



DEGREE QUALITY ASSESSMENT BOARD

MEETING MINUTES

Monday, June 10, 2013

In Attendance:

Nick Rubidge (Chair); Richard Tees (Vice-Chair); Garth Evans; Robert Rogerson; John Stubbs; Laurel Douglas;Carolyn Smart; Don Page; Don McKendrick; Rob Fleming (Ex-Officio); Valarie Bakowski (Ministry); Dorothy Rogers (Secretariat); Craig Mayer (Secretariat)

Regrets:

Frank Pasacreta; Ian Rongve (Ex-Officio); Karin Kirkpatrick (Ex-Officio)

The Chair called the meeting to order at 9:30 am.

Not Responsive

Pages 2 through 4 redacted for the following reasons:

Not Responsive



DEGREE QUALITY ASSESSMENT BOARD

MEETING MINUTES

Monday, June 10, 2013

Not Responsive

e.) Trinity Western University - Juris Doctor

The Secretariat informed the Board that TWU's Juris Doctor degree program proposal was determined to require a formal review by the Minister.

The Board called the Panel Chair and the Chair informed the Board that the institution had addressed each panel recommendation in its response to the report. The Chair noted that the institution answered the panel's questions on the quality of the curriculum and that the panel no longer has concerns in this area.

The Board and the panel expressed concerns over the considerable number of courses planned to be taught by adjunct faculty members.

The Board expressed its concern with the impact on faculty with regard to the institution's Statement of Faith and the Community Covenant and the Board suggests that the issue of Statement of Faith and the Community Covenant should be referred to the Minister. The Board also noted that students will be unable to article if the Law Society of BC does not support the program.

MOVED John Stubbs/ SECONDED Richard Tees

THAT the Board recommend that the Minister grant consent to Trinity Western University's Juris Doctor degree proposal with the condition that the institution implement the agreed to conditions of the review panel's report, that the institution hire qualified faculty and that the institution confirm the Law Society of BC's approval of the proposal prior to admitting students.

CARRIED

Pages 6 through 10 redacted for the following reasons:

Not Responsive



DEGREE QUALITY ASSESSMENT BOARD

MEETING MINUTES

Monday, June 10, 2013

16. Adjournment

The meeting adjourned at 2:40 pm.

MOVED John Stubbs/ SECONDED Richard Tees
THAT the meeting be adjourned.
CARRIED

Future meeting dates

July 15, 2013

September 16, 2013

October 28, 2013

December 2, 2013

Jothen, Janet M AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Tuesday, November 19, 2013 11:01 AM
To: Burns, Susan G AVED:EX
Cc: Hodges, Nell AVED:EX
Subject: Federation of Law Societies - TWU JD

Hi Susan,

As discussed here is the final of this letter. As stated, I had called the Federation and they unofficially indicated that they think their process will be complete by the end of November.



95942 - Final Fed
of Canadian ...

Thanks,

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298



Our Ref. 95942

Laurie Pawlitza, Chair,
Canadian Common Law Program Approval Committee
Federation of Law Societies of Canada
World Exchange Plaza
45 O'Connor Street
Suite 1810
Ottawa, Ontario
Canada K1P 1A4

Dear Ms. Pawlitza:

As you are aware, Trinity Western University (TWU) in British Columbia has submitted a proposal to the Minister of Advanced Education for consent to offer a Juris Doctor degree as a second-entry undergraduate degree. TWU is a faith-based, not-for-profit private university governed under the *Trinity Western University Act*, which authorizes it to grant theological and academic degrees. All new academic degree programs proposed by TWU require consent of the Minister of Advanced Education under the *Degree Authorization Act (DAA)*. The *DAA* that requires institutions to undergo a quality assessment process and meet published criteria. Should consent be granted, TWU expects to launch the program in September 2015.

I understand that the Federation of Law Societies of Canada's Canadian Common Law Program Approval Committee has a mandate to determine whether graduates of existing and proposed common law programs will meet the national requirement to practise. Further, I understand that the Federation of Law Societies of Canada has established a Special Advisory Committee on TWU's Proposed School of Law to advise on certain matters related to the TWU proposal. I would appreciate if you are able to advise on the expected timeline for a decision by the Special Advisory Committee on TWU's proposed degree.

In the meantime, TWU has been advised that its Juris Doctor degree proposal remains under review by the Ministry.

Sincerely,

Sandra Carrol
Deputy Minister

pc: Ms Deborah Wolfe, Managing Director
National Committee on Accreditation
Federation of Law Societies of Canada

Jothen, Janet M AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Thursday, October 24, 2013 2:34 PM
To: Thiessen-Wale, Katherine AVED:EX
Cc: Bakowski, Valarie AVED:EX
Subject: Federation of Law Societies

Hi Katherine,

I have a scheduled call tomorrow morning at 9 am with the managing director of Accreditation at the Federation with regard to the status of the TWU JD and speak that we will be sending a letter.

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

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QUESTIONS AND ANSWERS

Trinity Western University law degree proposal

Ministry of Advanced Education

Key messages:

- Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.
- The Trinity Western University law degree proposal has undergone the quality assessment process and is now under review by the Ministry.
- As part of the review, the Ministry is awaiting the outcome of the Federation of Law Societies' review as to whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law. This is relevant to the Ministry as it speaks to whether graduates may be eligible to practice law after graduation and relevant in a final decision whether to provide consent under the Degree Authorization Act.
- Once the review is completed, an update will be provided at that time.

1. How can you approve a law degree at a post-secondary institution that does not recognize same-sex marriage and even goes as far as to require staff and students to sign a covenant that say marriage is only "between one man and one woman"?

- Trinity Western University is a faith-based, private university in British Columbia, which receives no operating or capital funding from government.
- The Ministry of Advanced Education and the Degree Quality Assessment Board based their review solely on an assessment of the quality of the program, within the confines of the Degree Authorization Act.
- The covenant applies to all staff and students, and is not just applicable to the proposed law degree.

2. Shouldn't future lawyers be educated at an institution that is aligned with the equality clause of the Canadian Charter of Rights and Freedoms, especially given that same-sex marriage has been legal in Canada since July 2005?

- Trinity Western University is a faith-based, private university in British Columbia, which receives no operating or capital funding from government.
- The Ministry of Advanced Education and the Degree Quality Assessment Board based their review solely on an assessment of the quality of the program, within the confines of the Degree Authorization Act.

3. Isn't it illegal to require staff and students to sign such a document?

- As a private post-secondary institution the covenant is within the purview of TWU.

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QUESTIONS AND ANSWERS

4. Did the requirement for staff and students at TWU to sign a community covenant requirement a concern?

- This requirement did come up as a concern that it could have a detrimental effect on the quality of faculty and be an obstacle to the establishment of a credible law school.
- However, while TWU has the right to exercise its freedom of religion it is legally entitled to require faculty members and student to adhere to its religious perspective. TWU has agreed to waive this requirement for sessional and adjunct faculty but permanent faculty would still be required to sign the statement of faith.

5. When did TWU apply to have its proposed law degree approved by the ministry?

- TWU board and senate approved the proposed law degree in April 2012 and subsequently sent its proposal to the ministry for approval.

6. Why was ministry approval required despite the fact that TWU already has exempt status?

- Although the Juris Doctor degree falls within TWU's exempt status level, the Ministry reserves the right to require any degree proposal to be reviewed by the Board if the proposal represents a significant departure from programs historically offered by the institution. On December 18, 2012, the application was referred to the Board to undergo a full quality assessment review.

7. How much money does TWU receive from government?

- Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.

8. Didn't TWU receive a number of grants from both provincial and federal government?

- Over time, eligible institutions – both public and private – may have received one-time academic grants to support research topics deemed to be a priority.

9. What was the outcome of the quality assessment board?

- After discussion between TWU and the Degree Quality Assessment Board, the quality of the proposed law degree at TWU was deemed to meet consistent and high-quality criteria.
- The board recommended that the ministry grant consent for the law degree on condition that TWU implement the agreed to conditions of the review panel's report: that the institution hire qualified faculty and that the institution confirm the Law Society of B.C.'s approval of the proposal before any students are admitted to the program.
- The Degree Quality Assessment Board focused solely on the quality of the proposed law degree.

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QUESTIONS AND ANSWERS

10. Why are you deferring to the Federation of Law Societies?

- The outcome of the Federation of Law Societies' review as to whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law.
- This is a clearly relevant issue for the Ministry as it speaks to ensuring students are able to benefit from the education they receive, a matter of relevance in deciding whether to provide consent under the Degree Authorization Act.

11. When Thompson Rivers University received provincial approval to offer a law degree did the ministry also wait for the review from the Federation of Law Societies prior to making a decision?

- The Federation of Law Societies is the national coordinating body for Canada's 14 provincial and territorial law societies.
- The Federation does not undertake a quality review but does undertake a review of proposed new law programs on whether the learning outcomes of the program enable graduates to meet the competencies to practice law. This is done on behalf of the provincial regulatory body, the Law Society of BC. Should the Federation take the position of not approving the program, graduates would not be able to write the bar exam.
- The Federation made its decision regarding the Thompson Rivers University program prior to the completion of the Degree Quality Assessment Board process and Minister's approval.

12. Are you treating TWU different from TRU because of their Community Covenant Agreement?

- The Federation of Law Societies does not undertake a quality review, but does undertake a review of proposed new law programs on whether the learning outcomes of the program enable graduates to meet the competencies to practice law.
- This is done on behalf of the provincial regulatory body, the Law Society of BC.
- Should the Federation take the position of not approving the program, graduates would not be able to write the bar exam.

13. Why are you waiting for the Federation's decision?

- As part of the review, the Ministry is awaiting the outcome of the Federation of Law Societies' review as to whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law.
- This is relevant to the Ministry as it speaks to ensuring students are able to benefit from the education they receive and relevant in a final decision whether to provide consent under the Degree Authorization Act.

