

U of A pro-lifers win appeal over security fee demand that nixed demonstrations

A pro-life group has won its appeal of a controversial \$17,500 security fee implemented by the University of Alberta for staging events on campus, successfully arguing that it violated freedom of expression.

“It’s very significant. This is an encouragement for anybody to say things on campus that may be unpopular, so long as it is lawful and peaceful,” said Jay Cameron, a lawyer representing [UAlberta Pro-Life](#). The [Alberta Court of Appeal decision](#) was announced Jan. 6.

“The courts saw that when students are speaking at a public university, there are constitutional rights implicated in that activity, and the university was improper in imposing that security fee. Our constitutional rights exist whether our opinions are popular or in the minority, and our universities ought to function in the same way.”



Jay Cameron

In 2015, UAlberta Pro-Life staged a campus-approved event. Their display provoked a protest in which university students and others attempted to obstruct the event by covering graphic images of aborted fetuses in the display.

When UAlberta Pro-Life applied for a similar two-day display in 2016, [the university demanded the students first come up with \\$17,500 to pay for security and to barricade their display.](#)

The U of A released a statement at the time supporting the group's right to free expression. Security fees have been issued for other student events, such as those that include alcohol.

"The thing is, if the university makes it too expensive for a student group to express themselves – then that is a form of censorship," said Amberlee Duteau, the former president of UAlberta Pro-Life who initially brought the matter to court.

"Whether it's pro-life clubs or other groups, I hope this will give them that extra security and legal certainty they need to be empowered and express their opinions on campus. Because the court ruled in our favour, places that haven't had to deal with this censorship won't have to now."



Amberlee Duteau

Duteau has also been a member of the [National Campus Life Network](#), a Canada-wide organization that works with pro-life university students. She says it's common for pro-life groups to be singled out on campuses.

Duteau now hopes this court decision emboldens UAlberta Pro-Life and other pro-life groups.

"The U of A's pro-life club is still figuring out what the future will look like now. Whatever they decide to do I hope they make use of this legal victory because this is a message that needs to be promoted on campus."

A spokesperson for the University of Alberta said they are reviewing the court of appeal decision and declined further comment.

In its ruling, the Appeal Court said that while the university was within its

rights to limit free speech in certain circumstances, the UAlberta Pro-Life had a Charter-protected right to oppose the security fee.

“Recognizing the Charter as applicable to the exercise of freedom of expression by students on the campuses of the university is a visible reinforcement of the great honour system which is the Rule of Law,” said the court decision.

University of British Columbia law professor Robert Danay tweeted that the decision was “a bit odd, particularly in deciding that the Charter applied.”

According to Danay, the decision to extend the Charter onto university campuses “seems inconsistent with the controlling jurisprudence of the SCC (Supreme Court of Canada) The ramifications of this for university regulation seem potentially extensive.”

The judges ruled that allowing free expression and even bearing the costs associated with unpopular speech are inherent to the purpose of a university.

“Enlightenment is, arguably, the *raison d’être* of a University,” the judges wrote. “The University emphasized its need to spend its money wisely and where most needed, and, indeed, that position was found very persuasive by the chambers judge. But cost alone cannot be decisive. Charter rights and freedoms all ‘cost money’.”

Cameron hopes it will set a clear precedent not only for the University of Alberta, but for other universities across the country.

“The decision is meant to be a guide for the University of Alberta, and by implication other universities as well, in ensuring there are protections afforded for free speech on campus,” said Cameron, a lawyer with the [Justice Centre for Constitutional Freedoms](#), which had taken up the legal fight on behalf of UAlberta Pro-Life.

“It’s a vindication for the pro-life group first of all, and the court of appeal sent a clear message that the University of Alberta made a mistake in this case. It remains to be seen what the university will say now when there is another application for an event of this nature.”

-With files from Canadian Catholic News

Correction: The University of Alberta has required other student groups to pay for security fees, such as for events that include alcohol. UAlberta Pro-Life have maintained their presence at events like annual club fairs.