



## 1. Approval of law schools and national mobility

As part of the mandate of the Law Society of Nunavut (LSN), the Executive Committee (the Executive) must “evaluate the academic qualifications of every applicant for admission”<sup>1</sup> and is responsible for approving membership of qualified individuals who must, among other things, be “of good character, and [be] a graduate of a law school approved by the Executive.”<sup>2</sup> Further, the LSN “may make rules prescribing the terms and conditions on which approval for admission as members or as students-at-law may be given, and the manner of proof of those terms and conditions.”<sup>3</sup>

Canadian lawyers enjoy a great deal of mobility. A law license from one province or territory allows a lawyer to quite easily practice, on a permanent basis, in another jurisdiction. A consequence of mobility is that all law societies are actively working to harmonize education, admission, and discipline standards across the country, all under the framework of the Federation of Law Societies of Canada (FLSC).<sup>4</sup> If a Canadian common law university degree were not portable from one province to another, the principles underlying mobility would be undermined.

In 2010, the LSN, as a member of the FLSC, agreed on a uniform National Requirement that will come into effect in 2015.<sup>5</sup> The National Requirement specifies the competencies and skills law graduates must attain, as well as the academic and learning resources that existing or prospective law schools must have in place.

The law societies agreed to establish an FLSC committee that would ensure the fulfillment of the National Requirement. The Canadian Common Law Program Approval Committee (the Approval Committee) was established in February 2012 to review common law degree programs and make a final determination on their compliance with the National Requirement, which is then applied by the individual law societies.<sup>6</sup> When the Approval Committee was set up,

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<sup>1</sup> *Legal Profession Act*, RSNWT (Nu) 1988, c L-2,

16. (1) The Executive shall evaluate the academic qualifications of every applicant for admission as a member of the Society and may, in its discretion, administer a special examination to any applicant.

(2) Notwithstanding anything in this Part, the Executive, where it considers that special circumstances so warrant with respect to any person, may waive or vary the requirements set out in paragraph 18(2)(a) or (b). S.Nu. 2004,c.9,s.3.

<sup>2</sup> *Ibid* at s 18.

<sup>3</sup> *Ibid* at s 8(1)(a).

<sup>4</sup> The Federation of Law Societies of Canada is the national coordinating body of the 14 provincial and territorial law societies. Since June 2014, the Council Member representing the Law Society of Nunavut is Scott L. Wheildon.

<sup>5</sup> See **Annex A** for a copy of the National Requirement, which was part of the FLSC Task Force on the Canadian Common Law Degree.

<sup>6</sup> The Approval Committee members are appointed by the Council of the Federation. Of the Committee's seven members, four have regulatory experience in Canadian law societies and three are Deans at Canadian law faculties.

the law societies agreed to respect its determinations in order to avoid the duplication of work at the local level and to ensure consistency in the approval of law degrees across Canada (subject to the different legislation governing each law society). The evaluation criteria developed during this process did not anticipate the possibility of new private or faith-based law schools.

## **2. Controversy over the approval of the Trinity Western University School of Law**

In 2012, the Approval Committee received an application from Trinity Western University (TWU) to assess whether its law school program, slated to open in 2016, will meet the National Requirement. TWU is a private institution in British Columbia associated with the Evangelical Free Church of Canada. TWU's application generated controversy because the school requires all staff and students to sign a Community Covenant that contains a list of prohibited behaviours. Two provisions of the Covenant were especially contentious. The first is that which commits signers to abstain from "sexual intimacy that violates the sacredness of marriage between a man and a woman."<sup>7</sup> The second, under the heading of Healthy Sexuality, states that "according to the Bible, sexual intimacy is reserved for marriage between one man and one woman... as a means for marital intimacy and procreation."<sup>8</sup>

The Approval Committee granted preliminary approval to TWU's proposal on December 16, 2013, while raising some concerns related to the Covenant.<sup>9</sup> The Government of British Columbia approved TWU's law program on December 18, 2013.

