test but at the later step of the  
44 test. After the burden shift there is also a  
45 balancing of the interest in protecting the  
46 expression at issue, and we say it's important to  
47 have that same understanding at that later point

12

Submissions for the defendant by Mr. Veinotte

1 as well.

2 THE COURT: All right. That's the third part of the  
3 test, you say.

4 MS. TRASK: That's correct.

5 If you -- I'm happy to take you to anything  
6 else on our public interest submissions or answer  
7 any other questions; otherwise I will turn it over  
8 to my co-counsel.9 THE COURT: Thank you, Ms. Trask. I think that the  
10 most efficient way of dealing with that will be to  
11 hear what Mr. Jaffe has to say and then hear you  
12 in reply to that, if that makes sense to you.

13 MS. TRASK: Yes. Thank you.

14 MR. VEINOTTE: It makes eminent sense to me.

15 I'm sorry, My Lord. I think I've misheard  
16 how we're going to proceed. Is it over to  
17 Mr. Jaffe now?18 THE COURT: No, no, no. I -- it's over to you on the  
19 argument -- on the remainder of the applicant's  
20 argument, and then I will hear Mr. Jaffe in full.  
21 If Mr. Jaffe has any submissions regarding the  
22 public interest issues, then I will allow  
23 Ms. Trask to respond at that time.24 MR. VEINOTTE: Very well. I'm sorry. And I had a  
25 brief moment of a rush of pleasure about being  
26 done for the day. All right.

27 THE COURT: I remember those moments well.

28 MR. VEINOTTE: If I may have just one moment, please.

29  
30 **SUBMISSIONS FOR THE DEFENDANT BY MR. VEINOTTE:**31  
32 My Lord, can we please, then, go to  
33 paragraph 92 of the written argument. But before  
34 we get there, does Your Lordship still have the  
35 loose-leaf version of the act?

36 THE COURT: I do. I do.

37 MR. VEINOTTE: All right. And if I can take us back to  
38 section 4, please. And this section, My Lord, is  
39 the section of the new act that -- this is where  
40 the -- its teeth are. We have been discussing so  
41 far today Mr. Hansman's burden under section 4(1),  
42 which concludes with, did Mr. Hansman make an  
43 expression, and we say obviously he did, and then  
44 in 4(B), the expression relates to a matter of  
45 public interest, and that point has now been  
46 conceded by my friend.

47 And then, My Lord, my heavy lifting for the

1 MR. VEINOTTE: Paragraph 95. Moreover, the court is  
2 not required to simply take at face value the  
3 allegations put forward by the parties. An  
4 evaluation on a grounds to believe standard  
5 contemplates a limited weighing of evidence. Bald  
6 allegations, unsubstantiated damages claims and  
7 unparticularized defences are not the stuff from  
8 which grounds to believe are formulated.

9 And I want to stop there and argue this a  
10 little bit out of order. We filed this  
11 application, and a month later we received Trustee  
12 Neufeld's response, and to my mild surprise, the  
13 response, at least at that juncture, did not  
14 include any affidavit from Trustee Neufeld about  
15 his harm or the damages that he had suffered.

16 And either myself or my colleague wrote him a  
17 letter -- wrote Mr. Jaffe a letter, and said, not  
18 presuming to tell you how to do your business, but  
19 in our respectful view it is fatal to your chances  
20 on this application if you don't have some  
21 evidence before the trier of fact that you've  
22 suffered real harm. And so what we received then  
23 was the affidavit of Barry Neufeld that is at  
24 tab 6 of the chambers record, please.

25 Where is my tab 6? Okay. Sorry, My Lord.

26 So this is Mr. Neufeld's evidence about the  
27 harm that he has suffered due to the expressions  
28 made by my client, Glen Hansman. And that  
29 evidence amounts to that as to damages herein the  
30 facts set out in paragraphs 46 and 47 of my  
31 amended notice of civil claim are true.

32 THE COURT: Well, there's also paragraph 2. What  
33 does -- what do you say about that?

34 MR. VEINOTTE: I don't know what that paragraph goes  
35 to. I think it's -- and my friend can deal with  
36 it in his submissions. I think it's Trustee  
37 Neufeld giving evidence about what Mr. Hansman  
38 said or his interpretation. I should say his  
39 interpretation of what Mr. Hansman said.

