

BETWEEN:

Jonathan Bradley

(the “applicant”)

-and-

Rye Eye Publishing Incorporated

(the “respondent”)

**SCHEDULE “A” OF JONATHAN BRADLEY’S APPLICATION BEFORE THE
HUMAN RIGHTS TRIBUNAL OF ONTARIO**

SCHEDULE “A”

Overview

1. On June 9, 2020, the applicant Jonathan Bradley, a student at Ryerson University, was terminated from his position as a part-time journalist for the publication the Eyeopener, a publication provided by Rye Eye Publishing Inc., on the basis of social media comments he made about what the Bible says about sexuality.
2. For almost three years, Mr. Bradley had written for the Eyeopener on a variety of issues. At one point in the past, the Eyeopener asked him to avoid writing articles in the Eyeopener on the subject of equity, diversity, and inclusion, while the Eyeopener had agreed that he could write on this issue elsewhere. He complied with this request.
3. However, on June 9 2020, the Eyeopener terminated Mr. Bradley because, “Recently, *The Eyeopener*’s Twitter was tagged in a thread involving screenshots of a conversation in which you defended the notion that homosexuality as well as being transgender is considered a sin. I see that you have tweeted this sentiment in the past and also defended it in the present day. You are entitled to your opinion and are free to express it online;

The Eyeopener cannot and would not control that. However, we are responsible for ensuring that our *Eye* community—including sources, contributors, readers and editors—feel safe and comfortable in working with *The Eyeopener* and coming into our space. I fear that since you’ve made your opinion public, members of our community, especially queer, trans and non-binary folks, would no longer feel safe if you are associated with the publication.”

4. The Eyeopener’s termination of Mr. Bradley on the basis of him sharing his creed on social media constitutes discrimination in the area of employment, based on the enumerated ground of creed, and is contrary to the Ontario *Human Rights Code* (“Code”).
5. It is illegal discrimination for an employer to punish an individual on the basis of that individual sharing his or her legal and permissible creed in other forums. Allowing the respondent to discriminate on this basis would set a dangerous precedent for all employees who hold and share a particular creed.

The Parties

6. The applicant is a student at Ryerson University in his fourth year, studying in the Ryerson School of Journalism.
7. Mr. Bradley also writes for RUtv News, the Post Millennial, the National Post, the Financial Post, and the Ryerson School of Journalism.
8. The respondent, Rye Eye Publishing Incorporated (“Rye Eye”), owns and operates the Eyeopener, a newspaper operating on the campus of Ryerson University. Rye Eye is a non-profit corporation incorporated under the *Canada Not-for-profit Corporations Act* 2016-06-22.
9. On its website, the Eyeopener describes itself in the following way:

The Eyeopener is Ryerson University’s independent student newspaper, [sic] and has been since 1967. It is owned and operated by Rye Eye Publishing Inc., a non-profit corporation owned by the students of Ryerson.

Fifty years ago, an RTA student named Tom Thorne decided that Ryerson’s campus needed a voice for the students, from the students. Soon after, *The Eyeopener* was born. Our first office was a broom-closet office in Oakham House, then we upgraded to a small basement office in Jorgenson Hall. Now, you can find us on the second floor of the Student Campus Centre. We’ve grown a lot

since our early years, but we've always upheld the voice of students on this campus—and plan to do so for decades to come.

The applicant's religious background and creed

10. Mr. Bradley was raised in the Roman Catholic faith since the time he was born and was baptized into that faith as a young child.

11. As a devout Roman Catholic, he relies on texts from his faith, including the Bible and “The Catechism of the Catholic Church.” (documentary evidence to follow).

12. He describes his creed as follows:

I am a strict Roman Catholic. The Bible and “The Catechism of the Catholic Church” are core to my beliefs. I strive to follow the Bible and I do my best to apply “The Catechism of the Catholic Church” to my life. The Ten Commandments are important to me. I feel the world would be a better place if people followed the Ten Commandments. I pray at least four times a day. There are religious mementos in my room that I rely on.