The controversy over the content of the Community Covenant is essentially a disagreement on how to weigh the *Charter* right to freedom of religion in relation to the right to equality, particularly with respect to sexual orientation and marital status. The Supreme Court of Canada pronounced on this issue in the context of TWU's intention to establish a teacher's college.<sup>10</sup> The Court allowed TWU to proceed despite a previously-existing Community Standards agreement prohibiting "homosexual behaviour,"<sup>11</sup> concluding that neither right is absolute and generally, the proper place to draw the line is between belief and conduct with the freedom to

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The Council appoints the Deans after receiving recommendations from the Council of Canadian Law Deans. The Approval Committee does not set policy nor does it have the authority to change its mandate or the content of the National Requirement.

<sup>7</sup> See **Annex B**, Trinity Western University, *Community Covenant Agreement*, at 3.

<sup>8</sup> *Ibid* at 4.

<sup>9</sup> In its decision, the Approval Committee raised concerns about the teaching of Ethics and Professionalism and the teaching of Public Law with respect to the *Charter*. It was satisfied by TWU's proposed course outlines but recognized the tension between these subjects and sections of the Community Covenant. To ensure that the school is meeting national standards in these areas, the Approval Committee gave TWU additional annual reporting burdens. See the Canadian Common Law Approval Committee, *Report on Trinity Western University's Proposed School of Law Program* (December 2013), online <http://www.flsc.ca/documents/ApprovalCommitteeFINAL.pdf> at paras 48-52.

<sup>10</sup> *Trinity Western University v. British Columbia College of Teachers* [2001] 1 SCR 772, 2001 SCC 31.

<sup>11</sup> *Ibid* at para 4.

hold beliefs being broader than the freedom to act on them.<sup>12</sup> Without evidence that teachers trained at TWU would foster discrimination in public schools, the Court concluded that the freedom of individuals to hold particular religious beliefs should be respected. The Court suggested that if a teacher in the public school system engaged in discriminatory conduct, he or she would be subject to disciplinary proceedings – thus circumscribing and reconciling the scope of the freedom of religion and equality rights that had come into conflict.

### **3. Responses to the approval of the Trinity Western University School of Law**

Since it was not within the scope of the FSLC Approval Committee’s mandate to consider whether there were any public interest reasons why future graduates of TWU’s program should be denied access to law society bar admission programs, a Special Advisory Committee was created to provide guidance to law societies on the issue. Following a review of the law, including the 2001 SCC decision, it concluded that there was no public interest reason to exclude future graduates of TWU’s law program from acceptance to provincial bar admission programs.<sup>13</sup>

Individual law societies have responded in various ways, based upon their particular legislative frameworks. British Columbia, Alberta, New Brunswick, Prince Edward Island, and Saskatchewan have confirmed their acceptance of the TWU law school program. However, members of the BC Law Society held a special vote asking the Benchers to reconsider the issue and reject the application. Benchers of the Law Society of Upper Canada have declined to recognize TWU as an accredited law school unless it amends the Community Covenant so that it no longer discriminates, or exempts law students from signing it. The Law Society of Manitoba decided that the issue should be addressed on a national basis and has said it will not engage in a discussion about a local approval process at this time. Newfoundland has also decided to put the matter into abeyance. Quebec’s two societies, the Northwest Territories, and the Yukon appear to have taken no formal position to date. However, the Northwest Territories did hold a member consultation on the matter in October 2014.

In the meantime, TWU officials have commenced judicial review applications against the decisions in Ontario<sup>14</sup> and Nova Scotia. A civil suit has been commenced by a Petitioner against the BC Minister of Advanced Education to challenge the Province’s December 2013 approval. TWU has said it will apply to be added as a Respondent to this litigation so that it has the opportunity to present arguments to the BC court.

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<sup>12</sup> *Ibid* at para 36.

<sup>13</sup> A copy of the Special Advisory Committee’s report is available online at: [http://www.flsc.ca/\\_documents/SpecialAdvisoryReportFinal.pdf](http://www.flsc.ca/_documents/SpecialAdvisoryReportFinal.pdf).

<sup>14</sup> The hearing date for the TWU/Law Society of Upper Canada Judicial Review has been put over to the week of January 19, 2015 to allow for the filing of affidavits by LSUC, the filing of reply affidavits by the TWU, and cross-examinations.