40 THE COURT: Right. So it says "public portrayal," but  
41 there's no -- you're saying there's no reference  
42 there specifically to what Mr. Hansman said.

43 MR. VEINOTTE: That is correct. This is Mr. -- this is  
44 Trustee Neufeld's take on the imputation of what  
45 Mr. Hansman said. But I'm on a finer point. I'm  
46 on is there evidence before the court to satisfy  
47 section 4(2) of harm to Mr. Neufeld from

1 for you to know as a fact that Neufeld has never  
2 been against any anti-bullying measures or  
3 anything of that nature, but that's how he's  
4 portrayed in the attacks upon him.

5 THE COURT: Okay. And I'm sorry, again, I'm taking you  
6 off, but you were going to either -- I think take  
7 me to some evidence.

8 MR. JAFFE: Yeah, I'll do that. I'll do that.

9 I'll just -- if I can, I'll just finish  
10 the -- this excerpt. You can see how he's  
11 referring to -- in the middle of that Facebook  
12 post he says.

13 ... the Ministry of Education has embraced  
14 this LGBTQ lobby and is forcing this  
15 biologically absurd theory on children in our  
16 schools. Children are being taught that  
17 heterosexual marriage is no longer the  
18 norm ... [and] must not refer to mothers and  
19 fathers ...

20  
21  
22 You know, the -- and it goes onto say, "I belong  
23 in a country like --"

24  
25 If this represents the values of Canadian  
26 society, count me out. I belong in a country  
27 like Russia, or Paraguay, which recently had  
28 the guts to stand up to these radical  
29 cultural nihilists.

30  
31 So his attack -- his attack and his animus and his  
32 dislike and his intolerance is not directed at  
33 children who are gay or transsexual or any other  
34 kids. The attack, if there's any, of Neufeld is  
35 directed at people promoting an ideology which  
36 Neufeld says hurts children.

37 THE COURT: So I understood your point before,  
38 Mr. Jaffe, was that he was attacking the  
39 philosophy.

40 MR. JAFFE: Correct.

41 THE COURT: But you're saying now that he's attacking  
42 the cultural nihilists; it's the people who are  
43 propagating the philosophy.

44 MR. JAFFE: He's attacking -- the first part of his  
45 statement he's addressed to the fluidity issue,  
46 and the second part is he says he's -- he's  
47 clearly angry and upset with the people behind it

1 who are forcing this on the kids. So he's -- but  
2 the whole thing boils down to the gender ideology  
3 and those who are advocating it forcefully.

4 Now, keep in mind he's clearly -- as you can  
5 see by the wording he has kept quiet for -- until  
6 then and decided to speak out.

7 Now, when you look at that there's no mention  
8 of the BCTF. There's no mention of Mr. Hansman.  
9 There's no mention of -- there's not even any  
10 mention of children who are gay or trans --  
11 there's nothing in there that could possibly give  
12 rise to the reasonable comment that Neufeld hates  
13 children who are gay or transsexual. There's  
14 nothing in there. There's lots in there to say  
15 Neufeld hates those who are trying to impose this  
16 on kids and that those who advocate something he  
17 feels is harmful, and he calls it child abuse.  
18 There's lots in there to derive that message, but  
19 there's nothing at all in there to say that  
20 Neufeld hates the kids that inhabit the schools in  
21 which he's a school trustee. And to say that  
22 is -- well, it's clearly defamatory and clearly  
23 untrue.

24 Now, if I could take you to exhibit D in  
25 Mr. Hansman's affidavit, and I do it because you  
26 can see this reference to Russia and Paraguay.  
27 And to explain what he means by what he's saying,  
28 Neufeld puts the link, the internet link there,  
29 and that --

30 THE COURT: So tell -- which tab am I in?

31 MR. JAFFE: It's Hansman's affidavit, and it's  
32 exhibit D, I've noted there. So that would be  
33 tab 3, exhibit D. So that's the -- that's page --  
34 yeah, page 10 of the exhibits in there. So  
35 here's -- when Neufeld is referring to Russia and  
36 Paraguay, and he puts a link in there so that if  
37 there's doubt, this is what the public can look at  
38 to understand what Neufeld is saying on his  
39 Facebook post. You will see an article, it's  
40 called "Parents Defeat Gender Ideology in  
41 Paraguay."