13. Mr. Bradley has a history of tolerance and respect toward individuals with divergent views. He enjoys reaching out to individuals with views which differ from his own. As one example, he volunteered on Leslyn Lewis' Conservative Leadership campaign, the first black woman to run to become Conservative Leader (documentary evidence to follow).

14. He also connected with various religious student groups when he was running for a position with the Ryerson Students' Union, making efforts to reach out to both Jewish and Muslim students to find out what he could do for them to make the Students' Union a better place for them if he were elected (documentary evidence to follow). He was also asked to join a paid Israeli Student Fellowship, a group that addresses anti-Semitism on campus.

15. At a young age, Mr. Bradley was recognized for his respect and tolerance for divergent thought when he won the York Catholic Presidents' Council Equity Award when he was in Grade 12 (documentary evidence to follow). He was given this award for his involvement as communications representative on his high school's Ontario Students

Against Impaired Driving (OSAID), being recognized for treating all members with respect.

16. He enjoys learning about different ideas and often reads books from authors with whom he disagrees. As an example, earlier this year, he listened to Sam Harris' audiobook "Letter to a Christian Nation." Harris is an avowed atheist, while Mr. Bradley is a Christian, but Mr. Bradley enjoyed learning about Mr. Harris' ideas because he enjoys exploring varied ideas.
17. In his time working for the Eyeopener, no one, including his superiors, spoke to Mr. Bradley to convey any concern about him being intolerant, racist, bigoted, or otherwise discriminatory. He was never approached by his supervisors with concerns about any social media posts he shared or had shared in past. While Mr. Bradley has shared various opinions on issues, he has never engaged in discrimination.
18. Mr. Bradley simply wants other people to understand and respect his beliefs, with the hope he will not be discriminated against. He believes that the best ideas will triumph when robust debate and dialogue occur.

The applicant's volunteer employment with the respondent

19. Mr. Bradley began writing for the Eyeopener in September 2017 when a few editors from the Eyeopener came to his journalism class to encourage first year students to write for it.
20. These editors passed around a sign-up sheet, saying that they would email those who expressed an interest. Mr. Bradley put his name on the sign-up sheet.
21. Subsequently, he was contacted and had an interview with a few of the editors where he was asked questions to determine whether he was a suitable candidate for a position at the Eyeopener.
22. The editors asked Mr. Bradley about the experience he had, why he wanted to write for the Eyeopener, and what topics he wished to address.
23. Mr. Bradley answered that his experience consisted of writing for his news blog, being the head proof-reader at his high school's yearbook, managing his high school's Ontario Students Against Impaired Driving Twitter account, and producing videos for his communications technology and television news classes. He said he wanted to write for

the Eyeopener because he was hoping to become involved in the Ryerson community. He said that he was comfortable reporting on any topic he was assigned.

24. In order to write for the Eyeopener, Mr. Bradley was told that he needed to adhere to the Constitution for the Eyeopener (documentary evidence to follow). From time to time, Mr. Bradley was also asked to attend training sessions.
25. Stories were assigned to the journalists of a weekly basis.
26. Each week, the Eyeopener paid for the dinner and drinks of the journalists and editors who contributed. Mr. Bradley was not compensated financially for his work outside of this. Mr. Bradley would attend the pub nights at his convenience.
27. Mr. Bradley pitched his first story to the Eyeopener about a Ryerson criminology professor who conducted a ride to raise funds for diabetes. In order for the Eyeopener to agree to him writing the story, he met with an editor to determine if he was capable of writing the story. The editor asked Mr. Bradley a number of questions to determine if she would allow him to write the story. This first story was published on October 6, 2017, the editor commending Mr. Bradley on the story (documentary evidence to follow).
28. Mr. Bradley has counted 28 articles that he has written for the Eyeopener, including the following: (documentary evidence to follow).
29. In the first year of writing for the Eyeopener, Mr. Bradley wrote for the Arts and Life and Communities section, and in the second year, he wrote for the News section.
30. To write for the News section, Mr. Bradley was required to attend a training meeting in January 2019. This training session provided information on what was expected of a journalist writing for this section. The participants in the training session were told that the training sessions' purpose was to ensure that journalists understood their responsibilities in writing for the section and the publication. He was told at that training that he was a valuable asset to the Eyeopener.
31. Mr. Bradley also attended a training session on November 7, 2019 on procuring internships.