14. Are you treating TWU different from TRU because of their Community Covenant Agreement?

- The Community Covenant did arise as a concern and TWU took steps necessary to meet the quality requirements of the board were met.

Jothen, Janet M AVED:EX

From: Wyllie, Sandra AVED:EX
Sent: Friday, October 25, 2013 3:20 PM
To: Thiessen-Wale, Katherine AVED:EX; Bakowski, Valarie AVED:EX; Rogers, Dorothy AVED:EX
Subject: Fw: Approval - TWU proposed law degree
Attachments: IN_TWU_Law_Oct25_1115am.docx; QA_TWU_Law_Oct25_250pm.docx

Hi Katherine. Here's the advice you've been waiting for. Can you tell us when this is done. Thanks so much.

Sent from my BlackBerry 10 smartphone on the TELUS network.

From: Meadows, Jennifer L AVED:EX
Sent: Friday, October 25, 2013 3:00 PM
To: Wyllie, Sandra AVED:EX
Subject: FW: Approval - TWU proposed law degree

Can you please follow-up to Ian to inquire of the status of the joint letter from Sandra and Richard Fyfe to the Federation of Law Societies.

Thanks

Jennifer

-----Original Message-----

From: Porter, Rodney GCPE:EX
Sent: Friday, October 25, 2013 2:55 PM
To: Wyllie, Sandra AVED:EX
Cc: Berkes, Andrea AVED:EX; Meadows, Jennifer L AVED:EX
Subject: Approval - TWU proposed law degree

Hi Sandra; Another IN for approval. Also, a QA attached. Signed off by Ian, Val and Dorothy.

ADVICE AND RECOMMENDED RESPONSE:

- Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.
 - The Trinity Western University law degree proposal is currently under review by the Ministry.
 - As part of the review, the Ministry is awaiting the outcome of the Federation of Law Societies' review as to whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law. This is relevant to the Ministry as it speaks to whether graduates may be eligible to practice law after graduation and relevant in a final decision whether to provide consent under the Degree Authorization Act.
 - Once the review is completed, an update will be provided at that time.
- If asked about the Degree Quality Assessment Board recommendation:
- The recommendation from the Degree Quality Assessment Board will be provided once a final decision is made.

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QUESTIONS AND ANSWERS

Trinity Western University law degree proposal

Ministry of Advanced Education

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- As part of the review, the Ministry is awaiting the outcome of the Federation of Law Societies' review as to whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law. This is relevant to the Ministry as it speaks to whether graduates may be eligible to practice law after graduation and relevant in a final decision whether to provide consent under the Degree Authorization Act.
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12. Why are you waiting for the Federation's decision?

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13. Are you treating TWU different from TRU because of their Community Covenant Agreement?

- The Community Covenant did arise as a concern and TWU took steps necessary to meet the quality requirements of the board were met.

Jothen, Janet M AVED:EX

From: Thiessen-Wale, Katherine AVED:EX
Sent: Wednesday, October 16, 2013 10:43 AM
To: Wyllie, Sandra AVED:EX; Rogers, Dorothy AVED:EX
Cc: Bakowski, Valarie AVED:EX
Subject: RE: URGENT ACTION PLEASE -

Hi Sandra, Dorothy has spoken to the Federation of Law Societies contact person, but it is not a certainty that their work will be concluded by this date. We have no control over the timing of their review. This may be relevant in determining whether the Minister's meeting at TWU should be confirmed.

Katherine

From: Wyllie, Sandra AVED:EX
Sent: Wednesday, October 16, 2013 9:48 AM
To: Rogers, Dorothy AVED:EX; Thiessen-Wale, Katherine AVED:EX
Cc: Bakowski, Valarie AVED:EX
Subject: FW: URGENT ACTION PLEASE -

Hi Dorothy and Katherine, just a heads up on this please...

From: Meadows, Jennifer L AVED:EX
Sent: Wednesday, October 16, 2013 9:35 AM
To: Wyllie, Sandra AVED:EX
Cc: Patterson, Catherine M AVED:EX
Subject: RE: URGENT ACTION PLEASE -

Also, just want to flag for your calendars, that Minister may be visiting TWU on Nov 22nd. Sandy commented in ExCom yesterday that a decision on this proposal will need to be made before that time.

Jennifer

From: Wyllie, Sandra AVED:EX
Sent: Wednesday, October 16, 2013 9:29 AM
To: Meadows, Jennifer L AVED:EX
Cc: Patterson, Catherine M AVED:EX
Subject: FW: URGENT ACTION PLEASE -

Hi Jennifer, please see attached TW notes.

Thanks,
Sands

From: Rongve, Ian AVED:EX
Sent: Tuesday, October 15, 2013 4:50 PM
To: Rogers, Dorothy AVED:EX
Cc: Wyllie, Sandra AVED:EX; Patterson, Catherine M AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: Re: URGENT ACTION PLEASE -

Thanks Dorothy.

Sent from my iPhone

On 2013-10-15, at 4:20 PM, "Rogers, Dorothy AVED:EX" <Dorothy.Rogers@gov.bc.ca> wrote:

Hi Sandra and Ian,

Here are some suggested bullets on the status of the TWU JD degree and a recent relevant letter:

S14

- Dr. Kuhn has written to the Ministry with regard to the degree and the attached letter was sent from the Ministry on October 11th.

External:

- As you know, the TWU Law Degree proposal has undergone the quality assessment process and is now under review by the Ministry.
- I appreciate that to date this has been a lengthy process for TWU and I want to assure you that Ministry staff continue to work diligently on completing the review of the proposed Juris Doctor program.
- Once the Ministry has completed its review, the proposal will move forward to the Minister for decision.

Let me know if you need anything further.

Thanks.

Dorothy

Dorothy Rogers
Director

From: Wyllie, Sandra AVED:EX
Sent: Tuesday, October 15, 2013 2:04 PM
To: Rogers, Dorothy AVED:EX
Cc: Patterson, Catherine M AVED:EX; Bakowski, Valarie AVED:EX
Subject: URGENT ACTION PLEASE

Hi Dorothy, can Ian have messaging for this asap please. Thanks so much.

From: Rongve, Ian AVED:EX
Sent: Tuesday, October 15, 2013 2:02 PM
To: Rogers, Dorothy AVED:EX
Cc: Wyllie, Sandra AVED:EX
Subject: Fwd: TW

Sent from my iPhone

Begin forwarded message:

From: "Carroll, Sandra AVED:EX" <Sandra.Carroll@gov.bc.ca>
Date: 15 October, 2013 2:01:09 PM PDT
To: "Rongve, Ian AVED:EX" <Ian.Rongve@gov.bc.ca>
Cc: "Meadows, Jennifer L AVED:EX" <Jennifer.Meadows@gov.bc.ca>
Subject: TW

Bob Kuhn call me asking for status of his law proposal.

I will need some holding messaging to return his call.

Can you pull that together? Any questions we have on the proposal?

Sandra Carroll
Deputy Minister, Ministry Advanced Education

Phone: (250) 356-5173

<1173633[1].doc>

Jothen, Janet M AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Tuesday, October 8, 2013 4:23 PM
To: Thiessen-Wale, Katherine AVED:EX
Subject: FW: Request Draft Bullets Cliff 95794 - EDUC (Ruby & Chaisson) - TRU Law School accreditation- Due: October 9 @ 9:30
Attachments: Cliff 95794 - EDUC (Ruby & Chaisson) - TRU Law School accreditation.docx; Request Draft Bullets Cliff 95794 - EDUC (Ruby & Chaisson) - TRU Law School accreditation- Due: October 9 @ 9:30

Do you have any comment regarding the bullets?

I have attached the Ruby letter as well.

Thx!

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Simmons, Vicki AVED:EX
Sent: Friday, October 4, 2013 2:23 PM
To: Rogers, Dorothy AVED:EX
Subject: RE: Request Draft Bullets Cliff 95794 - EDUC (Ruby & Chaisson) - TRU Law School accreditation- Due: October 9 @ 9:30

Hi,

Attached are the draft bullets for your review.

Vicki

Vicki Simmons
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8
(T) 250-356-2067 | (F) 250-356-8851 | (E) vicki.simmons@gov.bc.ca

From: Rogers, Dorothy AVED:EX
Sent: Friday, October 4, 2013 10:01 AM
To: Simmons, Vicki AVED:EX
Subject: FW: Request Draft Bullets Cliff 95794 - EDUC (Ruby & Chaisson) - TRU Law School accreditation- Due: October 9 @ 9:30

Hi Vicki,

Can you please draft bullets for this letter

Sect 14

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: AVED MCRU Writer Working Box AVED:EX
Sent: Thursday, October 3, 2013 4:56 PM
To: Rogers, Dorothy AVED:EX
Cc: AVED MCRU Writer Working Box AVED:EX; Carnegie, Lynn AVED:EX; Kisilewich, Nicole AVED:EX
Subject: Request Draft Bullets Cliff 95794 - EDUC (Ruby & Chaisson) - TRU Law School accreditation- Due: October 9 @ 9:30

Hi Dorothy:

Please find attached the incoming requiring draft bullets for response.
This is for ADM signature.
Due: October 9 @ 9:30.Thanks.

Best,
Elizabeth

ELIZABETH WILCOX
COMMUNICATIONS OFFICER
Ministerial Correspondence and Research Unit
Office of the Deputy Minister
Ministry of Advanced Education
☎ 250.952.7409

- Although Trinity Western University (TWU) was authorized to grant baccalaureate degrees in 1979 and was given university status and the right to offer graduate degrees under the *Trinity Western University Act* in 1985, since 2002, new non-theological degree programs require authority from the Minister of Advanced Education under the *Degree Authorization Act* (DAA).
- Under the DAA, TWU requires Minister's consent for new academic degrees following a comprehensive quality assessment review overseen by the Degree Quality Assessment Board (DQAB).
- Complete information about the DAA, established quality assessment criteria and the application process for obtaining consent from the Minister is available at: www.aved.gov.bc.ca/degree-authorization/private/welcome.htm.
- The proposal is currently undergoing a full quality assessment review by a panel of academic experts, on behalf of the DQAB, from law schools across the country.
- Since the degree is intended to lead to a profession that is subject to government regulation, the criteria takes into account the requirements of the relevant regulatory or professional body to ensure potential graduates will be eligible to meet the requirements of the relevant regulatory, licensing or credentialing body.
- Once this review is complete, the recommendation of the DQAB will be provided to the Minister for decision.
- Information on all applications undergoing, or having completed, the quality assessment process are posted on the Ministry's web site to ensure the interests of the public are served by openness and accountability.
- For more information regarding the quality assessment process, please visit the DQAB website at: www.aved.gov.bc.ca/degree-authorization/welcome.htm.

