

Student unions must respect free speech, or pay in court

Brandon University student Catherine Dubois does not allow herself to be bullied. Nor is this business administration student one to give up easily when adversity continues year after year. Last week, Catherine and two other students, Kyle Coffey and Silas Lee, filed a court action against the Brandon University Student Union (BUSU). Asserting their free speech rights on campus, Catherine, Kyle and Silas are leaders of Brandon University Students for Life, a student club which BUSU has banned from campus.

BUSU's hostility towards the expression of pro-life opinion dates back to August of 2012, when BUSU claimed that the topic of abortion was already being "addressed" by the Brandon University Women's Collective. This is like banning the campus NDP club by stating that politics is already being "addressed" by the campus Conservative club. To designate one individual student club (e.g. the Women's Collective) as the only official spokesperson on a topic (e.g. abortion) effectively kills debate. Sadly, this student union does not understand the very purpose of the university: to facilitate frank discussion and vigorous debate on controversial issues. Brandon University should be a safe space for diversity of opinion.

After banning Students for Life from campus for the duration of the 2012-13 school year, BUSU finally changed its mind in September 2013, in response to

a legal warning letter. Since then, the campus club has organized several events and activities on campus, to generate debate and discussion about euthanasia, abortion, suicide and other issues.

But Students for Life were not able to enjoy their campus free speech for long. BUSU revoked the club status of Students for Life in November 2015, without informing the club of its intentions to do so, and without providing any opportunity for the club to defend itself against the proposed revocation.

The removal of student group recognition means that Students for Life can no longer book meeting rooms from either BUSU or Brandon University for clubs days and events, unless the club pays booking fees that no other campus clubs are required to pay. Students for Life are precluded from effectively engaging students during student clubs days, in which recognized clubs are permitted to set up tables in the Mingling Area to engage with fellow students. The club cannot apply for event reimbursement from BUSU, or access other BUSU services. Nevertheless, Catherine and her fellow club members must still pay mandatory fees to BUSU.

The student union is now being sued because it continues to insist on banning the peaceful expression of pro-life opinion at Brandon University. BUSU claims that the pro-life message makes some students feel "uncomfortable."

This is probably true, but so what? What's a university for, if not to challenge conventional thinking, and encourage people to question their assumptions? Without discomfort, there can be no intellectual growth. Rather than respecting students as having strong minds that can think through difficult issues and weigh the merits of competing arguments, the student union treats its members as young children who must be protected from unconventional opinions.

As Catherine explains it: "We feel marginalized, censored and discriminated against by BUSU simply because we want to host events, share our views, and have discussions about life and death issues such as abortion and physician-assisted suicide."

But of course it doesn't have to be this way. BUSU has graciously stated that Students for Life can have its club status back if only the members would "change their views." As a gesture of their willingness to tolerate Students for Life, BUSU has even offered to help members of the club to change their pro-life views once they are ready to embrace the campus-approved views. At Brandon University, there's no need to read any dystopian novels for the English Literature class; all you have to do is start up a socially conservative campus club and you can experience the real thing.

Calgary lawyer John Carpay is president of the Justice Centre for Constitutional Freedoms (www.jccf.ca), which acts on behalf of Students for Life in this court application.