#### **4. Status of discussions at the Law Society of Nunavut**

As indicated, the FLSC Approval Committee has, with some conditions, approved TWU's law school program, having determined that the course content meets the necessary academic qualifications of the National Requirement. Notwithstanding this determination, the Executive of the LSN must still determine whether or not to approve the law school, pursuant to section 18(1)(c) of the *Legal Professions Act*. The Executive must do so with the knowledge that, as a result of the Territorial Mobility Agreement, graduates of TWU's law school program may, if already admitted to the bar of another law society, be eligible to practice in Nunavut.

At the last LSN Annual General Meeting in May 2014, a Member put forth a motion to amend the Rules of the Law Society with respect to the approval of students-at-law.<sup>15</sup> The changes would require the Executive to approve only of law schools with curriculums that substantially align with the National Requirement and that provide equal opportunity and non-discriminatory treatment. It would also require the Executive to revoke the approval of a previously-approved law school if it were to become aware of its failure to conform to these rules. The mover explained that the changes would only apply to student-at-law and would not affect practicing lawyers entering Nunavut through territorial or national mobility agreements. In the subsequent discussion, members asked questions related to the territorial and national implications of such an agreement as well as on its significance in terms of the *Charter*, the *Nunavut Human Rights Act*, and the rule of law. A motion was raised to put forward the question to the next AGM and was carried.

Recognizing the considerable substantive and regulatory implications of this issue, the Executive is committed to having a public discussion with the membership to contribute to the development of its response to the TWU question. The discussion is open to all members.

#### **Roundtable discussion on the proposed Trinity Western University School of Law**

**Date:** Thursday December 4<sup>th</sup>

**Time:** 5:15pm

**Venue:** Nunavut Tunngavik Inc., Boardroom

**Deadline for submission of comments:** Monday November 24<sup>th</sup>

Please submit comments by email to [miatta.gorvie@gmail.com](mailto:miatta.gorvie@gmail.com). Please note that all submissions will be posted online on the LSN website. The discussion will proceed on the basis of written comments as well as interventions from members during the meeting.

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<sup>15</sup> See **Annex C** for the complete text of the Resolution.

## **ANNEXES**



## **National Requirement**

### **A. Statement of Standard**

#### 1. Definitions

In this standard,

- a. "bar admission program" refers to any bar admission program or licensing process operated under the auspices of a provincial or territorial law society leading to admission as a lawyer in a Canadian common law jurisdiction;
- b. "competency requirements" refers to the competency requirements, more fully described in section B, that each student must possess for entry to a bar admission program; and
- c. "law school" refers to any educational institution in Canada that has been granted the power to award an LL.B. or J.D. degree by the appropriate provincial or territorial educational authority.

#### 2. General Standard

An applicant for entry to a bar admission program ("the applicant") must satisfy the competency requirements by either,

- a. successful completion of an LL.B. or J.D. degree that has been accepted by the Federation of Law Societies of Canada ("the Federation"); or
- b. possessing a Certificate of Qualification from the Federation's National Committee on Accreditation.

### **B. Competency Requirements**

#### 1. Skills Competencies

The applicant must have demonstrated the following competencies:

##### 1.1 Problem-Solving

In solving legal problems, the applicant must have demonstrated the ability to,

- a. identify relevant facts;
- b. identify legal, practical, and policy issues and conduct the necessary research arising from those issues;
- c. analyze the results of research;

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- d. apply the law to the facts; and
- e. identify and evaluate the appropriateness of alternatives for resolution of the issue or dispute.

### 1.2 Legal Research

The applicant must have demonstrated the ability to,

- a. identify legal issues;
- b. select sources and methods and conduct legal research relevant to Canadian law;
- c. use techniques of legal reasoning and argument, such as case analysis and statutory interpretation, to analyze legal issues;
- d. identify, interpret and apply results of research; and
- e. effectively communicate the results of research.

### 1.3 Oral and Written Legal Communication

The applicant must have demonstrated the ability to,

- a. communicate clearly in the English or French language;
- b. identify the purpose of the proposed communication;
- c. use correct grammar, spelling and language suitable to the purpose of the communication and for its intended audience; and
- d. effectively formulate and present well reasoned and accurate legal argument, analysis, advice or submissions.