CLIFF M- 95794 – EDUC (Ruby & Chaisson) – TRU Law School accreditation

From: EDUC Correspondence EDUC:EX
Sent: Thursday, September 26, 2013 3:05 PM
To: 'MMachin@rubyshiller.com'
Cc: Minister, AVED AVED:EX
Subject: FW: Trinity Western University Law School Accreditation

Dear Mr. Ruby and Ms. Chaisson:

Thank you for your email of September 19, 2013, to Honourable Peter Fassbender, Minister of Education, regarding Trinity Western University.

As this issue falls under the purview of the Ministry of Advanced Education, a copy has been forwarded to that Ministry for review and consideration.

Thank you again for taking the time to write.

Ministerial Correspondence Office
Ministry of Education

From: Mandy Machin [<mailto:MMachin@rubyshiller.com>]
Sent: Thursday, September 19, 2013 11:03 AM
To: Minister, EDUC EDUC:EX
Subject: Trinity Western University Law School Accreditation

Please see attached letter.

Mandy Machin
Legal Assistant to Clayton Ruby

**RUBY
SHILLER
CHAN
HASAN
BARRISTERS**
11 Prince Arthur Avenue
Toronto Ontario M5R 1B2
T: 416 964 9664 • F: 416 964 8305 • Web: www.rubyshiller.com
E: mmachin@rubyshiller.com

Jothen, Janet M AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Friday, October 25, 2013 2:39 PM
To: Bakowski, Valarie AVED:EX
Cc: Thiessen-Wale, Katherine AVED:EX
Subject: FW: TWU
Attachments: IN_TWU_Law_Oct25_1115am.docx; QA_TWU_Law_Oct25_8am.docx

Hi Val,

I have added comments to question 12 and removed question 14.

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Porter, Rodney GCPE:EX
Sent: Friday, October 25, 2013 1:04 PM
To: Rogers, Dorothy AVED:EX; Bakowski, Valarie AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: RE: TWU

Thanks. Will send to Ian now for his review...

Rodney Porter | Communications Director
Government Communications & Public Engagement
B.C. Ministry of Advanced Education

Mobile: 250.889.7494 | email: rodney.porter@gov.bc.ca

From: Rogers, Dorothy AVED:EX
Sent: October-25-13 11:53 AM
To: Bakowski, Valarie AVED:EX; Thiessen-Wale, Katherine AVED:EX; Porter, Rodney GCPE:EX
Subject: RE: TWU

I agree

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Bakowski, Valarie AVED:EX
Sent: Friday, October 25, 2013 11:32 AM
To: Thiessen-Wale, Katherine AVED:EX; Porter, Rodney GCPE:EX; Rogers, Dorothy AVED:EX
Subject: RE: TWU

That looks good Rodney.

From: Thiessen-Wale, Katherine AVED:EX
Sent: Friday, October 25, 2013 11:29 AM
To: Porter, Rodney GCPE:EX; Rogers, Dorothy AVED:EX
Cc: Bakowski, Valarie AVED:EX
Subject: RE: TWU

I think this is preferable. Dorothy?

Katherine

From: Porter, Rodney GCPE:EX
Sent: Friday, October 25, 2013 11:16 AM
To: Rogers, Dorothy AVED:EX
Cc: Bakowski, Valarie AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: RE: TWU

Would this work?

If asked about the Degree Quality Assessment Board recommendation:

- The recommendation from the Degree Quality Assessment Board will be provided once a final decision is made.

From: Rogers, Dorothy AVED:EX
Sent: October-25-13 9:34 AM
To: Porter, Rodney GCPE:EX
Cc: Bakowski, Valarie AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: RE: TWU

Sure that would be fine when you are available. Maybe it would be good for you, Val, Katherine and I to have a brief chat. Our understanding is that we normally do not provide privileged recommendations publicly until the Minister has made the decision.

I also just spoke to the Federation to give them a heads up that the letter is going to be coming to them that we will wait for their decision. The managing director totally understands and will await the letter. She believes that they will finish their review in the next two months.

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Porter, Rodney GCPE:EX
Sent: Friday, October 25, 2013 8:06 AM
To: Rogers, Dorothy AVED:EX
Cc: Bakowski, Valarie AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: RE: TWU

Hi Dorothy; Thank you for your feedback. Can we maybe meet to discuss your edits to the issues note? If we are asked what the board recommended we need to say what they recommended. Happy to edit the messaging in the IN to reflect the answer in the QA document... Give me a shout.

1. What was the outcome of the quality assessment board?

- After discussion between TWU and the Degree Quality Assessment Board, the quality of the proposed law degree at TWU was deemed to meet consistent and high-quality criteria.
- The board recommended that the ministry grant consent for the law degree on condition that TWU implement the agreed to conditions of the review panel's report: that the institution hire qualified faculty and that the institution confirm the Law Society of B.C.'s approval of the proposal before any students are admitted to the program.
- The Degree Quality Assessment Board focused solely on the quality of the proposed law degree.

Rodney Porter | Communications Director
Government Communications & Public Engagement
B.C. Ministry of Advanced Education

Mobile: 250.889.7494 | email: rodney.porter@gov.bc.ca

From: Rogers, Dorothy AVED:EX
Sent: October-24-13 5:26 PM
To: Porter, Rodney GCPE:EX
Cc: Bakowski, Valarie AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: FW: TWU

Hi Rodney,

So sorry that this is late. I have made some edits and other comments.

Val and Katherine, hopefully you have no concerns.

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Porter, Rodney GCPE:EX
Sent: Wednesday, October 23, 2013 2:04 PM
To: Rogers, Dorothy AVED:EX
Subject: TWU

Hi Dorothy – Do you have a few minutes today to go over the draft IN and QA attached for the proposed law degree at TWU?

Thanks.

Rodney Porter | Communications Director
Government Communications & Public Engagement
B.C. Ministry of Advanced Education

Mobile: 250.889.7494 | email: rodney.porter@gov.bc.ca

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry: Advanced Education

Date: Oct. 25, 2013

Minister Responsible: Amrik Virk

Trinity Western University – proposed law degree

ADVICE AND RECOMMENDED RESPONSE:

- Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.
- The Trinity Western University law degree proposal is currently under review by the Ministry.
- As part of the review, the Ministry is awaiting the outcome of the Federation of Law Societies' review as to whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law. This is relevant to the Ministry as it speaks to whether graduates may be eligible to practice law after graduation and relevant in a final decision whether to provide consent under the Degree Authorization Act.
- Once the review is completed, an update will be provided at that time.

If asked about the Degree Quality Assessment Board recommendation:

- The recommendation from the Degree Quality Assessment Board will be provided once a final decision is made.

BACKGROUND REGARDING THE ISSUE:

- Trinity Western University, a faith-based private university located in Langley, is proposing to offer a Juris Doctor degree, a second-entry bachelor's degree in law. It hopes to launch the program in September 2015.
- The Degree Quality Assessment Board undertook a review and made a number of recommendations to ensure the quality of the proposed law degree. Concerns were noted about the institutions statement of faith and community covenant that all staff and students are required to sign. TWU addressed this by agreeing that temporary and adjunct faculty members would not be required to sign the covenant.
- The community covenant defines marriage as being between one man and one woman. This has created controversy due to same-sex marriage being recognized by the Canadian court since 2005 under the equality clause of the Canadian Charter of Rights and Freedoms.
- The Federation of Law Societies does not undertake a quality review but does undertake a review of proposed new law programs on whether the learning outcomes of the program enable graduates to meet the competencies to practice law. This is done on behalf of the provincial regulatory body, the Law Society of BC. Should the Federation take the position of not approving the program, graduates would not be able to write the bar exam.
- In 2001, the Supreme Court of Canada ruled in Trinity Western University v. British Columbia College of Teachers following a similar issue.

DISCUSSION/ADVICE:

- The Ministry is writing to the Federation to seek a decision from them with regard to whether they will recognize the proposed law degree.
- A decision either way by the ministry will generate criticism and media coverage.

Communications Contact: Rodney Porter

Program Area Contact: Dorothy Rogers

File Created:

File Updated:

File Location: Document2

Minister's Office	Program Area	Deputy	Communications Director / Manager
			Rodney Porter

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QUESTIONS AND ANSWERS

Trinity Western University law degree proposal

Ministry of Advanced Education

Key messages:

- Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.
- The Trinity Western University law degree proposal has undergone the quality assessment process and is now under review by the Ministry.
- As part of the review, the Ministry is awaiting the outcome of the Federation of Law Societies' review as to whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law. This is relevant to the Ministry as it speaks to whether graduates may be eligible to practice law after graduation and relevant in a final decision whether to provide consent under the Degree Authorization Act.
- Once the review is completed, an update will be provided at that time.

1. How can you approve a law degree at a post-secondary institution that does not recognize same-sex marriage and even goes as far as to require staff and students to sign a covenant that say marriage is only "between one man and one woman"?

- Trinity Western University is a faith-based, private university in British Columbia, which receives no operating or capital funding from government.
- The Ministry of Advanced Education and the Degree Quality Assessment Board based their review solely on an assessment of the quality of the program, within the confines of the Degree Authorization Act.
- The covenant applies to all staff and students, and is not just applicable to the proposed law degree.