32. About or around his second year of writing for the Eyeopener, Mr. Bradley began to notice that a significant portion of the Eyeopener staff were intolerant toward those who held and shared conservative or religious opinions.
33. One example of many was of when the Eyeopener editors printed an entire page in the last issue of the 2019-2020 schoolyear with the captioned title “Fuck you, Ford.”
34. This perceived bias toward conservative or religious views made Mr. Bradley more careful about sharing his views and opinions, but he continued to discuss his views with others, even if he himself disagreed with those views.
35. In August 2019, in his third year of studies, Mr. Bradley applied for the job of online editor. He was not chosen for this position and was told by then editor-in-chief, Sarah Krichel, that he needed more experience in order to fill this role. At this point, he was starting to provide stories on an almost weekly basis.
36. At this time, Mr. Bradley also ran for the position of Communities editor, being encouraged by Ms. Krichel and the outgoing Communities editor to do so because they told him that they believed he was hardworking and passionate. Mr. Bradley lost the election for the position, but Ms. Krichel told him that he should keep trying for open positions and that she saw growth in Mr. Bradley as a journalist.
37. During the time Mr. Bradley worked as a journalist for the Eyeopener, he also wrote for other publications. This was common. Other Eyeopener journalists also wrote for other publications such as RUtv News, the Ryersonian, and the Toronto Star. Mr. Bradley was never told he could not share his opinion in other venues. In fact, contributions to other news outlets was encouraged. Editors told Mr. Bradley that they would love to see work that he has done for other news outlets.
38. Mr. Bradley began to work as a contributor for the Post Millennial in November 2019. He also contributed to RuTV around the same time.
39. In December 2019, Mr. Bradley wrote a story for the Post-Millennial about Canadian student unions (documentary evidence to follow). As a result, he was invited to participate in an episode or “The Agenda with Steve Paikin” to discuss this topic, which he did civilly and respectfully.

40. No one at the Eyeopener approached him with concerns about him writing for the Post-Millennial.
41. In January 21, 2020, Mr. Bradley wrote a cover story for the Eyeopener titled, “Cheat Thrills” about students who have committed academic misconduct (documentary evidence to follow). He received positive feedback from the editors on this story, this positive feedback on his work being consistent.
42. In March 2, 2020, Mr. Bradley wrote a column for the Post Millennial on the topic of the problems that he believed exist in relation to equity, diversity, and inclusion offices at Canadian universities. By this time, he had grown disenchanted with these offices because he had noticed that some groups were being discriminated against by these offices on the basis of their viewpoints. It was upsetting to him that these groups were shamed, silenced, and shouted down simply because they had views with which some students disagreed. This treatment flew in the face of the respect and tolerance he felt were so important.
43. On March 3, 2020, Mr. Bradley went for drinks and dinner with other Eyeopener staff. At the dinner, Ms. Krichel asked Mr. Bradley to meet with her and the then managing editor, Liane McLarty, in one of the Eyeopener’s offices.
44. At this meeting, Ms. Krichel spoke to Mr. Bradley about the article he wrote for the Post-Millennial about equity, diversity, and inclusion offices. Ms. Krichel said that she had concerns about the article because the Eyeopener supports equity, diversity and inclusion offices. Ms. Krichel told Mr. Bradley that the simple fact that he had written this article could make other members of staff feel “uncomfortable” or “triggered” by his *simple presence*. Mr. Bradley asked if this meant he could not continue to attend the pub nights, and Ms. Krichel responded by saying that she was unsure as to whether Mr. Bradley would be allowed to continue with the pub nights, and that she would have to think about whether he should be allowed to continue to write for the Eyeopener. Ms. Krichel said that the fact that Mr. Bradley had written that article made his presence a threat, and that he could be making the space at the Eyeopener “unsafe space.” She also told Mr. Bradley that she did not want him attending that week’s pub night.

