



Council of Canadian Law Deans
Conseil des doyens et
des doyennes des facultés
de droit du Canada

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November 20, 2012

Mr. John J.L. Hunter, Q.C. and Mr. Gérald R. Tremblay, C.M., O.Q., Q.C.,
President
Federation of Canadian Law Societies
World Exchange Plaza
1810 - 45, rue O'Connor Street
Ottawa, Ontario
K1P 1A4

Dear Mr. Hunter and Mr. Tremblay,

Re: Trinity Western University School of Law Proposal

On behalf of the Canadian Council of Law Deans, I would like to thank you and your colleagues from the Federation for taking the time to meet with us at our meeting in Kingston on November 9, 2012. It was an excellent opportunity to discuss a number of matters of mutual interest to the CCLD and the Federation, including the accreditation process for the Canadian common law degree programs.

At our meeting, the CCLD expressed its concern with respect to the application by Trinity Western University (TWU) to establish a law school. It is our understanding that the Federation is currently considering this application. We thought it would be helpful to follow up with a formal letter to you outlining our concerns.

As you know, all TWU students are required to sign a "community covenant agreement" which forms part of the application process for all students attending TWU:

<http://twu.ca/studenthandbook/university-policies/community-covenant-agreement.html>

Among other things, the covenant requires abstinence "from sexual intimacy that violates the sacredness of marriage between a man and a woman." There are also "formal accountability procedures to address actions by community members that represent a disregard for this covenant." The TWU Student Handbook provides that if "a student, in the opinion of the University, is unable, refuses or fails to live up to their commitment, the University reserves the right to discipline, dismiss, or refuse a student's re-admission to the University."

The covenant specifically contemplates that gay, lesbian or bisexual students may be subject to disciplinary measures including expulsion. This is a matter of great concern for all the members of the CCLD. Discrimination on the basis of sexual orientation is unlawful in Canada and fundamentally at odds with the core values of all Canadian law schools.

We would urge the Federation to investigate whether TWU's covenant is inconsistent with federal or provincial law. We would also urge the Federation to consider this covenant and its intentionally discriminatory impact on gay, lesbian and bi-sexual students when evaluating TWU's application to establish an approved common law program.

Yours truly,

A handwritten signature in blue ink, appearing to read "Bill Flanagan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Bill Flanagan
President of the Canadian Council of Law Deans
Dean of Law

cc: Jonathan S. Raymond, Ph.D., Trinity Western University