2. Shouldn't future lawyers be educated at an institution that is aligned with the equality clause of the Canadian Charter of Rights and Freedoms, especially given that same-sex marriage has been legal in Canada since July 2005?

- Trinity Western University is a faith-based, private university in British Columbia, which receives no operating or capital funding from government.
- The Ministry of Advanced Education and the Degree Quality Assessment Board based their review solely on an assessment of the quality of the program, within the confines of the Degree Authorization Act.

3. Isn't it illegal to require staff and students to sign such a document?

- As a private post-secondary institution the covenant is within the purview of TWU.

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QUESTIONS AND ANSWERS

4. Did the requirement for staff and students at TWU to sign a community covenant requirement a concern?

- This requirement did come up as a concern that it could have a detrimental effect on the quality of faculty and be an obstacle to the establishment of a credible law school.
- However, while TWU has the right to exercise its freedom of religion it is legally entitled to require faculty members and student to adhere to its religious perspective. TWU has agreed to waive this requirement for sessional and adjunct faculty but permanent faculty would still be required to sign the statement of faith.

5. When did TWU apply to have its proposed law degree approved by the ministry?

- TWU board and senate approved the proposed law degree in April 2012 and subsequently sent its proposal to the ministry for approval.

6. Why was ministry approval required despite the fact that TWU already has exempt status?

- Although the Juris Doctor degree falls within TWU's exempt status level, the Ministry reserves the right to require any degree proposal to be reviewed by the Board if the proposal represents a significant departure from programs historically offered by the institution. On December 18, 2012, the application was referred to the Board to undergo a full quality assessment review.

7. How much money does TWU receive from government?

- Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.

8. Didn't TWU receive a number of grants from both provincial and federal government?

- Over time, eligible institutions – both public and private – may have received one-time academic grants to support research topics deemed to be a priority.

9. What was the outcome of the quality assessment board?

- After discussion between TWU and the Degree Quality Assessment Board, the quality of the proposed law degree at TWU was deemed to meet consistent and high-quality criteria.
- The board recommended that the ministry grant consent for the law degree on condition that TWU implement the agreed to conditions of the review panel's report: that the institution hire qualified faculty and that the institution confirm the Law Society of B.C.'s approval of the proposal before any students are admitted to the program.
- The Degree Quality Assessment Board focused solely on the quality of the proposed law degree.

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QUESTIONS AND ANSWERS

10. Why are you deferring to the Federation of Law Societies?

- The outcome of the Federation of Law Societies' review as to whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law.
- This is a clearly relevant issue for the Ministry as it speaks to ensuring students are able to benefit from the education they receive, a matter of relevance in deciding whether to provide consent under the Degree Authorization Act.

11. When Thompson Rivers University received provincial approval to offer a law degree did the ministry also wait for the review from the Federation of Law Societies prior to making a decision?

- The Federation of Law Societies is the national coordinating body for Canada's 14 provincial and territorial law societies.
- The Federation does not undertake a quality review but does undertake a review of proposed new law programs on whether the learning outcomes of the program enable graduates to meet the competencies to practice law. This is done on behalf of the provincial regulatory body, the Law Society of BC. Should the Federation take the position of not approving the program, graduates would not be able to write the bar exam.
- The Federation made its decision regarding the Thompson Rivers University program prior to the completion of the Degree Quality Assessment Board process and Minister's approval.

12. Are you treating TWU different from TRU because of their Community Covenant Agreement?

- The Federation of Law Societies does not undertake a quality review, but does undertake a review of proposed new law programs on whether the learning outcomes of the program enable graduates to meet the competencies to practice law.
- This is done on behalf of the provincial regulatory body, the Law Society of BC.
- Should the Federation take the position of not approving the program, graduates would not be able to write the bar exam.
- The Ministry is not treating TWU differently than TRU. In both cases the Ministry wanted to ensure that the Federation was in support of the program to ensure that graduates would have the opportunity to practice law.

13. Why are you waiting for the Federation's decision?

- As part of the review, the Ministry is awaiting the outcome of the Federation of Law Societies' review as to whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law.
- This is relevant to the Ministry as it speaks to ensuring students are able to benefit from the education they receive and relevant in a final decision whether to provide consent under the Degree Authorization Act.

FOR INTERNAL USE ONLY

QUESTIONS AND ANSWERS

~~44. Are you treating TWU different from TRU because of their Community Covenant Agreement?~~

- ~~• The Community Covenant did arise as a concern and TWU took steps necessary to meet the quality requirements of the board were met.~~

Jothen, Janet M AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Tuesday, July 30, 2013 12:20 PM
To: Stewart, Jacqui AVED:EX
Subject: FW: TWU in the morning clips -URGENT

Hi Jacqui,

As discussed, here is the information for the issues note regarding the TWU.

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Bakowski, Valarie AVED:EX
Sent: Thursday, July 25, 2013 9:09 AM
To: Rogers, Dorothy AVED:EX; Wyllie, Sandra AVED:EX
Subject: RE: TWU in the morning clips -URGENT

Approved.
Thank you Dorothy.

From: Rogers, Dorothy AVED:EX
Sent: Thursday, July 25, 2013 8:53 AM
To: Wyllie, Sandra AVED:EX; Bakowski, Valarie AVED:EX
Subject: RE: TWU in the morning clips -URGENT

Hi Val, see below – here is my suggested information regarding the Issues Note.

Speaking points: (after the degree is approved).

- TWU is a private university in British Columbia which receives no operating or capital funding from government.
- The TWU Juris Doctor proposal underwent a thorough review by the Degree Quality Assessment Board and it was recommended to me that the degree met the quality expectations of degree level education.
- As part of the recommendations, TWU will not be able to enrol students until the degree is reviewed by the Federation of Law Societies and approved by Law Society of British Columbia.
- I would suggest that TWU work with the Federation and critics of the to ensure that there is understanding regarding this issue.

Background:

TWU's Statement of Faith states: "the Bible is...to be believed in all that it teaches, obeyed in all that it requires, and trusted in all that it promises." All TWU faculty members must sign and adhere to the Statement

of Faith by signing the following covenant: "I agree with the above Statement of Faith and agree to support that position at all times before the students and friends of Trinity Western University."

The law community is particularly concerned given certain aspects of the statement of faith are contrary to existing laws including the *Canadian Charter of Rights and Freedoms*.

Several letters were sent to the Minister and Premier in February and March 2013 opposing the proposed law school and urging the government to deny approval to TWU arguing its practices having students and faculty sign a statement of faith and Community Covenant are contrary to social justice and equality. Letters were also sent to the Federation of Law Societies of Canada from the Council of Canadian Law Deans, the Canadian Association of Law Teachers and the National Association of Women and the Law, urging the Federation to reject TWU's application. Students at a number of Canadian law schools joined the letter writing campaign to influence the Federation of Law Societies to bar TWU from opening a law school.

Several media reports beginning in January 2013 headlined the issue of the proposed law school in the *Globe and Mail*, the *Vancouver Sun* the *Canadian Journal of Women and the Law* and the CBC. In March 2013, an FOI request was made by the media for all reports, substantial correspondence (excluding the general public) and memos, briefing notes, and submissions sent about this proposed law school.

In 2008, the Canadian Association of University Teachers (CAUT) launched an inquiry into TWU's Mission Statement and its impact on initial hiring, continued employment (tenure), and academic freedom of that institution's faculty. In 2009, CAUT published a report that concluded that TWU violates the commitment to academic freedom by requiring faculty to sign a Statement of Faith and recommended that TWU be placed on the list of institutions published by CAUT that are "found to have imposed a requirement of a commitment to a particular ideology or statement as a condition of employment."

In 2004 during TWU's application for Exempt Status, the Board reviewed the issue of academic freedom as part of TWU's exempt status application in 2004 and found that TWU has articulated its philosophy clearly and consistently and articulates the contract it undertakes with its students, faculty and staff.

During the 2013 DQAB review of the Juris Doctor proposal, the panel of law professors reviewing the program and the DQAB indicated that the proposal met the degree level standards with modifications with the condition that the Federation of Law Society approve the program prior to students being enrolled. The panel and DQAB also noted that the statement of faith may have implications on TWU ability to hire qualified faculty that TWU would extend a hiring *preference* to prospective faculty members who adhere to a particular religion, but not to have a blanket exclusion. TWU also indicated that sessional faculty would not be required to sign the Statement of Faith. TWU also provided information in its response to demonstrate that attracting and retaining highly qualified faculty in other professional programs (i.e. Nursing, Business and Education) has never been of issue.

The expert panel provided information that law schools at religious universities such as Brigham Young University do not require faculty to sign statements of faith. TWU indicated that there are some in the US, but did not provide any examples.

Sect 14

The Federation of Law Societies has recently established a Special Advisory Committee to consider TWU's application including the requirements for students and faculty of TWU to abide by TWU's Statement of Faith and Community Covenant agreement in relation to the *Canadian Charter of Rights and Freedoms*, and human rights legislation and the 2001 Supreme Court of Canada decision in *Trinity Western University v. British*

Columbia College of Teachers. The Federation is likely waiting until the Province approves the degree prior to moving forward with the work of the Special Advisory Committee.

Dorothy Rogers

Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Wyllie, Sandra AVED:EX
Sent: Thursday, July 25, 2013 7:55 AM
To: Rogers, Dorothy AVED:EX; Bakowski, Valarie AVED:EX
Subject: FW: TWU in the morning clips -URGENT
Importance: High

Morning team, we have another rush please. Can this be updated this morning please.

Thanks,
Sandra

From: Brown, Susan B AVED:EX
Sent: Thursday, July 25, 2013 7:35 AM
To: Porter, Rodney GCPE:EX
Cc: Wyllie, Sandra AVED:EX; Gilmore, Dan GCPE:EX
Subject: Re: TWU in the morning clips

Thanks Rodney - these will need to be updated.

