

**SCHEDULE “A”****September 07, 2016****SELWYN PIETERS****FORM 1, QUESTION 8: What Happened**

1. I am a Black, African Canadian, male, with dreadlocked hair.
2. I am a Barrister and Solicitor (or lawyer or licensee), and Notary Public in the Province of Ontario. I have also a member in good standing of The Law Society of Upper Canada since February 2005.
3. I am also a member of the Bar in the Republic of Trinidad and Tobago and the Bar of the Cooperative Republic of Guyana.
4. On July 05, 2016, I was racially profiled at the Law Society of Upper Canada (“LSUC”), treated differently from other lawyers and denied access to the door that is normally accessible to lawyers and members of the public alike. I believe that I was subjected to racial profiling in the provision of services in contravention of section 1 of the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended (the “Code”).
5. I am discriminated and/or harassed with respect to membership in a vocational association because of race (Black), colour (Black), ancestry (African), ethnic origin (African-Canadian), creed (dreadlocks, perceived rastafarian) in contravention of sections 6 and 9 of the *Code*.
6. On July 05, 2016, on or around 12:45 p.m. I entered the main doors of LSUC with my student Mr. Kevin Jerome Basil Williams, who is also a Black male. Mr. Williams and I were heading to the doors leading to the Convocation Hall and the Library.
7. A Security Guard whose name I later learnt is Omar Hartman, was seated a few feet away from the door, next to the entrance of his security office.
8. Approximately three Caucasian women in front of us walked through the door without any interference from the Security Guard.
9. As I approached the door I flashed my LSUC Identification Card that was in my wallet in a clear plastic holder to the guard on duty.

10. The Security Guard approached me closely, invading my space. He aggressively demanded that the LSUC Identification card be removed from the wallet.
11. It took a moment to get the Identification Card out since it was never removed from the holder in the wallet since I obtained it.
12. The Security Guard literally grabbed the card out of my hands.
13. The Security Guard advised me in quite a curt manner that the Identification Card was expired and denied me and the law student entry through the door.
14. The Security Guard never checked LSUC Database to see whether or not I was a lawyer in Good Standing.
15. Surveillance video exists that shows the conduct of the Security Guard, prior to, during and after the interaction with me.
16. As a member in good standing, I am in the LSUC database. Even if the card was expired, the security guard could have tactfully and diplomatically explained that to me and then pointed me to where it can be renewed. He could have satisfied himself that I am a member by checking the database. But denying me access to a place where I rightfully can access because of his perception or view denied me my rights to equality in the provision of services.
17. I was inappropriately stereotyped by the LSUC Security Guard. The stereotype is based on race, colour, ancestry, creed and ethnic origin.
18. I believe that the Security Guard relied on stereotypes about race, colour, creed and ethnicity to single out me and my student out for greater scrutiny or different treatment. In effect, I was racially profiled. As well, my student was racially profiled.
19. I went over to member services, paid the \$15.00 and received a new membership card.
20. I then returned to the area, at which time another Security Guard was stationed at the door. I provided him my business card and requested he passed it on to the Security Manager to contact me.
21. With the renewed membership card I entered through the door (another officer was there) and proceeded to give the student the tour I promised him.

22. A White female security guard then came up to the second floor where convocation hall is located. She was obviously sent to observe us. She entered convocation hall then went up to the second level of convocation hall and watch as I had a discussion with Mr. Williams on the lower level and acted as his photographer for some souvenir pictures of his visit to LSUC.
23. Shortly after entering the Great Library Security Manager Sheldon Kusu approached me in the Great Library to discuss the issue with me and my student. I told him I would be filing a formal complaint and he provided me with his business card.
24. The Law student told Mr. Kusu, in my presence, that he was concerned about the lack of courtesy and the security guard treatment of me as though “you could not possibly be a lawyer.”
25. On July 14, 2016, I met with Robert Lapper, Q.C., Chief Executive Officer of The Law Society of Upper Canada, at his office to discuss the situation at hand. Mr. Lapper told me that the Security Guard would not be disciplined and he could give me the bureaucratic line the Guard was following standard operating procedures.
26. I told Mr. Lapper that I have been in the building for many years having worked as a CSO and Registrar at the Superior Court of Justice, having taken the Bar Admissions Course in that very building and having entered that building numerous times as a lawyer for various LSUC events and to go the Great Library. I was and remain of the firm belief that discrimination and racial profiling was at play here.
27. On July 29, 2016, I received a letter from Mr. Lapper. It essentially adopted the actions of the Security Guard and defended it. None of the issues I raised was reasonably addressed and I was not provided with the investigation report nor was I provided with the surveillance video.
28. On July 29, 2016, Mr. Robert Lapper also wrote a letter to the Law Times. That letter was attached to the correspondence Mr. Lapper sent to me by courier.
29. On August 22, 2016, Mr. Lapper’s Letter was published a letter in the Law Times: “LSUC responds to discrimination allegation”  
<<http://www.lawtimesnews.com/201608225590/letters-to-the-editor/letter-lsuc-responds-to-discrimination-allegation>> (Date accessed: August 25, 2016). In that letter Mr. Lapper wrote:

