

I. Overview

McMaster University Chinese Students and Scholars Association (MAC CSSA) is a longstanding MSU club that has benefited McMaster students and respected their freedom of expression rights

For decades, MAC CSSA has been a resource for thousands of overseas Chinese students studying at McMaster University, helping them adjust to living and studying in Canada and bringing them together on campus. It has also promoted Chinese culture within and for the benefit of McMaster University's diverse community by hosting events celebrating Chinese holidays, food and performances. MAC CSSA has acted as a bridge for thousands of overseas Chinese students and the McMaster student community over the past 35 years.

MAC CSSA has been a longstanding MSU club. It is neither a front for the Chinese government, nor any other CSSA organizations. MAC CSSA is an independent club, unique to McMaster, and it has no affiliation to any other CSSAs worldwide. Neither the Chinese authorities nor other CSSA organizations play any role in membership, finances, elections, meetings, and activities of MAC CSSA.

MAC CSSA has respected the freedom of expression rights of McMaster students since its inception and continues to do so.

De-ratification of MAC CSSA has been and will be a tremendous loss for thousands of Chinese students living abroad and studying at McMaster, as well as for the McMaster community as a whole.

There is no basis to de-ratify MAC CSSA and the decision to de-ratify was the result of serious breaches of procedural fairness.

Firstly, there is no basis to de-ratify MAC CSSA. Contrary to what the Student Representative Assembly (SRA) has asserted in deciding to de-ratify MAC CSSA, MAC CSSA did not notify, or contact, or report to the Chinese consulate about the February 11, 2019 event entitled, "The genocide of Uyghur Muslims" or Uyghur activists at any time and it did not endanger the safety and security of McMaster students. Nor did it send the February 13, 2019 statement (the "Statement") to the consulate. Enclosed is a translation of the Statement that is more accurate than the translation attached to Clubs Administrator Aditi Sharma's June 18, 2019 memo to the SRA. MAC CSSA denies that it endangered the safety and security of McMaster students contrary to section 5.1.3 of the MSU Operating Policy (the "Operating Policy"). MAC CSSA has never reported on and never agreed to report on any McMaster students to the Chinese consulate. MAC CSSA respects the freedom of expression rights of all McMaster students. The decision to de-ratify was based on conjecture, speculation and biased assumptions. MAC CSSA should not have been subject to the sanctions provided for under section 5.3 of the Operating Policy, and certainly not the most severe penalty, disbandment.

Secondly, the SRA's decision to single out MAC CSSA for de-ratification was unfairly reached and based on arbitrary decision-making. The SRA suddenly, and without proper notice, reversed its July 21, 2019 decision that approved ratification of MAC CSSA based on the Clubs Administrator's June 18, 2019 recommendation to ratify (*after* the February 11, 2019 event).

As discussed below, the MSU and SRA breached procedural fairness by: (a) failing to follow the procedures set out in the Operating Policy; (b) relying on inflammatory allegations, conjecture and speculation in its decision-making; (c) failing to provide MAC CSSA with the case it had to meet; and (d) failing to provide MAC CSSA with the right to make full answer and defence.

The Clubs Administrator, Clubs Executive Council (CEC), and the SRA failed to follow procedure set out under section 5.3.2 regarding disbandment. The Clubs Administrator did not call a CEC meeting to hear the matter involving MAC CSSA. Indeed, it was admitted by the SRA that this process was deliberately bypassed. The CEC did not determine whether MAC CSSA was either incapable of or unwilling to correct alleged behavior and whether the interests of the MSU and student body would be best served by disbandment of the club. The Clubs Administrator did not recommend that the SRA rescind MSU's recognition of MAC CSSA. The SRA ratified disbandment of MAC CSSA in a situation where other reasonable courses of action were not considered.

Finally, the de-ratification decision of the SRA on September 22, 2019 was made without prior notice to MAC CSSA and without giving MAC CSSA an opportunity to respond to the inflammatory and unsubstantiated allegations made about MAC CSSA by Simranjeet Singh in his presentation to de-ratify MAC CSSA.