## 2. Ethics and Professionalism

The applicant must have demonstrated an awareness and understanding of the ethical requirements for the practice of law in Canada, including,

- a. the duty to communicate with civility;
- b. the ability to identify and address ethical dilemmas in a legal context;
- c. familiarity with the general principles of ethics and professionalism applying to the practice of law in Canada, including those related to,
  - i. circumstances that give rise to ethical problems;
  - ii. the fiduciary nature of the lawyer's relationship with the client;
  - iii. conflicts of interest;
  - iv. duties to the administration of justice;



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- v. duties relating to confidentiality and disclosure;
- vi. an awareness of the importance of professionalism in dealing with clients, other counsel, judges, court staff and members of the public; and
- vii. the importance and value of serving and promoting the public interest in the administration of justice.

### 3. Substantive Legal Knowledge

The applicant must have undertaken a sufficiently comprehensive program of study to obtain an understanding of the complexity of the law and the interrelationship between different areas of legal knowledge. In the course of this program of study the applicant must have demonstrated a general understanding of the core legal concepts applicable to the practice of law in Canada, including as a minimum the following areas:

#### 3.1 Foundations of Law

The applicant must have an understanding of the foundations of law, including,

- a. principles of common law and equity;
- b. the process of statutory construction and analysis; and
- c. the administration of the law in Canada.

#### 3.2 Public Law of Canada

The applicant must have an understanding of the core principles of public law in Canada, including,

- a. the constitutional law of Canada, including federalism and the distribution of legislative powers, the Charter of Rights and Freedoms, human rights principles and the rights of Aboriginal peoples of Canada;
- b. Canadian criminal law; and
- c. the principles of Canadian administrative law.

#### 3.3 Private Law Principles

The applicant must demonstrate an understanding of the foundational legal principles that apply to private relationships, including,

- a. contracts, torts and property law; and
- b. legal and fiduciary concepts in commercial relationships.



## National Requirement

### C. Approved Canadian Law Degree

The Federation will accept an LL.B. or J.D. degree from a Canadian law school as meeting the competency requirements if the law school offers an academic and professional legal education that will prepare the student for entry to a bar admission program and the law school meets the following criteria:

1. Academic Program:
  - 1.1 The law school's academic program for the study of law consists of three academic years or its equivalent in course credits.
  - 1.2 The course of study consists primarily of in-person instruction and learning and/or instruction and learning that involves direct interaction between instructor and students.
  - 1.3 Holders of the degree have met the competency requirements.
  - 1.4 The academic program includes instruction in ethics and professionalism in a course dedicated to those subjects and addressing the required competencies.
  - 1.5 Subject to special circumstances, the admission requirements for the law school include, at a minimum, successful completion of two years of post-secondary education at a recognized university or CEGEP.
2. Learning Resources:
  - 2.1 The law school is adequately resourced to enable it to meet its objectives, and in particular, has appropriate numbers of properly qualified academic staff to meet the needs of the academic program.
  - 2.2 The law school has adequate physical resources for both faculty and students to permit effective student learning.
  - 2.3 The law school has adequate information and communication technology to support its academic program.
  - 2.4 The law school maintains a law library in electronic and/or paper form that provides services and collections sufficient in quality and quantity to permit the law school to foster and attain its teaching, learning and research objectives.



TRINITY WESTERN UNIVERSITY  
**Community Covenant Agreement**

Our Pledge to One Another

Trinity Western University (TWU) is a Christian university of the liberal arts, sciences and professional studies with a vision for developing people of high competence and exemplary character who distinguish themselves as leaders in the marketplaces of life.

***1. The TWU Community Covenant***

The University's mission, core values, curriculum and community life are formed by a firm commitment to the person and work of Jesus Christ as declared in the Bible. This identity and allegiance shapes an educational community in which members pursue truth and excellence with grace and diligence, treat people and ideas with charity and respect, think critically and constructively about complex issues, and willingly respond to the world's most profound needs and greatest opportunities.

