

## PART II – QUESTIONS

39. **Question 1:** Are the *University Act* and its University policies; and *The Civil Rights Protection Act*, unconstitutional in violating the right and value of Section 15 of the *Charter*, if they are interpreted so as to hold that:
- a. The University may advance the application of *Charter 2(b)* rights to *The University Act* for its president, but exclude the application of *Charter 2 (a) and (b)* rights and values to *The University Act* for students based on religion?
  - b. the academic achievement of students of religion, in comparison to other students, can be assessed based on:
    - i. faculty's subjective speculation or knowledge that a student's privately held religious beliefs and religious convictions "impair their academic analysis and judgment"?
    - ii. faculty's subjective assessment that they are offended by the "tone" of religion or religious practices in the student's academic work?
  - c. students may be directed away from legitimate research such as linguistic research of misquotations of the Bible, because the student is, or is perceived to be, inspired by religious beliefs and knowledge of the Bible.
40. **Question 2:** Is an abstention from a Sunday Class by a "practicing Christian" student whose sincerity of religious beliefs is not at issue, "religious conduct" of "religious scruples" and "religiosity", but not "religion" and therefore not protected from, but subject to, harm and reprisal?
41. **Question 3:** Is The University, who has a contract with fee-paying students, vicariously liable for its employees under Section 69(1) of *The University Act* if it:
- a. purports *Charter* values to all students, but academically assesses a practicing Christian student as insubordinately "refus[ing] to contribute" to a Sunday Class;
  - b. makes undisclosed, ad hoc policy decisions changing the nature and the rules applicable to an individual student grade appeal resulting in harm to the student, in a power imbalanced relationship with faculty?
  - c. permits harmful reports against a student to be advanced and circulated, and does not have a policy to remedy harm for students?
42. **Question 4:** Is the defence of absolute immunity available to "officious bystander" faculty to a student grade appeal, who are in a power-imbalanced relationship with students, at a quasi-judicial grade appeal hearing?

43. **Question 5:** Is the University vicariously liable for an employee, who is responsible for preparing a response to a student grade appeal, but who permits harmful materials to be circulated to the student and Senate Committee; and does so without a requirement for confidentiality?
44. **Question 6:** Does a trial Judge have the discretion to fail to refer to, and fail to consider, “Admissions of Truth” from formal Notices to Admit in his *Reasons for Decision*?
45. **Question 7:** Can appellate Courts, where leave is not required, dismiss appeals without giving reasons because of its opinion that basis’ of appeal are not meritorious enough for discussion?