

Resistance is not futile

In 2008, the University of Calgary demanded that a group of students turn their signs inwards, to hide them from the view of those walking past. With the support of the Justice Centre, the students refused to comply with this censorship. After the university found the students guilty of non-academic misconduct, they took their university to court. The Court vindicated the students on the basis of administrative law and the *Charter*, and ruled that the university had acted unreasonably: *Wilson v University of Calgary*, 2014 ABQB 190.



In 2016, a campus club lost its official status for having made some students feel “uncomfortable” and having different views than those of their student union. Represented by the Justice Centre, the students sued their student union and regained their club status: *Dubois v Brandon University Students’ Union*, File No CI 16-02-03334. While resisting censorship doesn’t always require a court application, and does not always reverse the censorship, it makes a positive impact for freedom on campus.

There is increasing awareness about the importance of freedom of expression on campus, and more governments are requiring universities to respect your freedom of expression.

For more information, visit www.jccf.ca or www.campusfreedomindex.ca

Resist Censorship

If your

- student group lost club status for its views;
- event was denied because of the speaker;
- university imposed security fees because your display was “controversial”;
- flyers were banned because of their content;
- social media posts have you facing university discipline;

then you are being censored.

If the university or student union censors you, report it to the legal team at the Justice Centre: www.jccf.ca/justice-centre-case-submission/

Do not give in to censorship! The experienced legal team at the Justice Centre is ready to help defend the freedom of students to express their views on campus, at no cost.

Sometimes, a legal warning letter explaining your rights (and the legal duties of the university or student union) will be sufficient to have your freedom respected. If not, a court application may be necessary.

Freedom is worth fighting for. Freedom of expression is essential for universities to carry out their purpose. According to the Supreme Court of Canada:

“The very lifeblood of democracy is the free exchange of ideas and opinions.”



Resist Censorship on Campus



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Free Expression on Campus

Do you feel hindered from honestly sharing your opinions on campus?

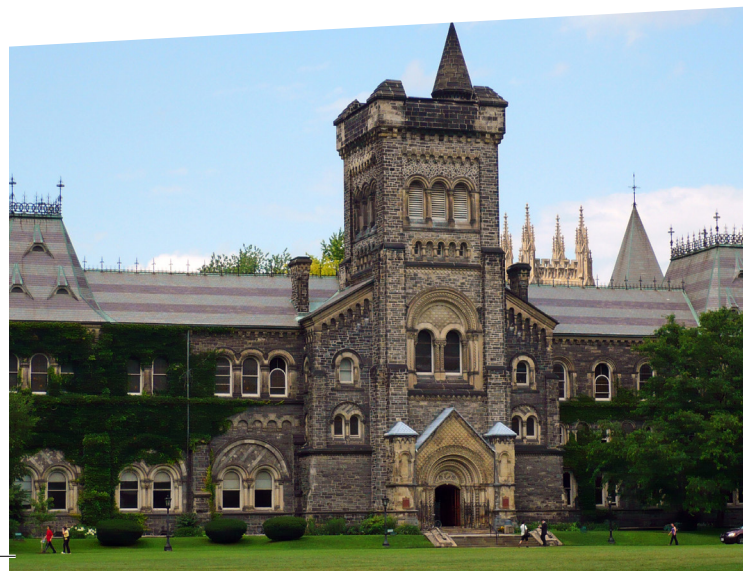
Does your university operate as if expression that offends or disturbs people must be silenced?

The very purpose of universities is to “raise deeply disturbing questions and provocative challenges” and debate current issues in society (www.utoronto.ca/about-u-of-t/mission).

Still, at public universities across Canada, students are subject to censorship by universities, student unions, and sometimes other students. See www.campusfreedomindex.ca.

You have a legal right to express your opinions on your university campus, and to form and run campus clubs with like-minded students.

Since 2010, the Justice Centre for Constitutional Freedoms has helped Canadian university students to resist censorship on campus.



Student Rights on Campus

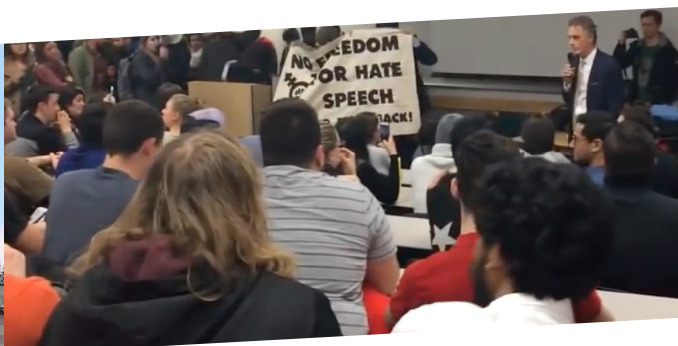
The Supreme Court of Canada has not yet ruled on whether the *Canadian Charter of Rights and Freedoms* protects freedom of expression on public university campuses.

But apart from the *Charter*, students have the legal right to express their opinions peacefully on campus, without being censored by their university or by their student union.

Contract law, administrative law, human rights laws and criminal law together form a solid legal basis for the right to express opinions that others find controversial, hurtful or wrong.

Universities and student unions must apply their rules and policies fairly to all. They cannot act arbitrarily against the content of unpopular or offensive expression. They cannot discriminate against students based on opinion or belief.

Further, if people interrupt, disturb or interfere with a meeting or display on campus, they could be subject to arrest and criminal prosecution under *Criminal Code* sections 176 and 430.



A university owes tuition-paying students a legal obligation to comply with the university's own policies. These policies frequently include a strong commitment to upholding free speech.

Recognize Censorship

Are you being censored?

Ask yourself whether you or your group are being treated differently than others. Are other groups permitted to set up displays where you are not? Do you have to take additional steps or pay additional fees to have your event approved? Are the university's or student union's policies applied differently to your group than to other groups?

If your answer is “yes” to these or other similar questions, you are being censored.

Record Censorship

When you face censorship:

1. **Don't be intimidated:** the law and the Justice Centre's lawyers are on your side;
2. **Document the censorship:** get the decision in writing, record the encounter, etc.

Report Censorship

If people are planning to disrupt your event or display, report it immediately to campus security. If you are subject to threats, assault, the destruction of your property, or actions interfering with your ability to use space you have booked, report it to campus security and also call the police.

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