42 THE COURT: Is this the link?

43 MR. JAFFE: This is the link, apparently.

44 THE COURT: Okay.

45 MR. JAFFE: Yeah.

46 THE COURT: So -- okay.

47 MR. JAFFE: Yeah. And so that's what Neufeld is

1 saying. He belongs in a country like Paraguay  
2 which has "the guts to stand up to these radical  
3 cultural nihilists" who he feels are damaging the  
4 kids in the school through this program. So he's  
5 saying -- he's referring to Paraguay and Russia as  
6 examples of countries that stand up, and for  
7 instance, in their schools they don't accept  
8 gender ideology. They've rejected it. That's  
9 what he's saying, and anybody who looks at that  
10 knows that. And here's an interesting point. I'm  
11 digressing a bit, but it's on my list of factors  
12 indicating malice. There's no evidence in  
13 Mr. Hansman's affidavit that he even looked at  
14 that before he decided to publicly announce many  
15 times that Mr. Neufeld hates gay people and is  
16 transphobic. There's no evidence that he even  
17 looked at that, because it's clearly evidence that  
18 Neufeld's talking about the ideology which he  
19 feels is hurtful to children.

20 THE COURT: Well, the ideology, but also the -- as you  
21 say, the cultural nihilists -- as he said --

22 MR. JAFFE: Yeah.

23 THE COURT: -- the cultural nihilists who propound  
24 that.

25 MR. JAFFE: Correct.

26 THE COURT: So it wasn't just the philosophy.

27 MR. JAFFE: Fair enough, yeah.

28 Right. And -- but the meaning of the term  
29 "radical cultural nihilists" relates to advancing  
30 a program which he says is hurtful, and he says  
31 countries like Paraguay and Russia have resisted.  
32 So that's why he's referring to Russia because  
33 they've -- so it's hard to separate the ideology  
34 from those who are advancing it. They're all part  
35 of the problem, and that's what Neufeld is  
36 addressing. Now --

37 THE COURT: So you say it's hard to separate the  
38 ideology from the people espousing it.

39 MR. JAFFE: Well, it's hard in this way. If you're  
40 against an ideology, you must be against those who  
41 are forcing it on the kids. How -- even if he  
42 didn't have this comment about radical cultural  
43 nihilists, if he's against the imposition of an  
44 ideology, he would clearly take strong issue with  
45 those trying to impose it on the children.

46 THE COURT: Well --

47 MR. JAFFE: So I don't see how you could be against the

47

Submissions for the plaintiff by Mr. Jaffe

1 ideology and not be against those promoting it.

2 THE COURT: I have friends who are -- who have  
3 different political views than I do. I'm not  
4 against them.

5 MR. JAFFE: No, but if the political views are damaging  
6 children and your friends are advancing that, you  
7 would be doing what you could against them to  
8 prevent the children from being harmed. I mean,  
9 this is a -- I know it's a bit of a --

10 THE COURT: Tautology.

11 MR. JAFFE: Yeah. But I do note the time, My Lord.  
12 I've got obviously a fair bit to cover.

13 THE COURT: Right. How are you doing for time?

14 MR. JAFFE: Not great in terms of our hopes of  
15 finishing today. I'll take the rest of the day, I  
16 think. And even at that it's a bit of an  
17 understatement, I think.

18 THE COURT: Okay. I can tell you I'm starting a trial  
19 Monday morning, so a trial's proceeding on Mondays  
20 are fluid, if I can use that word in this context,  
21 so I don't -- I'm not available Monday, but we may  
22 have to go through scheduling to find a date to  
23 continue if that's going to be the course.

24 I understand that you'll be the rest of  
25 the -- you're thinking --

26 MR. JAFFE: I was hoping to sit down at the end of the  
27 day, and I know my friend wants a brief reply, but  
28 I'm guessing I won't finish today based on how  
29 things are going so far.

30 THE COURT: If you were to finish today, Mr. Veinotte,  
31 would you be satisfied with a written response,  
32 reply.

33 MR. VEINOTTE: I -- just listening to my friend,  
34 Ms. Trask, five minutes or a written. I can  
35 advise the court that so far I haven't heard  
36 anything I would wish to reply to.