45. Mr. Bradley responded by sharing that he did not believe that he had shared any views which were harmful.
46. Ms. McLarty adjourned the meeting and suggested that Ms. Krichel could take a few days to determine whether Mr. Bradley would face any punishment for writing this article.
47. Mr. Bradley left this meeting feeling disrespected and that his dignity had been harmed, also hurt that he was now excluded from attendance at pub night.
48. Three days later, on March 6, 2020, Ms. Kricher phoned Mr. Bradley to discuss Mr. Bradley's future with the Eyeopener. Mr. Bradley recorded that call because he was worried about the intolerance he was increasingly experiencing at the Eyeopener. Mr. Bradley has made a transcript of that call (documentary evidence to follow).
49. In this call, Ms. Krisher said Mr. Bradley could continue to write for the Eyeopener, but he could not do stories for the Eyeopener about equity, diversity, and inclusion: "So, it's not that you can't write whatever opinion you want. It's that if you do write an opinion piece along those lines or even at all for the Post Millennial, I'll likely tell you hey, maybe skip dinner this week."
50. Ms. Krisher did not tell Mr. Bradley that he could not share his opinions on equity and diversity in other forums. In fact, she told him the opposite. She told him that she expected he would share his views in other forums, but asked him to refrain from attending dinner with staff when he did.
51. Mr. Bradley continued to write stories for the Eyeopener for the remainder of the school year. For example, he wrote stories on a new cannabis dispensary opening near Ryerson, sports culture when it comes to refereeing, how different faculties at Ryerson were responding to classes moving online because of COVID-19, and the pass/fail grading system implemented because of COVID-19.
52. In spring of 2020, Mr. Bradley communicated on social media with a former classmate of his, Serena Rubino. On June 3, 2020, Ms. Rubino sent out a series of tweets calling Mr. Bradley a bigot, homophobe, and transphobe for holding Roman Catholic beliefs about God, secularism, forgiveness, homosexuality, and transgenderism. Ms. Rubino included

in one of the tweets screenshots of a conversation the two had about these topics in July 2017. Serena tagged Ryerson and the Eyeopener in these tweets in what Mr. Bradley sees as an attempt to “cancel” him, a term indicating a “boycott” or “shaming” of that individual resulting in a removal of any public or social support for that individual.

53. Ms. Rubino eventually apologized for these tweets and removed them after being contacted by Mr. Bradley’s lawyer on the issue of defamation.
54. On August 8, 2020, Ms. Rubino shared the following apology on Twitter for the injurious statements she had made about Mr. Bradley: “On June 3, 2020, I published two tweets referring to Jonathon Bradley. I did not intend to harm the reputation of Jonathon Bradley. I have removed the tweets and I apologize to Jonathon Bradley for the tweets” (documentary evidence to follow).

The alleged discrimination

55. On June 9, 2020, Catherine Abes, present editor-in-chief, emailed Mr. Bradley to tell him that the Eyeopener was terminating his position as a contributing journalist on the unlawful and discriminatory basis of his creed (documentary evidence to follow), namely that he said on social media that the Bible says that homosexuality and transgenderism is sin.

56. In her email, Ms. Abes said the following:

Recently, *The Eyeopener*’s Twitter was tagged in a thread involving screenshots of a conversation in which you defended the notion that homosexuality as well as being transgender is considered a sin. I see that you have tweeted this sentiment in the past and also defended it in the present day. You are entitled to your opinion and are free to express it online; *The Eyeopener* cannot and would not control that. However, we are responsible for ensuring that our *Eye* community—including sources, contributors, readers and editors—feel safe and comfortable in working with *The Eyeopener* and coming into our space. I fear that since you’ve made your opinion public, members of our community, especially queer, trans and non-binary folks, would no longer feel safe if you are associated with the publication.