The University is an interrelated academic community rooted in the evangelical Protestant tradition; it is made up of Christian administrators, faculty and staff who, along with students choosing to study at TWU, covenant together to form a community that strives to live according to biblical precepts, believing that this will optimize the University's capacity to fulfil its mission and achieve its aspirations.

The community covenant is a solemn pledge in which members place themselves under obligations on the part of the institution to its members, the members to the institution, and the members to one another. In making this pledge, members enter into a contractual agreement and a relational bond. By doing so, members accept reciprocal benefits and mutual responsibilities, and strive to achieve respectful and purposeful unity that aims for the advancement of all, recognizing the diversity of viewpoints, life journeys, stages of maturity, and roles within the TWU community. It is vital that each person who accepts the invitation to become a member of the TWU community carefully considers and sincerely embraces this community covenant.

***2. Christian Community***

The University's acceptance of the Bible as the divinely inspired, authoritative guide for personal and community life<sup>1</sup> is foundational to its affirmation that people flourish and most fully reach their potential when they delight in seeking God's purposes, and when they renounce and resist the things that stand in the way of those purposes being fulfilled.<sup>2</sup> This ongoing God-enabled pursuit of a holy life is an inner transformation that actualizes a life of purpose and eternal significance.<sup>3</sup> Such a distinctly Christian way of living finds its fullest expression in Christian love, which was exemplified fully by Jesus

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The Biblical passages cited in this document serve as points of reference for discussion or reflection on particular topics. TWU recognizes the necessity of giving careful consideration to the complexities involved in interpreting and applying biblical passages to contemporary issues and situations.

<sup>1</sup> Deuteronomy 6:4-9; Psalm 19:7-11; 2 Timothy 3:16

<sup>2</sup> Matthew 6:31-33; Romans 8:1-17; 12:1-2; 13:11-14; 16:19; Jude 20-23; 1 Peter 2:11; 2 Corinthians 7:1.

<sup>3</sup> 2 Peter 1:3-8; 1 Peter 2:9-12; Matthew 5:16; Luke 1:74-75; Romans 6:11-14, 22-23; 1 Thessalonians 3:12-13, 4:3, 5:23-24; Galatians 5:22; Ephesians 4:22-24, 5:8.

Christ, and is characterized by humility, self-sacrifice, mercy and justice, and mutual submission for the good of others.<sup>4</sup>

This biblical foundation inspires TWU to be a distinctly Christian university in which members and others observe and experience truth, compassion, reconciliation, and hope.<sup>5</sup> TWU envisions itself to be a community where members demonstrate concern for the well-being of others, where rigorous intellectual learning occurs in the context of whole person development, where members give priority to spiritual formation, and where service-oriented citizenship is modeled.

### ***3. Community Life at TWU***

The TWU community covenant involves a commitment on the part of all members to embody attitudes and to practise actions identified in the Bible as virtues, and to avoid those portrayed as destructive. Members of the TWU community, therefore, commit themselves to:

- cultivate Christian virtues, such as love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, self-control, compassion, humility, forgiveness, peacemaking, mercy and justice<sup>6</sup>
- live exemplary lives characterized by honesty, civility, truthfulness, generosity and integrity<sup>7</sup>
- communicate in ways that build others up, according to their needs, for the benefit of all<sup>8</sup>
- treat all persons with respect and dignity, and uphold their God-given worth from conception to death<sup>9</sup>
- be responsible citizens both locally and globally who respect authorities, submit to the laws of this country, and contribute to the welfare of creation and society<sup>10</sup>
- observe modesty, purity and appropriate intimacy in all relationships, reserve sexual expressions of intimacy for marriage, and within marriage take every reasonable step to resolve conflict and avoid divorce<sup>11</sup>
- exercise careful judgment in all lifestyle choices, and take responsibility for personal choices and their impact on others<sup>12</sup>
- encourage and support other members of the community in their pursuit of these values and ideals, while extending forgiveness, accountability, restoration, and healing to one another.<sup>13</sup>

In keeping with biblical and TWU ideals, community members voluntarily abstain from the following actions:

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<sup>4</sup> Matthew 22:37-40; 1 Peter 5:5; Romans 13:8-10; 1 John 4:7-10; Philippians 2:1-5; 1 Corinthians 12:31b-13:8a; Romans 12:1-3, 9-10; John 15:12-13, 17; 1 John 3:10-11, 14-16; Ephesians 5:1-2,21.