Sandra - please have Val and Dorothy update this morning. Thanks

Sent from my iPhone

On Jul 25, 2013, at 7:30 AM, "Porter, Rodney GCPE:EX" <Rodney.Porter@gov.bc.ca> wrote:

Good morning Susan. TWU law degree application story made page 6 of the Globe.

Are the two holding messages from March still good, or should we update them since a decision by government could be a matter of days away? We could update to say when the review began and that we expect a decision in the coming weeks.

- **New degrees need to undergo a quality assessment review by the Degree Quality Assessment Board, before they come forward for government (minister's) decision. As is standard practice, the board has appointed a panel of academic legal experts to review this application.**

- **The board has just begun its review and it will take some time. It considers many factors, such as obtaining input from law societies, the opportunities for graduating students and the quality of the program.**

Lawyer seeks halt to proposed law school with anti-LGBT code

Globe and Mail

Thursday, July 25, 2013

Page A06

By Vidya Kauri and James Bradshaw

Copyright

Page 038

Withheld pursuant to/removal as

Copyright

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry: Advanced Education

Date: Oct. 29, 2013

Minister Responsible: Amrik Virk

Trinity Western University – proposed law degree

ADVICE AND RECOMMENDED RESPONSE:

- Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.
- The Trinity Western University law degree proposal is currently under review by the Ministry.
- As part of the review, the Ministry is awaiting the outcome of the Federation of Law Societies' review as to whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law. This is relevant to the Ministry as it speaks to whether graduates may be eligible to practice law after graduation and relevant in a final decision whether to provide consent under the Degree Authorization Act.
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- Trinity Western University, a faith-based private university located in Langley, is proposing to offer a Juris Doctor degree, a second-entry bachelor's degree in law. It hopes to launch the program in September 2015.
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DISCUSSION/ADVICE:

- The Ministry is writing to the Federation to seek a decision from them with regard to whether they will recognize the proposed law degree.
- A decision either way by the ministry will generate criticism and media coverage.

Communications Contact: Rodney Porter

Program Area Contact: Dorothy Rogers

File Created:

File Updated: Oct. 29, 2013

File Location:

Minister's Office	Program Area	Deputy	Communications Director / Manager
	Ian Rongve Val Bakowski	Sandra Carroll	Rodney Porter

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QUESTIONS AND ANSWERS

Trinity Western University law degree proposal

Ministry of Advanced Education

Key messages:

- Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.
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QUESTIONS AND ANSWERS

4. Was the requirement for staff and students at TWU to sign a community covenant requirement a concern for the board or the ministry?

- This requirement did come up as a concern for the board that it could have a detrimental effect on the quality of faculty and be an obstacle to the establishment of a credible law school.
- However, while TWU has the right to exercise its freedom of religion it is legally entitled to require faculty members and student to adhere to its religious perspective.
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FOR INTERNAL USE ONLY

QUESTIONS AND ANSWERS

10. Why are you deferring to the Federation of Law Societies?

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13. Are you treating TWU different from TRU because of their Community Covenant Agreement?

- The Community Covenant did arise as a concern and TWU took steps necessary to meet the quality requirements of the board were met.

Jothen, Janet M AVED:EX

From: Bakowski, Valarie AEIT:EX
Sent: Monday, June 17, 2013 11:11 AM
To: Thiessen-Wale, Katherine AVED:EX; Rogers, Dorothy AVED:EX
Subject: FW: TWU JD

There are some strong thoughts about this degree.

<http://www.cba.org/CBA/BlastEmail/2013/05-23-calt.aspx>

-----Original Message-----

From: Rogers, Dorothy AEIT:EX
Sent: Monday, June 17, 2013 8:26 AM
To: Bakowski, Valarie AEIT:EX
Subject: FW: TWU JD

Fyi

* * * * *

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat Governance and Quality Assurance Branch Ministry of
Advanced Education, Innovation and Technology

-----Original Message-----

From: Simmons, Vicki AEIT:EX
Sent: Monday, June 17, 2013 7:07 AM
To: Rogers, Dorothy AEIT:EX
Subject: TWU JD

<http://www.cba.org/CBA/BlastEmail/2013/05-23-calt.aspx>

Vicki Simmons
Governance and Quality Assurance Branch
BC Ministry of Advanced Education, Innovation and Technology
and Minister Responsible for Multiculturalism

3rd Floor, 835 Humboldt St
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8
(T) 250-356-2067 | (F) 250-356-8851 | (E) vicki.simmons@gov.bc.ca

Jothen, Janet M AVED:EX

From: Simmons, Vicki AEIT:EX
Sent: Tuesday, May 21, 2013 8:01 AM
To: Rogers, Dorothy AVED:EX
Cc: Mayer, Craig W AVED:EX
Subject: FW: TWU JD Panel Report Response
Attachments: 130517 TWU JD Panel Report Response.pdf

FYI. I will send this out to the panel today for their review prior to the Board meeting on June 10th.

Vicki Simmons

Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education, Innovation and Technology

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: Elsie Froment [<mailto:Elsie.Froment@twu.ca>]
Sent: Friday, May 17, 2013 4:57 PM
To: Simmons, Vicki AEIT:EX
Subject: TWU JD Panel Report Response

Vicki,

Attached please find the TWU response to the Juris Doctor proposal review panel report. I will send the original of the Registrar letter by regular mail.

Thank you for your assistance with this process. Have a great Victoria Day weekend!

Elsie

Elsie Froment, PhD
Dean of Research
Trinity Western University
7600 Glover Road
Langley, BC V2Y 1Y1

Phone: 604-888-7511 or 604-513-2121 Ext. 3615
Fax: 604-513-2047

Jothen, Janet M AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Tuesday, July 23, 2013 4:50 PM
To: Laberge, Shelly A AVED:EX
Cc: Carnegie, Lynn AVED:EX; Lee, Ally AVED:EX; Wyllie, Sandra AVED:EX
Subject: RE: 95189 - TWU Application for Consent to offer a Juris Doctor Degree

Hi Shelly,

It is with Val for her to sign off. Hopefully it will be there first thing in the morning.

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Laberge, Shelly A AVED:EX
Sent: Tuesday, July 23, 2013 4:19 PM
To: Rogers, Dorothy AVED:EX
Cc: Carnegie, Lynn AVED:EX; Lee, Ally AVED:EX; Wyllie, Sandra AVED:EX
Subject: 95189 - TWU Application for Consent to offer a Juris Doctor Degree
Importance: High

Hi Dorothy, I know you are madly working on the above BN. Is it possible to have it first thing in the morning for Susan to approve as Acting ADM? It needs to go to DMO asap. DMO needs it as there is a mtg Thursday morning @ 9 am for the Minister to discuss misc BN'S and that's the only one that hasn't gone to DMO yet .

Thank you.

Shelly Laberge, Office Coordinator
Strategic Policy and Planning Branch
Sector Strategy and Quality Assurance Division
Ministry of Advanced Education
Phone: (250) 387-6166
Fax: (250) 356-5962

Jothen, Janet M AVED:EX

From: Simmons, Vicki AVED:EX
Sent: Wednesday, August 7, 2013 1:47 PM
To: Thiessen-Wale, Katherine AVED:EX; Bakowski, Valarie AVED:EX
Cc: Rogers, Dorothy AVED:EX; Lee, Ally AVED:EX; Carnegie, Lynn AVED:EX; Wyllie, Sandra AVED:EX
Subject: RE: ACTION REQUIRED: CLIFF 95189 - TWU Application for Consent to Offer a Juris Doctor Degree
Attachments: CFLS Letter re Speical Advisory Committee.pdf

Hi Val,

As requested, here is a summary of the inquiries the Ministry has received in opposition of the proposal:

Trinity Western University

Inquiries/Correspondence to the Ministry regarding the Juris Doctor Proposal

- Executive Director, National Association of Women and the Law – Letter to the Minister
- S22 – email to the Premier, Minister and Opposition Leader
- President, Canadian Bar Association – Phone call to Governance and Quality Assurance
- President, West Coast Legal Education and Action Fund (LEAF) – Letter to Minister
- Letters were also sent to the Federation of Law Societies of Canada from:
 - the Council of Canadian Law Deans
 - the Canadian Association of Law Teachers
 - the National Association of Women and the Law
 - West Coast Legal Education and Action Fund (LEAF)
 - the Canadian Bar Association's Sexual Orientation and Gender Identity Conference
 - the Centre for Inquiry (CFI)
 - student groups from at least nine Canadian law schools (Dalhousie, U of T, U of Western Ontario, U of Ottawa, U of Saskatchewan, UBC, U of A, UVic, York University) also launched a letter writing campaign to the Federation of Law Societies (approximately 1,000 letters received)
- The issue has also been in various media reports and editorial comments through:
 - the *Globe and Mail*
 - the *Vancouver Sun*
 - the *Tyee*
 - the *Canadian Journal of Women and the Law*
 - the *National Post*
 - *Maclean's*
 - the *Toronto Star*
 - the *Ottawa Citizen*
 - the *Montreal Gazette*
 - *Canadian Lawyer*
 - *Law Times*
 - *Academica*

- Reuters
 - the *Huffington Post*
 - *Canadian Legal Ease*
 - the CBC (radio and television)
 - CTV News
 - the *Halifax Chronicle Herald*
 - the *Langley Times*
 - several Facebook pages and Twitter feeds (i.e., Let's Outlaw TWU)
 - Mr. Clayton Ruby – Toronto-based lawyer and human rights advocate
 - Mr. Bob Gallagher – co-founder of Canadians for Equal Marriage
 - Todd Pettigrew – Associate Professor, Cape Breton University
 - Ms. Elaine Craig – Professor of Law, Dalhousie University
 - Neil J. Foster – Professor, University of Newcastle, NSW, Australia
- In March 2013, an FOI request was made by the media for all reports, substantial correspondence (excluding the general public) and memos, briefing notes, and submissions sent about this proposed law school.
 - The Federation of Law Societies of Canada has set up a special advisory committee to deal with the controversy. It has received more than 30 submissions from interested groups. The federation said that it will take applicable law into account, including the Canadian Charter of Rights and Freedoms.