Under Section 2.2 of the Operating Policy, the MSU cannot attempt to censor, control or interfere with any existing MSU Club on the basis of its philosophy, beliefs, interests or opinions expressed unless and until these lead to activities which are illegal or which infringe upon the rights and freedoms of others. MAC CSSA denies that it engaged in illegal activity or activities that infringed on the rights of other students. Rather, it is the SRA's arbitrary and procedurally flawed decision to de-ratify MAC CSSA that amounts to unwarranted censorship, control, and interference with MAC CSSA, contrary to Section 2.2.

MAC CSSA takes the position that the SRA's questions exhibit a reasonable apprehension of bias. Although it submits the following answers in response to the questions, nothing in its written or oral submissions should be viewed as acceptance of the SRA process and MAC CSSA reserves all its rights in this regard.

II. MAC CSSA's answers to questions of the SRA that were provided on October 8, 2019

1. For decades, MAC CSSA has respected the freedom of expression rights of McMaster students and continues to do so.

MAC CSSA did not notify, contact, or report to the Chinese consulate about the February 11, 2019 event entitled, “The genocide of Uyghur Muslims” (the “Event”) or Uyghur activists at any time. MAC CSSA has never reported on and never agreed to report on any McMaster students to the Chinese consulate. The Event was well-publicized by its organizers and could have come to the attention of any individual or body, including but not limited to the consulate, by way of its widespread publication.

MAC CSSA understands that McMaster alumni Li Qi contacted the Chinese consulate about the Event in his personal capacity. Li Qi did not consult with MAC CSSA when he contacted the Chinese consulate and he did so without MAC CSSA’s knowledge or consent. MAC CSSA has no knowledge of the specific communications between Li Qi and the Chinese consulate and it only learned about the contact after it was done.

Li Qi prepared the February 13, 2019 statement (the “Statement”) without any input from MAC CSSA. Li Qi subsequently obtained consent from Daniel Yulang Li, the prior president of MAC CSSA (the “former president”), to place MAC CSSA’s name on the Statement, and Li Qi obtained similar consent of other MSU clubs (which, notably, have retained their MSU club status). MAC CSSA did not send the Statement to the Chinese consulate or government.

In de-ratifying MAC CSSA, the SRA made erroneous and biased assumptions about MAC CSSA’s intentions in agreeing to place its name on the Statement. **MAC CSSA agreed to place its name on the Statement out of concern for the safety of McMaster students and in order to exercise MAC CSSA members’ freedom of expression rights.** By signing the Statement, there was no intention by MAC CSSA to censor or intimidate anyone in the McMaster community. The Event raised very sensitive, difficult, and emotional subject matter that was highly distressing for many Chinese students at McMaster, including members of MAC CSSA. At the time, the former president believed the Statement Li Qi prepared was an opportunity to give public expression to many Chinese students’ viewpoints and their concerns about the February 11, 2019 event. The former president, on behalf of MAC CSSA, also agreed with what he understood to be Li Qi earlier notifying the Chinese consulate (on his own volition) about an emergency event, just as citizens of other countries living abroad would do with their own consulates in times of emergency. The emergency event was, more specifically, thousands of Chinese students at McMaster experiencing immense emotional distress resulting from this public Event. MAC CSSA did not believe Li Qi’s notification of such a well-publicized event to the Chinese consulate would endanger any McMaster student. The former president’s agreement to put MAC CSSA’s name on the Statement was out of concern for the safety of McMaster students and was not intended to be an admission that the club had contacted or reported to the Chinese consulate or government about the Event or that it endangered the safety and security of McMaster students, which, to

reiterate, MAC CSSA denies. There was no contact at all between MAC CSSA and the consulate about the public Event. The former president and MAC CSSA certainly did not intend to intimidate, censor, or endanger McMaster students when consent was given to place MAC CSSA's name on the Statement prepared by Li Qi (which was also signed by other MSU clubs) about the well-publicized Event. The former president and MAC CSSA respected all students' freedom of expression rights and wished to exercise the same right for thousands of MAC CSSA members who were deeply troubled by the Event.

2. MAC CSSA is not affiliated with the Chinese consulate and government. For decades, MAC CSSA has operated independently as a longstanding MSU club for thousands of McMaster students. It continues to operate independently.