<sup>5</sup> From TWU's "Envision the Century" Strategic Directions Document, p 5 ("Ends").

<sup>6</sup> Galatians 5:22-24; Colossians 3:12-17; Isaiah 58:6-8; Micah 6:8.

<sup>7</sup> Proverbs 12:19; Colossians 3:9; Ephesians 4:25; Leviticus 19:11; Exodus 20:16; Matthew 5:33-37.

<sup>8</sup> Ephesians 4:29; Proverbs 25:11; 1 Thessalonians 5:11.

<sup>9</sup> Genesis 1:27-28; Psalm 139:13-16; Matthew 19:14; Proverbs 23:22.

<sup>10</sup> Romans 13:1-7; 1 Peter 2:13-17; Genesis 1:28; Psalm 8:5-8; 2 Thessalonians 3:6-9.

<sup>11</sup> Genesis 2:24; Exodus 20:14,17; 1 Corinthians 7:2-5; Hebrews 13:4; Proverbs 5:15-19; Matthew 19:4-6; Malachi 2:16; Matthew 5:32.

<sup>12</sup> Proverbs 4:20-27; Romans 14:13,19; 1 Corinthians 8:9,12-13, 10:23-24; Ephesians 5:15-16.

<sup>13</sup> James 5:16; Jude 20-23; Romans 12:14-21; 1 Corinthians 13:5; Colossians 3:13.

- communication that is destructive to TWU community life and inter-personal relationships, including gossip, slander, vulgar/obscene language, and prejudice<sup>14</sup>
- harassment or any form of verbal or physical intimidation, including hazing
- lying, cheating, or other forms of dishonesty including plagiarism
- stealing, misusing or destroying property belonging to others<sup>15</sup>
- sexual intimacy that violates the sacredness of marriage between a man and a woman<sup>16</sup>
- the use of materials that are degrading, dehumanizing, exploitive, hateful, or gratuitously violent, including, but not limited to pornography
- drunkenness, under-age consumption of alcohol, the use or possession of illegal drugs, and the misuse or abuse of substances including prescribed drugs
- the use or possession of alcohol on campus, or at any TWU sponsored event, and the use of tobacco on campus or at any TWU sponsored event.

#### ***4. Areas for Careful Discernment and Sensitivity***

A heightened level of discernment and sensitivity is appropriate within a Christian educational community such as TWU. In order to foster the kind of campus atmosphere most conducive to university ends, this covenant both identifies particular Christian standards and recognizes degrees of latitude for individual freedom. True freedom is not the freedom to do as one pleases, but rather empowerment to do what is best.<sup>17</sup> TWU rejects legalisms that mistakenly identify certain cultural practices as biblical imperatives, or that emphasize outward conduct as the measure of genuine Christian maturity apart from inward thoughts and motivations. In all respects, the TWU community expects its members to exercise wise decision-making according to biblical principles, carefully accounting for each individual's capabilities, vulnerabilities, and values, and considering the consequences of those choices to health and character, social relationships, and God's purposes in the world.

TWU is committed to assisting members who desire to face difficulties or overcome the consequences of poor personal choices by providing reasonable care, resources, and environments for safe and meaningful dialogue. TWU reserves the right to question, challenge or discipline any member in response to actions that impact personal or social welfare.

#### **Wise and Sustainable Self-Care**

The University is committed to promoting and supporting habits of healthy self-care in all its members, recognizing that each individual's actions can have a cumulative impact on the entire community. TWU encourages its members to pursue and promote: sustainable patterns of sleep, eating, exercise, and preventative health; as well as sustainable rhythms of solitude and community, personal spiritual disciplines, chapel and local church participation,<sup>18</sup> work, study and recreation, service and rest.

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<sup>14</sup> Colossians 3:8; Ephesians 4:31.

<sup>15</sup> Exodus 20:15; Ephesians 4:28.