I have attached the Terms of Reference for the Federation of Law Societies of Canada's Advisory Committee as it may be helpful for our solicitors.

Thanks,
Vicki

Vicki Simmons
Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: Thiessen-Wale, Katherine AVED:EX
Sent: Wednesday, August 7, 2013 1:20 PM
To: Bakowski, Valarie AVED:EX
Cc: Rogers, Dorothy AVED:EX; Lee, Ally AVED:EX; Carnegie, Lynn AVED:EX; Simmons, Vicki AVED:EX; Wyllie, Sandra AVED:EX
Subject: RE: ACTION REQUIRED: CLIFF 95189 - TWU Application for Consent to Offer a Juris Doctor Degree

Thank you, I will put the request in motion right away.

Katherine Thiessen-Wale
Director, Legislation and Board Appointments
Governance and Quality Assurance Branch

From: Bakowski, Valarie AVED:EX
Sent: Wednesday, August 7, 2013 1:15 PM
To: Thiessen-Wale, Katherine AVED:EX
Cc: Rogers, Dorothy AVED:EX; Lee, Ally AVED:EX; Carnegie, Lynn AVED:EX; Simmons, Vicki AVED:EX; Wyllie, Sandra AVED:EX
Subject: RE: ACTION REQUIRED: CLIFF 95189 - TWU Application for Consent to Offer a Juris Doctor Degree

FYI

From: Patterson, Catherine M AVED:EX
Sent: Wednesday, August 7, 2013 12:14 PM
To: Bakowski, Valarie AVED:EX
Cc: Rogers, Dorothy AVED:EX; Lee, Ally AVED:EX; Carnegie, Lynn AVED:EX; Simmons, Vicki AVED:EX; Wyllie, Sandra AVED:EX
Subject: ACTION REQUIRED: CLIFF 95189 - TWU Application for Consent to Offer a Juris Doctor Degree

Hi Val,

S14

With thanks,

Catherine



Catherine Patterson
Executive Administrative Assistant
Sector Strategy and Quality Assurance Division
Ministry of Advanced Education
☎ 250 356-0826 📠 250 356-5468 ✉ Catherine.Patterson@gov.bc.ca

Jothen, Janet M AVED:EX

From: Wyllie, Sandra AVED:EX
Sent: Friday, October 25, 2013 1:14 PM
To: Rogers, Dorothy AVED:EX
Cc: Patterson, Catherine M AVED:EX
Subject: RE: Approval - TWU

Yip, thanks

From: Rogers, Dorothy AVED:EX
Sent: Friday, October 25, 2013 1:14 PM
To: Wyllie, Sandra AVED:EX
Cc: Patterson, Catherine M AVED:EX
Subject: RE: Approval - TWU

Hi Sandra,

We have already reviewed and approved it is good to go to Ian.

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Wyllie, Sandra AVED:EX
Sent: Friday, October 25, 2013 1:11 PM
To: Rogers, Dorothy AVED:EX
Cc: Patterson, Catherine M AVED:EX
Subject: FW: Approval - TWU

Please approve....

From: Porter, Rodney GCPE:EX
Sent: Friday, October 25, 2013 1:05 PM
To: Patterson, Catherine M AVED:EX; Wyllie, Sandra AVED:EX
Subject: Approval - TWU

Can you get Ian's review and approval please. Approved by Val, Dorothy and Katherine.

Rodney Porter | Communications Director
Government Communications & Public Engagement
B.C. Ministry of Advanced Education

Mobile: 250.889.7494 | email: rodney.porter@gov.bc.ca

From: Porter, Rodney GCPE:EX
Sent: October-25-13 1:04 PM

To: Rogers, Dorothy AVED:EX; Bakowski, Valarie AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: RE: TWU

Thanks. Will send to Ian now for his review...

Rodney Porter | Communications Director
Government Communications & Public Engagement
B.C. Ministry of Advanced Education

Mobile: 250.889.7494 | email: rodney.porter@gov.bc.ca

From: Rogers, Dorothy AVED:EX
Sent: October-25-13 11:53 AM
To: Bakowski, Valarie AVED:EX; Thiessen-Wale, Katherine AVED:EX; Porter, Rodney GCPE:EX
Subject: RE: TWU

I agree

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Bakowski, Valarie AVED:EX
Sent: Friday, October 25, 2013 11:32 AM
To: Thiessen-Wale, Katherine AVED:EX; Porter, Rodney GCPE:EX; Rogers, Dorothy AVED:EX
Subject: RE: TWU

That looks good Rodney.

From: Thiessen-Wale, Katherine AVED:EX
Sent: Friday, October 25, 2013 11:29 AM
To: Porter, Rodney GCPE:EX; Rogers, Dorothy AVED:EX
Cc: Bakowski, Valarie AVED:EX
Subject: RE: TWU

I think this is preferable. Dorothy?

Katherine

From: Porter, Rodney GCPE:EX
Sent: Friday, October 25, 2013 11:16 AM
To: Rogers, Dorothy AVED:EX
Cc: Bakowski, Valarie AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: RE: TWU

Would this work?

If asked about the Degree Quality Assessment Board recommendation:

- The recommendation from the Degree Quality Assessment Board will be provided once a final decision is made.

From: Rogers, Dorothy AVED:EX
Sent: October-25-13 9:34 AM
To: Porter, Rodney GCPE:EX
Cc: Bakowski, Valarie AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: RE: TWU

Sure that would be fine when you are available. Maybe it would be good for you, Val, Katherine and I to have a brief chat. Our understanding is that we normally do not provide privileged recommendations publicly until the Minister has made the decision.

I also just spoke to the Federation to give them a heads up that the letter is going to be coming to them that we will wait for their decision. The managing director totally understands and will await the letter. She believes that they will finish their review in the next two months.

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Porter, Rodney GCPE:EX
Sent: Friday, October 25, 2013 8:06 AM
To: Rogers, Dorothy AVED:EX
Cc: Bakowski, Valarie AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: RE: TWU

Hi Dorothy; Thank you for your feedback. Can we maybe meet to discuss your edits to the issues note? If we are asked what the board recommended we need to say what they recommended. Happy to edit the messaging in the IN to reflect the answer in the QA document... Give me a shout.

1. What was the outcome of the quality assessment board?

- After discussion between TWU and the Degree Quality Assessment Board, the quality of the proposed law degree at TWU was deemed to meet consistent and high-quality criteria.
- The board recommended that the ministry grant consent for the law degree on condition that TWU implement the agreed to conditions of the review panel's report: that the institution hire qualified faculty and that the institution confirm the Law Society of B.C.'s approval of the proposal before any students are admitted to the program.
- The Degree Quality Assessment Board focused solely on the quality of the proposed law degree.

Rodney Porter | Communications Director
Government Communications & Public Engagement
B.C. Ministry of Advanced Education

Mobile: 250.889.7494 | email: rodney.porter@gov.bc.ca

From: Rogers, Dorothy AVED:EX
Sent: October-24-13 5:26 PM
To: Porter, Rodney GCPE:EX
Cc: Bakowski, Valarie AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: FW: TWU

Hi Rodney,

So sorry that this is late. I have made some edits and other comments.

Val and Katherine, hopefully you have no concerns.

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Porter, Rodney GCPE:EX
Sent: Wednesday, October 23, 2013 2:04 PM
To: Rogers, Dorothy AVED:EX
Subject: TWU

Hi Dorothy – Do you have a few minutes today to go over the draft IN and QA attached for the proposed law degree at TWU?

Thanks.

Rodney Porter | Communications Director
Government Communications & Public Engagement
B.C. Ministry of Advanced Education

Mobile: 250.889.7494 | email: rodney.porter@gov.bc.ca

Jothen, Janet M AVED:EX

From: Bakowski, Valarie AVED:EX
Sent: Wednesday, October 9, 2013 2:59 PM
To: AVED MCRU Writer Working Box AVED:EX
Cc: Kisilewich, Nicole AVED:EX; Rogers, Dorothy AVED:EX
Subject: RE: FOR APPROVAL - Cliff 95785 - Kuhn - TWU - Application for a Juris Doctor law degree program - Due: October 11, 2:30

Thank you – approved.

From: AVED MCRU Writer Working Box AVED:EX
Sent: Wednesday, October 9, 2013 2:32 PM
To: Bakowski, Valarie AVED:EX
Cc: AVED MCRU Writer Working Box AVED:EX; Carnegie, Lynn AVED:EX; Kisilewich, Nicole AVED:EX
Subject: FOR APPROVAL - Cliff 95785 - Kuhn - TWU - Application for a Juris Doctor law degree program - Due: October 11, 2:30

Hi Valarie,

Please find attached incoming and a draft response for your approval.

The reply is for ADM signature.

Due: Thursday October 10, 2:30

Thanks very much!

Lorie

Lorie McLeod
Communications Officer
Ministerial Correspondence and Research Unit
Office of the Deputy Minister
Ministry of Advanced Education
Tel: 250. 952-7408

From: Rogers, Dorothy AVED:EX
Sent: Wednesday, October 9, 2013 10:09 AM
To: AVED MCRU Writer Working Box AVED:EX
Cc: Kisilewich, Nicole AVED:EX
Subject: FW: FOR APPROVAL - Cliff 95785 - Kuhn - TWU - Application for a Juris Doctor law degree program - Due: Tuesday October 8, 3:30

Hi Lori,

Here are the edits to this letter.

Thank you.

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Simmons, Vicki AVED:EX
Sent: Tuesday, October 8, 2013 7:38 AM
To: Rogers, Dorothy AVED:EX; Thiessen-Wale, Katherine AVED:EX
Cc: Bakowski, Valarie AVED:EX
Subject: RE: FOR APPROVAL - Cliff 95785 - Kuhn - TWU - Application for a Juris Doctor law degree program - Due: Tuesday October 8, 3:30

Hi Dorothy,

Attached are my edits.