37 THE COURT: Let's hope for better things in the next  
38 two hours, then.

39 All right. Well, we'll break for lunch and  
40 see you at 2 o'clock.

41 THE CLERK: Order in chambers. Chambers is adjourned  
42 until 2:00 p.m.

43  
44 **(CHAMBERS ADJOURNED AT 12:31 P.M. FOR AFTERNOON RECESS)**  
45 **(CHAMBERS RECONVENED AT 2:06 P.M.)**  
46

47 THE CLERK: Order in chambers.



1 THE COURT: But those are -- none of the people  
2 identified in -- or none of the people in these  
3 pictures are -- is the defendant.

4 MR. JAFFE: No, no. And the point I make is simply  
5 this, that when you look at Mr. Hansman's remarks,  
6 the ones that are admitted to have been made by  
7 him and published, we do so in the context of all  
8 of the other things being said about Mr. Neufeld,  
9 and that would include the protests out in  
10 Chilliwack and the things being said at the  
11 protests, even if we can't show today Mr. Hansman  
12 organized those things. We can still say they  
13 took place and Mr. Neufeld's comments would be  
14 construed in the context of all of these other  
15 bits of information that the public were getting,  
16 extrinsic facts.

17 Can I take you to paragraph 28 of the claim,  
18 please.

19 THE COURT: Yes.

20 MR. JAFFE: On April 22nd the defendant gave another  
21 interview with *City News 1130*, which was broadcast  
22 on television and radio and also published to the  
23 world. Mr. Hansman's statements included -- it  
24 was under the headline "Rallies For, Against SOGI  
25 Resource Planned in Vancouver." So -- and anyway:  
26

27 "When things were flaring up in the  
28 Chilliwack School District... because of the  
29 hateful comments made by Trustee Barry  
30 Neufeld there ..."  
31

32 I think I've left out a bit of the article,  
33 My Lord, but I'm just quoting bits that are --  
34 just quoting the sting here, the bits of that that  
35 are actionable:  
36

37 ... because of the hateful comments by  
38 Trustee Barry Neufeld ...  
39

40 So it's another repetition of the whole hate  
41 theme.

42 Paragraph 29, this is taking us into the heat  
43 of the election -- the municipal election where  
44 you -- we've heard something about, where the  
45 trustees were being re-elected and this claim was  
46 of course started a week or so before the election  
47 and the demand letter went out in the heat of the

1 battle leading up to the election. But this is  
2 what -- oh, well, this is what Mr. Hansman was  
3 saying to *City News 1130* on September 16th, 2018,  
4 under an article "BCTF President --" I think that  
5 might be a typo there -- "Speaks Out Against  
6 Anti-Immigrant [sic] and Anti-LGBTQ School Trustee  
7 Candidates." The defendant's statements both have  
8 attributed and quoted included:

9  
10 It is extremely problematic to have somebody  
11 who is running as a school trustee continuing  
12 to spread hate about LGBTQ people --  
13 especially trans people -- and also be out  
14 there, making vile comments about refugees  
15 and immigrants, as a group.

16  
17 Now, stopping there for a minute, My Lord. I  
18 think it's fair to point out at this point it's a  
19 little bit -- this is at Jacqueline Thorsell's  
20 affidavit number 1, page 32

21 THE COURT: Sorry, give me that again.

22 MR. JAFFE: So tab one of the supplemental record.

23 THE COURT: Yeah.

24 MR. JAFFE: Thorsell number 1, page 32. And it's a  
25 little bit -- there's no reference in the article  
26 to -- specifically to Mr. Neufeld that I've seen.  
27 I don't -- yes, I don't think this is specifically  
28 referring to Neufeld. In fact, I think it's in  
29 response to another school board trustee, when you  
30 read the article, running for election who's  
31 against SOGI. But the point is by this time of  
32 course the world has been saturated with comments  
33 from Mr. Hansman about Mr. Neufeld spreading hate  
34 and --