Like other consulates of other countries, the Chinese consulate offers services to Chinese citizens, such as providing emergency assistance and information on safe travel abroad. With thousands of overseas Chinese students studying at McMaster, communication occurs between MAC CSSA and the consulate (as other international student clubs do with their own respective consulates) from time to time for purposes of raising awareness of consular services and providing information on safe travel abroad. Recently, for example, MAC CSSA club organized an informal event that occurred on September 2, 2019. During this event, two Chinese consulate officials visited the McMaster campus to meet briefly with new international Chinese students attending McMaster and to discuss adjusting to living in Canada. The officials also raised awareness of recent phone scams involving fraudulent communications that claimed to be from the Chinese consulate. At the event, the current MAC CSSA president RuiJi Wang raised awareness of general safety issues for newly arrived Chinese students, specifically safeguarding against fraud and robberies. The Event was not discussed at all with these officials. In the past, Chinese consulate officials have attended similar MAC CSSA events very occasionally, estimated at one every few years, and purely on an informal basis as part of the club's numerous activities geared to providing academic and recreational support to its student members (which include a large number of international students).

Other than the above-mentioned informal events, the Chinese consulate and government officials have never attended MAC CSSA meetings or events. MAC CSSA strongly denies that the Chinese consulate or government play any role in membership, finances, elections, meetings, and activities of MAC CSSA.

3. This question unfairly assumes that MAC CSSA reported a Uyghur activist to the Chinese consulate, or that it has engaged in intimidation or harassment of Chinese students, which it denies. Again, MAC CSSA did not contact or report to the Chinese consulate or government about the Event or Uyghur activists as asserted by the SRA. MAC CSSA did not send the

Statement to the Chinese consulate or government. MAC CSSA has never reported on and never agreed to report on any McMaster students to the Chinese consulate.

MAC CSSA denies that it has endangered the safety and security of any McMaster students. For decades, MAC CSSA has respected the freedom of expression rights of McMaster students and continues to do so.

4. MAC CSSA did not contact or report to the Chinese consulate or government about the Event or Uyghur activists. The club did not endanger the safety and security of McMaster students. MAC CSSA has never reported on and never agreed to report on any McMaster students to the Chinese consulate.

MAC CSSA denies that it played a “leadership role” in releasing Statement. It did not invite others to sign the Statement and it did not send the Statement to the Chinese consulate or government. The Statement was simply posted on MAC CSSA’s WeChat account because the former president believed the statement Li Qi prepared was an opportunity to give public expression to many Chinese students’ raised concerns about the Event.

5. If there are future events critical of the Chinese government, the SRA can be assured that MAC CSSA will not report such events or McMaster students to the Chinese consulate and government. MAC CSSA has never reported on and never agreed to report on any McMaster students to the Chinese consulate. MAC CSSA will continue to respect the freedom of expression rights of students, as it has done for the past 35 years, and its leadership assures the SRA that it recognizes the importance of ensuring that all students feel safe and respected.
6. See answer to #5.
7. No. MAC CSSA did not receive any support, advice, or guidance from other CSSA organizations on how to respond to the SRA’s September 22, 2019 decision. MAC CSSA is not affiliated with other CSSA organizations. For decades, MAC CSSA has operated independently as a longstanding MSU club for thousands of McMaster students. It continues to operate independently.
8. No. MAC CSSA did not receive any support, advice, or guidance from any Chinese government officials (such as the embassy or consulate) on how to respond to the SRA’s September 22, 2019 decision. MAC CSSA is not affiliated with the Chinese consulate and government. For decades, MAC CSSA has operated independently as a longstanding MSU club for thousands of McMaster students. It continues to operate independently.

9. No. The Chinese consulate has not attempted to offer any support, advice, or guidance to MAC CSSA since the September 22, 2019 decision.

To conclude, MAC CSSA has always been committed to supporting the freedom of expression rights of *all* McMaster students and will continue to do so. MAC CSSA supports the rights and freedoms of its members, as well as all members of the McMaster community (including those who may have views critical of the Chinese government), to exchange ideas and to engage in respectful and informed debate on all issues. MAC CSSA pledges to contribute to McMaster's continued existence as a safe and tolerant campus where respectful and meaningful discourse and discussion can occur and where diverse viewpoints can be heard.