<sup>16</sup> Romans 1:26-27; Proverbs 6:23-35.

<sup>17</sup> Galatians 5:1,13; Romans 8:1-4; 1 Peter 2:16.

<sup>18</sup> Ephesians 5:19-20; Colossians 3:15-16; Hebrews 10:25.

### **Healthy Sexuality**

People face significant challenges in practicing biblical sexual health within a highly sexualized culture. A biblical view of sexuality holds that a person's decisions regarding his or her body are physically, spiritually and emotionally inseparable. Such decisions affect a person's ability to live out God's intention for wholeness in relationship to God, to one's (future) spouse, to others in the community, and to oneself.<sup>19</sup> Further, according to the Bible, sexual intimacy is reserved for marriage between one man and one woman, and within that marriage bond it is God's intention that it be enjoyed as a means for marital intimacy and procreation.<sup>20</sup> Honouring and upholding these principles, members of the TWU community strive for purity of thought and relationship,<sup>21</sup> respectful modesty,<sup>22</sup> personal responsibility for actions taken, and avoidance of contexts where temptation to compromise would be particularly strong.<sup>23</sup>

### **Drugs, Alcohol and Tobacco**

The use of illegal drugs is by definition illicit. The abuse of legal drugs has been shown to be physically and socially destructive, especially in its potential for forming life-destroying addictions. For these reasons, TWU members voluntarily abstain from the use of illegal drugs and the abuse of legal drugs at all times.

The decision whether or not to consume alcohol or use tobacco is more complex. The Bible allows for the enjoyment of alcohol in moderation,<sup>24</sup> but it also strongly warns against drunkenness and addiction, which overpowers wise and reasonable behaviour and hinders personal development.<sup>25</sup> The Bible commends leaders who abstained from, or were not addicted to, alcohol.<sup>26</sup> Alcohol abuse has many long-lasting negative physical, social and academic consequences. The Bible has no direct instructions regarding the use of tobacco, though many biblical principles regarding stewardship of the body offer guidance. Tobacco is clearly hazardous to the health of both users and bystanders. Many people avoid alcohol and/or tobacco as a matter of conscience, personal health, or in response to an addiction. With these concerns in mind, TWU members will exercise careful discretion, sensitivity to others' conscience/principles, moderation, compassion, and mutual responsibility. In addition, TWU strongly discourages participation in events where the primary purpose is the excessive consumption of alcohol.

### **Entertainment**

When considering the myriad of entertainment options available, including print media, television, film, music, video games, the internet, theatre, concerts, social dancing, clubs, sports, recreation, and gambling, TWU expects its members to make personal choices according to biblical priorities, and with careful consideration for the immediate and long-term impact on one's own well-being, the well-being of others, and the well-being

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<sup>19</sup> 1 Corinthians 6:18-19.

<sup>20</sup> Genesis 2:24; Exodus 20:14,17; 1 Corinthians 7:2-5; Hebrews 13:4; Proverbs 5:15-19; Matthew 19:4-6.

<sup>21</sup> Matthew 5:27-28; 1 Timothy 5:1-2; 1 Thessalonians 4:3-8; Job 31:1-4; Psalm 101:2-3.

<sup>22</sup> 1 Peter 3:3-4; 1 Timothy 2:9-10

<sup>23</sup> 1 Corinthians 6:18; 10:13; 2 Timothy 2:22; James 4:7.

<sup>24</sup> Deuteronomy 7:13, 11:14, Psalm 104:15; Proverbs 3:10; Isaiah 25:6; John 2:7-11; 1 Timothy 5:23.

<sup>25</sup> Genesis 9:20-21; Proverbs 20:1; 31:4; Isaiah 5:11; Habakkuk 2:4-5; Ephesians 5:18.

<sup>26</sup> Daniel 1:8, 10:3; Luke 1:15; 1 Timothy 3:3,8; Titus 2:3.

of the University. Entertainment choices should be guided by the pursuit of activities that are edifying, beneficial and constructive, and by a preference for those things that are “true, noble, right, pure, lovely, admirable, excellent, and praiseworthy,”<sup>27</sup> recognizing that truth and beauty appear in many differing forms, may be disguised, and may be seen in different ways by different people.