35 THE COURT: Well, it's a bit rich to say the world has  
36 been saturated by his comments.

37 MR. JAFFE: Well, we've gone through about 10 of them.

38 THE COURT: Well, the world's a big place.

39 MR. JAFFE: Okay. Certainly the local media market has  
40 heard a lot about it.

41 THE COURT: The Eastern Fraser Valley as opposed to the  
42 world.

43 MR. JAFFE: Okay. I'll take that. Sure. There's been  
44 a lot out there about Mr. -- and here you have --  
45 oh, it's a little bit unclear. It may be another  
46 about candidate running for school board, but the  
47 point of it is being that the reference to

1 "continuing to spread hate about LGBTQ people,"  
2 it's unclear about whether Mr. Hansman is  
3 referring to Mr. Neufeld on this thing about  
4 refugees and immigrants, but there he is again  
5 publicly condemning people opposed to SOGI as --  
6 and characterizing them as spreading hate. And  
7 again, even if this comment -- it doesn't clearly  
8 refer to the plaintiff and then maybe technically  
9 it wouldn't be actionable in of itself, the part  
10 of Mr. Neufeld, it's reflective of an agenda by  
11 Mr. Hansman to put out a certain message directed  
12 at anti-SOGI people, and it's evidence of malice  
13 by the words he chooses to use. He goes on to say  
14 in this article:

15  
16 Hansman notes it still isn't easy for a gay  
17 or lesbian student to come out. "And like it  
18 or not, there's still racism and misogyny  
19 that exists in our school ..."

20  
21 He goes on:

22  
23 Anyone who is seeking to be a school trustee  
24 has to commit to eradicating those things,  
25 not spreading hate and not spreading bigotry.  
26

27 Okay. This is in September. This is about a  
28 month before the elections. This is right in the  
29 heat of the campaign

30 THE COURT: Right. But if I -- the note I wrote was,  
31 it's unclear if it was referring to Mr. Neufeld,  
32 and it's not actionable.

33 MR. JAFFE: No, I say if it stood on its own -- if this  
34 was the only thing that he had ever said about  
35 school board trustees who were against SOGI, one  
36 would argue this doesn't relate to Mr. Neufeld  
37 because he's an anti-SOGI school board trustee  
38 candidate -- but that -- my friend would argue  
39 with me on that. There's no reference to Neufeld,  
40 and therefore you can't tag Hansman with this  
41 comment. He would say that.

42 THE COURT: And one might argue that if there was  
43 malice in what Mr. Hansman was trying to do --

44 MR. JAFFE: M'mm-hmm.

45 THE COURT: -- that he would have mentioned  
46 Mr. Neufeld.

47 MR. JAFFE: Or one might equally argue that he's just

1           condemning all the anti-SOGI people as people who  
2           spread hate. If you read the whole article,  
3           you'll see that that seems to be what he's saying  
4           is that the anti-SOGI people -- we can go there.

5       THE COURT: No, I understand your point about this, but  
6           to the extent that we're drawing inferences you  
7           and I might draw --

8       MR. JAFFE: Right.

9       THE COURT: -- reasonable people might draw different  
10          inferences.

11       MR. JAFFE: And that's -- at the risk of sounding like  
12          a broken record, that's why we'll have a --  
13          hopefully have a trial and determine what the --  
14          once we've heard the evidence and listened to the  
15          witnesses, which inferences to be drawing from  
16          these facts.

17                Now, if I can take you to -- oh, just --  
18       My Lord, yesterday I handed up at the beginning of  
19       the hearing a little printout. I had rule 8-1 on  
20       it, and I also have printed on it some sections  
21       from the *Criminal Code of Canada*.

22       THE COURT: All right.

23       MR. JAFFE: And if you look down it says "public  
24          incitement of hatred."

25       THE COURT: M'mm-hmm.

26       MR. JAFFE: This is a criminal offence:

27  
28                Everyone who, by communicating statements in  
29                any public place, incites hatred against any  
30                identifiable group where such incitement is  
31                likely to result in a breach of the peace is  
32                guilty of...

33  
34                And then it's a hybrid offence, indictable. Oh,  
35                yes, yes, it is. And then, "Wilful Promotion of  
36                Hatred":

37  
38                Everyone who, by communicating statements,  
39                other than in private conversation, wilfully  
40                promotes hatred against any identifiable  
41                group is guilty of ...

42  
43                And then an indictable offence or a summary  
44                conviction offence.

45                So the -- telling the public that the school  
46                board trustee is spreading hate against LGBTQ  
47                people is telling the public that the trustee's