I am writing in response to the article “Lawyer alleges discrimination by LSUC security guard,” published in the July 25, 2016 issue.

The Law Society has standard procedures for all non-staff licensees who seek to enter controlled access areas of the building. Access to these parts of the building is gained through the main reception area of the Law Society. The standard procedures call for security staff to ask licensees to show their Law Society identification card. If this card is expired, security staff will check the Law Society’s database of licensees to confirm the licensee’s status. Once security staff have confirmed the licensee’s status, he or she is permitted entry to those areas of the building.

It is true that some individuals are not stopped at the main entrance. Staff of the Law Society are not subject to the standard procedures outlined above and move frequently through the controlled access doors without interacting with security. Staff of the Law Society are issued staff identification cards and security passes, which they use to gain entry to controlled access areas of the building directly.

Following the occasion of his visit to the Law Society, Mr. Pieters contacted me to express how he experienced the interaction with security staff as one of singling him out and discrimination.

The Law Society took Mr. Pieters’ concerns very seriously. Mr. Pieters’ interaction with the security staff on July 5 and his concerns of discrimination were reviewed in detail. I met with Mr. Pieters to discuss his concerns and the outcome of the review.

We very much regret that Mr. Pieters was upset by his experience with the Law Society on July 5.

However, I am satisfied that standard procedures were followed and there was no discrimination.

Equity and diversity are a priority for the Law Society. Providing respectful and positive service to the public and all licensees who visit Osgoode Hall is also a priority. All staff at the Law Society participate in anti-harassment and anti-discrimination training. Staff at the Law Society are also mindful of the face they present to the public and all licensees.

30. The LSUC security guard did not follow the Standard Operation Procedures that Robert Lapper says the LSUC has in place. He did not even ask me for my name nor did he make a record of my name. It is unknown whether the SOP Mr. Lapper wrote of is in writing and to whom it is disseminated. It is also unknown, if this SOP exist, when was it formulated.
31. I have never seen the SOP the CEO Robert Lapper referred to.
32. However, accepting the CEO's word that this SOP exist, I believe that the officer involved in the my incident at the LSUC where I was stopped, carded and denied access through a door in a manner inconsistent with applicable SOP is a factor that support an inference of racial discrimination and racial profiling that I believe occurred.
33. The Caucasians (White) persons that entered the door prior to and after the student and I were subjected to, as stated earlier, little to no scrutiny. My presence at the LSUC was challenged and my Photo ID Card over scrutinized. I was not allowed to use other identification such as my CBA membership to enter that door, nor did the security guard checked the LSUC database or alternatively directed me to member services to have my card renewed. He summarily denied the student and I access to the door to convocation hall and the library. As a gatekeeper of the LSUC he determined that I was not a lawyer nor could I be one.
34. After the initial Law Times Article was published: Alex Robinson, "Lawyer alleges discrimination by LSUC security guard" July 25, 2016  
<<http://www.lawtimesnews.com/201607255550/headline-news/lawyer-alleges-discrimination-by-lsuc-security-guard>>, some lawyers approached me telling me they have never had a LSUC identification card. One of those lawyers practised law for over 40 years.
35. The LSUC ID Cards are not mandatory for lawyers: "With heightened security measures coming into place at courts, correctional institutions and other institutions across the province, lawyers and paralegals of The Law Society of Upper Canada are encouraged to purchase Law Society photo ID cards." < <https://www.lsuc.on.ca/For-Lawyers/About-Your-Licence/Apply-for-a-Photo-ID-Card/>> (Date Accessed: August 25, 2016).
36. The treatment at the LSUC to which I was subjected on July 05, 2016 fosters and perpetrates the social and professional exclusion of Black lawyers at the facilities of the LSUC by employing security screening in a manner that adversely treat a Black member and a Black student as imposters, not belong there these groups based on conscious or unconscious stereotypes.

37. The racial profiling complained of here is rooted in intersecting forms of systemic racism, negative racial and ethnic stereotypes of Black men, particularly those who have dreadlocks.