It's for these reasons that I've come to the decision that you can no longer contribute to *The Eyeopener*. It is no longer enough to ask that you do not pitch equity-based stories or communities stories. There will be queer, trans and non-binary voices in every kind of story and I must protect these folks' interests and ensure they feel safe. And again, I need to make sure people feel safe using the Eye as a platform, being in the office and attending community events.

This decision adheres to Article 3 of The Eyeopener's constitution, Acceptance of Material Submitted—Editorial Content, which states that:

- There is no guarantee that works submitted will be published in the EYEOPENER.
- The decision whether or not a contribution will be published rests with the appropriate section editor(s) under the supervision of the editor-in-chief.
- The editor may refuse to publish any contribution which is libelous, slanderous, or which contravenes this constitution.
- The editorial board may refuse to publish a submission in accordance with Section 1.2.2

I will also refer you to Article 1, Section 2 of The Eyeopener's constitution, Ethics and Practices, which states that:

- The EYEOPENER shall ensure that its coverage is accurate, timely and honest. Reports which display a sexual, racial or religious prejudice shall have no place in the pages of the EYEOPENER.
- The EYEOPENER shall not publish any submission which is known to contain information which has been falsified or distorted to promote the aims or concern of any special interest group, political body, or individual. Nor shall the EYEOPENER's editorial board allow to be published any report, column, photograph, letter or graphic which it finds to be libelous,

offensive or unethical (See also ARTICLE 3—Acceptance of Material Submitted.)

While I empathize that no journalism is truly “objective,” we ask that writers do their best to ensure their personal views or politics do not skew their reporting. I am aware that this has been an issue with your reporting in the past and do not feel it would be appropriate to continue to assign you stories.

I must also ask that you remove the Eye from your social media bios.

Please let me know if you have any questions or concerns. Take care.

Best,

Catherine Abes

57. Within 24 hours, Mr. Bradley removed writer@theeyeopener from his social media bios.
58. No one from the Eyeopener contacted him to convey any further concerns or to tell him that he had any further duties with which to comply in relation to his termination.
59. The respondent’s termination of employment on the basis of the applicant sharing his creed constitutes a termination of employment based on the enumerated ground of creed, contrary to the *Code*.
60. None of the representatives of the respondent made any attempt to determine whether it was possible to accommodate the applicant’s creed.
61. Subsequent to the email Ms. Abes sent to Mr. Bradley on June 9, 2020, Mr. Bradley and Ms. Abes spoke by phone on this matter later on that same date. Mr. Bradley recorded that call and has made a transcript of that call (documentary evidence to follow).
62. In this call, Ms. Abes told Mr. Bradley that while she respected that he had “religious opinion,” she worried that this religious opinion would make readers feel “unsafe.” When Mr. Bradley said that he could not say he was ashamed of the Bible or that it was wrong,

Ms. Abes said that some people might not feel comfortable knowing that he had these religious views. When Mr. Bradley said that he had adhered to the request to not write anything in the Eyeopener on equity, diversion and inclusion, Ms. Abes said that she did not want anyone in the Eyeopener community to come into contact with his religious views, whether he writes about them in the Eyeopener or not. Ms. Abes gave no other justification for the termination of Mr. Bradley outside of the fact that him sharing his religious beliefs on social media may make members of the Eyeopener uncomfortable if they were aware of them, despite the fact that Mr. Bradley had not shared those views in his work for the Eyeopener.

63. Mr. Bradley asserted the view that everyone should be able to share their opinions without punishment and that he supports that view even if the opinions of others oppose his own, having “friends all over the political spectrum.”

64. Ms. Abes concluded the call with reasserting her position on terminating Mr. Bradley, saying that the decision was not one she made unilaterally and that she would not be changing that decision.