Thanks,
Vicki

Vicki Simmons
Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: Rogers, Dorothy AVED:EX
Sent: Sunday, October 6, 2013 9:14 PM
To: Thiessen-Wale, Katherine AVED:EX; Simmons, Vicki AVED:EX
Cc: Bakowski, Valarie AVED:EX
Subject: FW: FOR APPROVAL - Cliff 95785 - Kuhn - TWU - Application for a Juris Doctor law degree program - Due: Tuesday October 8, 3:30

Hi Katherine and Vicki, please review the letter from the President of TWU with regard to approving the law school.

S14

Thanks,

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: AVED MCRU Writer Working Box AVED:EX

Sent: Friday, October 4, 2013 3:18 PM

To: Rogers, Dorothy AVED:EX

Cc: AVED MCRU Writer Working Box AVED:EX; Carnegie, Lynn AVED:EX; Kisilewich, Nicole AVED:EX

Subject: FOR APPROVAL - Cliff 95785 - Kuhn - TWU - Application for a Juris Doctor law degree program - Due: Tuesday October 8, 3:30

Hi Dorothy,

Please find attached incoming and a draft response for your review and approval.

The reply is for ADM signature.

Due: Tuesday October 8, 3:30

Thanks very much!

Lorie

Lorie McLeod

Communications Officer

Ministerial Correspondence and Research Unit

Office of the Deputy Minister

Ministry of Advanced Education

Tel: 250. 952-7408

From: Shaw, Judy E AVED:EX

Sent: Friday, October 4, 2013 2:56 PM

To: AVED MCRU Writer Working Box AVED:EX

Subject: APPROVED: FOR APPROVAL - Cliff 95785 - Kuhn - TWU - Application for a Juris Doctor law degree program

Approved

Judy Shaw

Manager, Business Services & Ministerial Correspondence
and Research Unit

Office of the Deputy Minister

Ministry of Advanced Education

Telephone: 250 356-6284

Fax: 250 356-5468

This message may contain information that is privileged and confidential. If you have received this message in error, please notify me immediately and delete the original transmission without making a copy.

From: AVED MCRU Writer Working Box AVED:EX

Sent: Friday, October 4, 2013 9:46 AM

To: Shaw, Judy E AVED:EX

Cc: AVED MCRU Writer Working Box AVED:EX

Subject: FOR APPROVAL - Cliff 95785 - Kuhn - TWU - Application for a Juris Doctor law degree program

Hi Judy,

Please find attached incoming and a draft response for your approval.

Thanks very much!

Lorie

Lorie McLeod
Communications Officer
Ministerial Correspondence and Research Unit
Office of the Deputy Minister
Ministry of Advanced Education
Tel: 250. 952-7408

Jothen, Janet M AVED:EX

From: Rongve, Ian AEIT:EX
Sent: Thursday, May 9, 2013 4:03 PM
To: Black, Marc GCPE:EX; Bakowski, Valarie AVED:EX; Rogers, Dorothy AVED:EX
Subject: RE: Question re. TWU law school proposal

Ok with me

From: Black, Marc GCPE:EX
Sent: Thursday, May 9, 2013 4:00 PM
To: Rongve, Ian AEIT:EX; Bakowski, Valarie AEIT:EX; Rogers, Dorothy AEIT:EX
Subject: FW: Question re. TWU law school proposal

Suggestions? OK with this?

It is still relatively early in the process; after the DQAB work is complete a recommendation would go to the minister for his/her decision. The process can take a considerable amount of time. If you check back in mid-June, we can see if it is any further along. To be clear, this is only a suggestion for adding to your bring-forward-file -- you shouldn't anticipate a decision at that point.

From: McKnight, Zoe (Vancouver Sun) [<mailto:zmcknight@postmedia.com>]
Sent: Thursday, May 9, 2013 2:55 PM
To: Black, Marc GCPE:EX
Subject: RE: Question re. TWU law school proposal

Thanks Marc – since we're trying to figure out a run date, I was hoping for something more specific. I don't need to publish it or hold you to it but we'd like to run the story before the decision. So, if it's with the DQAB, where in the process is that? Where does it go from there? When is "later in the summer"?
Zoe

From: Black, Marc GCPE:EX [<mailto:Marc.Black@gov.bc.ca>]
Sent: Thursday, May 09, 2013 2:53 PM
To: McKnight, Zoe (Vancouver Sun)
Subject: RE: Question re. TWU law school proposal

Hi Zoe: to follow-up on your enquiry, there is no definitive timeline for a decision. As noted previously, there are a series of steps which need to occur; it is currently going through the Degree Quality Assessment Board's process. Would suggest following up later in the summer for an update on status.

Hope this background info is helpful,
Thanks!
Marc.

Jothen, Janet M AVED:EX

From: Patterson, Catherine M AVED:EX
Sent: Thursday, October 17, 2013 1:41 PM
To: Thiessen-Wale, Katherine AVED:EX
Cc: Rogers, Dorothy AVED:EX; Wyllie, Sandra AVED:EX; Simmons, Vicki AVED:EX; Kisilewich, Nicole AVED:EX
Subject: RE: STATUS PLEASE: CLIFF 95189 - TWU Application for Consent to Offer a Juris Doctor Degree

Thanks Katherine. I will update CLIFF and continue to hold the folder.

From: Thiessen-Wale, Katherine AVED:EX
Sent: Thursday, October 17, 2013 9:21 AM
To: Patterson, Catherine M AVED:EX
Cc: Rogers, Dorothy AVED:EX; Wyllie, Sandra AVED:EX; Simmons, Vicki AVED:EX; Kisilewich, Nicole AVED:EX
Subject: FW: STATUS PLEASE: CLIFF 95189 - TWU Application for Consent to Offer a Juris Doctor Degree

Hi Catherine

S14

touch with the Federation of Law Societies and they are in the midst of doing the review, but could not offer a date by which it will be complete. Therefore, we do not know when we will be able to report on the outcome to the Minister. If you could continue to hold the folder, that would be fine, or if it would be easier for you to return it to us, we can hold it in our branch.

Katherine Thiessen-Wale

Director, Legislation and Board Appointments
Governance and Quality Assurance Branch
Ministry of Advanced Education

From: Rogers, Dorothy AVED:EX
Sent: Thursday, October 17, 2013 8:47 AM
To: Thiessen-Wale, Katherine AVED:EX
Subject: FW: STATUS PLEASE: CLIFF 95189 - TWU Application for Consent to Offer a Juris Doctor Degree

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Patterson, Catherine M AVED:EX
Sent: Thursday, October 17, 2013 8:37 AM
To: Rogers, Dorothy AVED:EX
Cc: Wyllie, Sandra AVED:EX; Simmons, Vicki AVED:EX; Kisilewich, Nicole AVED:EX
Subject: STATUS PLEASE: CLIFF 95189 - TWU Application for Consent to Offer a Juris Doctor Degree

Hi Dorothy,

I have this document held in my office still. I would appreciate it if you could please let me know the status of this.

With thanks,

Catherine

From: Patterson, Catherine M AVED:EX

Sent: Wednesday, August 7, 2013 12:14 PM

To: Bakowski, Valarie AVED:EX

Cc: Rogers, Dorothy AVED:EX; Lee, Ally AVED:EX; Carnegie, Lynn AVED:EX; Simmons, Vicki AVED:EX; Wyllie, Sandra AVED:EX

Subject: ACTION REQUIRED: CLIFF 95189 - TWU Application for Consent to Offer a Juris Doctor Degree

Hi Val,

S14

With thanks,

Catherine



Catherine Patterson

Executive Administrative Assistant

Sector Strategy and Quality Assurance Division

Ministry of Advanced Education

☎ 250 356-0826 📠 250 356-5468 ✉ Catherine.Patterson@gov.bc.ca

Jothen, Janet M AVED:EX

From: Bakowski, Valarie AVED:EX
Sent: Friday, October 25, 2013 2:31 PM
To: Rogers, Dorothy AVED:EX
Cc: Wyllie, Sandra AVED:EX
Subject: RE: TWU

Ian saw that question 12 and 14 are the same in the QA document – they do not have the same answers.
Dorothy would you mind correcting and sending to Sandra and Rodney.
Thank you,
Val

From: Rogers, Dorothy AVED:EX
Sent: Thursday, October 24, 2013 5:26 PM
To: Porter, Rodney GCPE:EX
Cc: Bakowski, Valarie AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: FW: TWU

Hi Rodney,

So sorry that this is late. I have made some edits and other comments.

Val and Katherine, hopefully you have no concerns.

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Porter, Rodney GCPE:EX
Sent: Wednesday, October 23, 2013 2:04 PM
To: Rogers, Dorothy AVED:EX
Subject: TWU

Hi Dorothy – Do you have a few minutes today to go over the draft IN and QA attached for the proposed law degree at TWU?

Thanks.

Rodney Porter | Communications Director
Government Communications & Public Engagement
B.C. Ministry of Advanced Education

Mobile: 250.889.7494 | email: rodney.porter@gov.bc.ca

Jothen, Janet M AVED:EX

From: Simmons, Vicki AVED:EX
Sent: Thursday, October 24, 2013 7:45 AM
To: Rogers, Dorothy AVED:EX
Subject: RE: TWU
Attachments: IN_TWU_Law_Oct23_10am.docx; QA_TWU_Law_Oct23_10am.docx

Attached are my proposed edits.

Vicki Simmons

Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: Rogers, Dorothy AVED:EX
Sent: Wednesday, October 23, 2013 8:18 PM
To: Simmons, Vicki AVED:EX
Subject: FW: TWU

Please review. I will forward you the latest.

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Porter, Rodney GCPE:EX
Sent: Wednesday, October 23, 2013 2:04 PM
To: Rogers, Dorothy AVED:EX
Subject: TWU

Hi Dorothy – Do you have a few minutes today to go over the draft IN and QA attached for the proposed law degree at TWU?

Thanks.