### ***5. Commitment and Accountability***

This covenant applies to all members of the TWU community, that is, administrators, faculty and staff employed by TWU and its affiliates, and students enrolled at TWU or any affiliate program. Unless specifically stated otherwise, expectations of this covenant apply to both on and off TWU’s campus and extension sites. Sincerely embracing every part of this covenant is a requirement for employment. Employees who sign this covenant also commit themselves to abide by TWU Employment Policies. TWU welcomes all students who qualify for admission, recognizing that not all affirm the theological views that are vital to the University’s Christian identity. Students sign this covenant with the commitment to abide by the expectations contained within the *Community Covenant*, and by campus policies published in the Academic Calendar and Student Handbook.

Ensuring that the integrity of the TWU community is upheld may at times involve taking steps to hold one another accountable to the mutual commitments outlined in this covenant. As a covenant community, all members share this responsibility. The University also provides formal accountability procedures to address actions by community members that represent a disregard for this covenant. These procedures and processes are outlined in TWU’s Student Handbook and Employment Policies and will be enacted by designated representatives of the University as deemed necessary.

#### **By my agreement below I affirm that:**

I have accepted the invitation to be a member of the TWU community with all the mutual benefits and responsibilities that are involved;

I understand that by becoming a member of the TWU community I have also become an ambassador of this community and the ideals it represents;

I have carefully read and considered TWU’s *Community Covenant* and will join in fulfilling its responsibilities while I am a member of the TWU community.

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<sup>27</sup> Philippians 4:8.

**Resolution 1**

WHEREAS it is desirable to adopt common standards for law school curricula across the common law jurisdictions of Canada;

WHEREAS the Law Society upholds the principles of the *Human Rights Act*;

WHEREAS ending discrimination in the legal profession benefits the profession by enabling it to represent itself with integrity as an advocate for justice;

WHEREAS discrimination in legal education undermines the ethical underpinnings of the legal profession;

WHEREAS the existence of discrimination may contribute to an educational environment in which freedom of expression is inhibited;

WHEREAS the formation of values in law school has a long-term impact on Canada's future lawyers;

WHEREAS discrimination is not a recognized protected form of freedom of expression;

NOTING the Final Report of the Task Force on the Canadian Common Law Degree; and

NOTING Resolution 14-04-M of the Canadian Bar Association on Non-Discrimination in Legal Education;

BE IT RESOLVED THAT THE RULES OF THE LAW SOCIETY BE AMENDED BY ADDING THE FOLLOWING AFTER SECTION 40:

**40.1** (1) Subject to subsection (2), the Executive may only approve for the purposes of paragraph 40(1)(c) of these rules and of subparagraph 18(2)(c)(i) of the *Legal Profession Act*, a law school that, in the opinion of the Executive:

- (a) provides a curriculum of study that is substantially in conformity with the “National Requirement” adopted by the Federation of Law Societies of Canada; and
- (b) provides equal opportunity and equal treatment without discrimination on the basis of any of the prohibited grounds of discrimination enumerated in subsection 7(1) of the *Human Rights Act*

to applicants for admission, enrolled students, graduates, faculty, employees and administrators.

2) The following are deemed to not be discriminatory for the purposes of paragraph (1)(a):

- (a) any program, practice, rule or activity at a law school that, in the opinion of the Executive,
  - (i) has as its objective the amelioration of conditions of disadvantaged individuals or groups,
  - (ii) achieves or is likely to achieve that objective, and
  - (iii) does not perpetuate discrimination against other disadvantaged individuals or groups;and
- (b) any justified occupational requirement.

(3) Where the Executive becomes aware that a previously approved law school does not meet the criteria set out in subsection (1), the Executive shall immediately revoke the approval of the law school for the purposes of paragraph 40(1)(c) of these rules and of subparagraph 18(2)(c)(i) of the *Legal Profession Act*.

(4) For further clarity, a revocation under subsection (3) is without prejudice to any person whose application for admission as a student-at-law has been approved by the Executive prior to the revocation.

(5) The Executive shall notify the membership of the Society of any approvals or revocations of approval of a law school.