

University pro-life group argues \$17,500 security fee violates freedom of expression

A University of Alberta pro-life group says its right to freedom of expression has been violated by the imposition of a \$17,500 security fee to stage events on campus.

UAlberta Pro-Life has taken its case to the Alberta Court of Appeal which heard the case on Nov. 28. The justices have reserved their decision.

In 2015, [UAlberta Pro-Life](#) staged a campus-approved event. Their display provoked a protest in which University of Alberta students, and others, attempted to obstruct the event by covering graphic images of aborted fetuses in the pro-life display.

UAlberta Pro-life filed a complaint with the U of A, but after an investigation, the university decided the university rules weren't breached and did not proceed with the complaint. A year later, UAlberta Pro Life asked permission to stage another similar event. After consulting with campus security, the university said the event could proceed, but attached a \$17,500 fee to cover security costs.

The event was cancelled in 2016 because UAlberta Pro-Life couldn't afford to pay that fee, said Amberlee Nicol, who was president of UAlberta Pro-life at the time and has since graduated from the U of A.



Amberlee Nicol

Nicol, a member of the pro-life [National Campus Life Network](#), said the fee has had a chilling effect, and it has now taken its case to the province's top court.

"My hope is that things go well and that way our group, as well as other groups that feel may be afraid to speak out, will be able to express their views peacefully and openly without being worried that someone else's offence or someone else's rule breaking will take away their right to express themselves freely," Nicol said outside court.

The [Justice Centre for Constitutional Freedoms](#) has taken up the legal fight on behalf of UAlberta Pro-Life.

Lawyer Jay Cameron told court the security fee is unjustified and unfairly targets UAlberta Pro-Life however "uncomfortable, disagreeable and unpopular" its views may be to others.

"What did the appellants do wrong? They obtained permission. They maintained reasonable composure despite the fact they were in front of protesters," he told court. "You don't have to agree with my client but they have a legitimate right to recognition by the university."

Matthew Woodley, the lawyer representing the University of Alberta, noted that the university has never denied permission to UAlberta Pro-Life events.

And the U of A even released a statement at the time supporting the group's right to free expression.

Woodley told court that the U of A followed its procedures when it consulted with campus security and determined that extra security was needed, and that resulting costs must be borne by the student groups hosting an extra-curricular event, not the university, hence a fee.

"The dean of students balanced the expression of views with the financial and security needs of the university," Woodley said, noting that UAlberta Pro-Life wanted to have a large-scale, two-day event on campus.

"The ideal comes with the requirement to pay the actual cost of it."



Jay Cameron

Cameron said the U of A was acting in bad faith when it chose not to pursue a complaint by UAlberta Pro-Life against the counter-protesters, and instead imposed the security fee.

Cameron told court that although the views of UAlberta Pro-Life may be unpopular, they still deserve unfettered recognition on the U of A campus and there is “no more appropriate place” to have the free flow of ideas and viewpoints.

“It’s essential that we maintain that atmosphere,” Cameron said.

The B.C. Civil Liberties Association, which was granted intervenor status in the case, says charging a security of any amount is an infringement of the right to free expression.

“We don’t think the University of Alberta is trying to suppress a pro-life message,” said Nate Whitting, the Edmonton lawyer representing the B.C. Civil Liberties Association. However, “the security costs prohibit the event from occurring. It’s the imposition of any fee that we object to.”

Whitting noted that the B.C. Civil Liberties Association is a pro-choice group.

Nevertheless, in this case, Whitting said the U of A – acting as a government entity in this situation by providing post-secondary education – should apply any type of security fee fairly.

“If you pick and choose, then you’re suppressing ideas which are controversial. The effect is to trample out controversial ideas and dissent,” Whitting told court. “Government entities have the right to raise revenue as long as they do it in a content-neutral manner.”