65. Ms. Abes reiterated the request she made in her email, “The only thing we need you to do is remove Eyeopener writer from your social media bios.” Mr. Bradley had already removed “writer@theeyeopener” from his social media bios after reading Ms. Abe’s request in her termination email.

66. Neither Ms. Kricher nor Ms. Abes told Mr. Bradley at any time, including in emails or teleconferences, that they had a concern about anything Mr. Bradley had written in the past, including in his social media, outside of the issues addressed above.

67. In conclusion, in total, the Eyeopener made the following demands of Mr. Bradley, with which he fully complied:

a) On March 6, 2020, the Eyeopener asked Mr. Bradley not to do any stories for the Eyeopener on equity, diversity, and inclusion and asked if he wrote on these issues outside of the Eyeopener, he should not attend “dinner” that week; and

b) on June 9, 2020, the Eyeopener asked Mr. Bradley to remove “Eyeopener Writer” from his social media bios.

68. The Eyeopener made no further demands of Mr. Bradley or shared any further concerns.
69. On the date of July 3, 2020, Mr. Bradley emailed Ms. Abes to make a request for accommodation in employment for his religious beliefs (documentary evidence to follow). Mr. Bradley received no response from Ms. Abes or any other Eyeopener staff to his email request for accommodation.

The respondent's history of discriminatory conduct

70. The Eyeopener has a history of discriminatory conduct toward various groups and individuals.
71. The Eyeopener has published articles that share anti-Semitic views. It has also published articles denigrating law enforcement with outrageous language. It has also promoted the slogan "Fuck you, Ford." (documentary evidence to follow).
72. One of the writers at the Eyeopener, Mariam Nouser, has a history of sharing anti-Semitic views (documentary evidence to follow).
73. On the date of October 1, 2019, the Eyeopener published an editorial in which the writer characterized Ryerson professors as hateful, stereotypical, racist, ableist, and sexist (documentary evidence to follow).
74. On the date of September 23, 2020, an article published in the Eyeopener labelled a Ryerson student as a xenophobe and an anti-black racist (documentary evidence to follow).
75. On the date of September 11, 2018, the Eyeopener also published a column in which the then editor-in-chief said that free speech was a "buzzword" and said that it was appropriate to shout down guest speakers with which one disagrees, and that it is also appropriate to call those who disagree with you "assholes" (documentary evidence to follow).
76. To Mr. Bradley's knowledge, none of the writers who have engaged in discriminatory conduct have been censured by the Eyeopener.

Damages: The effect of the discrimination on the applicant

77. As a result of the respondent's breach to the *Code*, Mr. Bradley was terminated from employment on the discriminatory basis of creed.

78. He has therefore suffered:

- a) Loss of opportunity;
- b) Reputational harm;
- c) Injury to feelings and self-respect, loss of dignity, as well as victimization and humiliation.

Remedies:

79. Mr. Bradley seeks remedies in way of the following:

- (a) Monetary compensation;
- (b) Non-monetary compensation; and
- (c) Remedies for future compliance.

80. As to monetary compensation, Mr. Bradley seeks compensation of \$20,000.00 in general damages, plus pre-judgment and post-judgment interest, for loss of opportunity, harm to reputation, injury to feelings and self-respect, loss of dignity, and victimization and humiliation. This amount is based on the what the jurisprudence and the Tribunal has communicated is appropriate.

81. As to non-monetary compensation, the applicant seeks reinstatement to his position; an assurance of future compliance with the *Code*, as well as orders or declarations that the respondent's termination of the applicant constitutes discrimination contrary to the *Code*; and that the respondent must cease its discriminatory conduct.

82. As to future remedies, the applicant requests that the respondent be ordered to develop and implement non-discriminatory policies and procedures; develop and implement internal human rights complaint procedures; develop and implement training on these policies and procedures; post the *Code* in its workplace; and that it provides a copy of the decision of the Tribunal to all current and future staff and administrators.

83. The applicant asks that this Application be allowed.