Rodney Porter | Communications Director
Government Communications & Public Engagement

B.C. Ministry of Advanced Education

Mobile: 250.889.7494 | email: rodney.porter@gov.bc.ca

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry: Advanced Education

Date: Oct. 22, 2013

Minister Responsible: Amrik Virk

Trinity Western University – proposed law degree

ADVICE AND RECOMMENDED RESPONSE:

- Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.
- The Trinity Western University law degree proposal has undergone the quality assessment process and is now under review by the Ministry.
- As part of the review, the Ministry is awaiting the outcome of the Federation of Law Societies' review as to whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law. This is relevant to the Ministry as it speaks to the quality of the degree and relevant in a final decision whether to provide consent under the Degree Authorization Act.
- Once the review is completed, an update will be provided at that time.

If asked about the Degree Quality Assessment Board recommendation:

- The Degree Quality Assessment Board made the recommendation to the ministry that the proposed law degree met the degree program quality assessment criteria.
- The board also recommended several special terms and conditions of consent.

BACKGROUND REGARDING THE ISSUE:

- Trinity Western University, a faith-based private university located in Langley, is proposing to offer a Juris Doctor degree, a second-entry bachelor's degree in law. It hopes to launch the program in September 2015.
- The Degree Quality Assessment Board undertook a review and made a number of recommendations to ensure the quality of the proposed law degree. Concerns were noted about the institutions statement of faith and community covenant that all staff and students are required to sign. TWU addressed this by agreeing that temporary and adjunct faculty members would not be required to sign the covenant.
- The community covenant defines marriage as being between one man and one woman. This has created controversy due to same-sex marriage being recognized by the Canadian court since 2005 under the equality clause of the Canadian Charter of Rights and Freedoms.
- The Federation of Law Societies does not undertake a quality review but does undertake a review of proposed new law programs on whether the learning outcomes of the program enable graduates to meet the competencies to practice law. This is done on behalf of the provincial regulatory body, the Law Society of BC. Should the Federation take the position of not approving the program, graduates would not be able to write the bar exam.
- In 2001, the Supreme Court of Canada ruled in Trinity Western University v. British Columbia College of Teachers following a similar issue.

DISCUSSION/ADVICE:

- The Ministry is writing to the Federation to seek a decision from them with regard to whether they will recognize the proposed law degree.
- A decision either way by the ministry, will generate criticism and media coverage.

Communications Contact: Rodney Porter

Program Area Contact: Dorothy Rogers

File Created:

File Updated:

File Location: Document2

Minister's Office	Program Area	Deputy	Communications Director / Manager
			Rodney Porter

FOR INTERNAL USE ONLY

QUESTIONS AND ANSWERS

Trinity Western University law degree proposal

Ministry of Advanced Education

Key messages:

- Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.
 - The Trinity Western University law degree proposal has undergone the quality assessment process and is now under review by the Ministry.
 - As part of the review, the Ministry is awaiting the outcome of the Federation of Law Societies' review as to whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law. This is relevant to the Ministry as it speaks to the quality of the degree and relevant in a final decision whether to provide consent under the Degree Authorization Act.
 - Once the review is completed, an update will be provided at that time.
1. How can you approve a law degree at a post-secondary institution that does not recognize same-sex marriage and even goes as far as to require staff and students to sign a covenant that say marriage is only "between one man and one woman"?
 - Trinity Western University is a faith-based, private university in British Columbia, which receives no operating or capital funding from government.
 - The Ministry of Advanced Education and the Degree Quality Assessment Board based their review solely on an assessment of the quality of the program, within the confines of the Degree Authorization Act.
 - The covenant applies to all staff and students, and is not just applicable to the proposed law degree.
 2. Shouldn't future lawyers be educated at an institution that is aligned with the equality clause of the Canadian Charter of Rights and Freedoms, especially given that same-sex marriage has been legal in Canada since July 2005?
 - Trinity Western University is a faith-based, private university in British Columbia, which receives no operating or capital funding from government.
 - The Ministry of Advanced Education and the Degree Quality Assessment Board based their review solely on an assessment of the quality of the program, within the confines of the Degree Authorization Act.
 3. Isn't it illegal to require staff and students to sign such a document?
 - As a private post-secondary institution the covenant is within the purview of TWU.

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Strictly Confidential

Page 1 of 3

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files\content.outlook\diliq9osw\qa_twu_law_oct23_10am.docxdocument#

FOR INTERNAL USE ONLY

QUESTIONS AND ANSWERS

4. Did the requirement for staff and students at TWU to sign a community covenant requirement a concern?

- This requirement did come up as a concern that it could have a detrimental effect on the quality of faculty and be an obstacle to the establishment of a credible law school.
- However, while TWU has the right to exercise its freedom of religion it is legally entitled to require faculty members and student to adhere to its religious perspective. TWU has agreed to waive this requirement for sessional and adjunct faculty but permanent faculty would still be required to sign the statement of faith.

5. When did TWU apply to have its proposed law degree approved by the ministry?

- TWU board and senate approved the proposed law degree in April 2012 and subsequently sent its proposal to the ministry for approval.

6. Why was ministry approval required despite the fact that TWU already has exempt status up?

- Although the Juris Doctor degree falls within TWU's exempt status level, the Ministry reserves the right to require any degree proposal to be reviewed by the Board if the proposal represents a significant departure from programs historically offered by the institution. On December 18, 2012, the application was referred to the Board to undergo a full quality assessment review.

7. How much money does TWU receive from government?

- Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.

8. Didn't TWU receive a number of grants from both provincial and federal government?

- Over time, eligible institutions – both public and private – may have received one-time academic grants to support research topics deemed to be a priority.

9. What was the outcome of the quality assessment board?

- After discussion between TWU and the Degree Quality Assessment Board, the quality of the proposed law degree at TWU was deemed to meet consistent and high-quality criteria.
- The board recommended that the ministry grant consent for the law degree on condition that TWU implement the agreed to conditions of the review panel's report: that the institution hire qualified faculty and that the institution confirm the Law Society of B.C.'s approval of the proposal before any students are admitted to the program.
- The Degree Quality Assessment Board focused solely on the quality of the proposed law degree.

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Page 2 of 3

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QUESTIONS AND ANSWERS

10. Why are you deferring to the Federation of Law Societies?

- The outcome of the Federation of Law Societies' review as to whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law.
- This is a clearly relevant issue for the Ministry as it speaks to the quality of the degree, a matter of relevance in deciding whether to provide consent under the Degree Authorization Act.

11. When Thompson Rivers University received provincial approval to offer a law degree did the ministry also wait for the review from the Federation of Law Societies prior to making a decision?

- The Federation of Law Societies is the national coordinating body for Canada's 14 provincial and territorial law societies.
- The Federation does not undertake a quality review but does undertake a review of proposed new law programs on whether the learning outcomes of the program enable graduates to meet the competencies to practice law. This is done on behalf of the provincial regulatory body, the Law Society of BC. Should the Federation take the position of not approving the program, graduates would not be able to write the bar exam.

Comment [vs1]: The bullets do not answer the question. TRU received approval from the Federation prior to the Minister's decision on approval.

12. Are you treating TWU different from TRU because of their Community Covenant Agreement?

- The Federation of Law Societies does not undertake a quality review, but does undertake a review of proposed new law programs on whether the learning outcomes of the program enable graduates to meet the competencies to practice law.
- This is done on behalf of the provincial regulatory body, the Law Society of BC.
- Should the Federation take the position of not approving the program, graduates would not be able to write the bar exam.

13. Why are you waiting for the Federation's decision?

- As part of the review, the Ministry is awaiting the outcome of the Federation of Law Societies' review as to whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law.
- This is relevant to the Ministry as it speaks to the quality of the degree and relevant in a final decision whether to provide consent under the Degree Authorization Act.

14. Are you treating TWU different from TRU because of their Community Covenant Agreement?

- The Community Covenant did arise as a concern and TWU took steps necessary to meet the quality requirements of the board were met.

Comment [vs2]: This is the same question as #12 - shouldn't the bullet be moved under that one?

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Page 3 of 3

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Pages 75 through 85 redacted for the following reasons:

S14

Jothen, Janet M AVED:EX

From: Wyllie, Sandra AVED:EX
Sent: Thursday, July 25, 2013 9:06 AM
To: Rogers, Dorothy AVED:EX; Bakowski, Valarie AVED:EX
Subject: VAL PLEASE APPROVE RE: TWU in the morning clips -URGENT

Thanks so much Dorothy.

From: Rogers, Dorothy AVED:EX
Sent: Thursday, July 25, 2013 8:53 AM
To: Wyllie, Sandra AVED:EX; Bakowski, Valarie AVED:EX
Subject: RE: TWU in the morning clips -URGENT

Hi Val, see below – here is my suggested information regarding the Issues Note.

Speaking points: (after the degree is approved).

- TWU is a private university in British Columbia which receives no operating or capital funding from government.
- The TWU Juris Doctor proposal underwent a thorough review by the Degree Quality Assessment Board and it was recommended to me that the degree met the quality expectations of degree level education.
- As part of the recommendations, TWU will not be able to enrol students until the degree is reviewed by the Federation of Law Societies and approved by Law Society of British Columbia.
- I would suggest that TWU work with the Federation and critics of the to ensure that there is understanding regarding this issue.

Background:

TWU's Statement of Faith states: "the Bible is...to be believed in all that it teaches, obeyed in all that it requires, and trusted in all that it promises." All TWU faculty members must sign and adhere to the Statement of Faith by signing the following covenant: "I agree with the above Statement of Faith and agree to support that position at all times before the students and friends of Trinity Western University."

The law community is particularly concerned given certain aspects of the statement of faith are contrary to existing laws including the *Canadian Charter of Rights and Freedoms*.

Several letters were sent to the Minister and Premier in February and March 2013 opposing the proposed law school and urging the government to deny approval to TWU arguing its practices having students and faculty sign a statement of faith and Community Covenant are contrary to social justice and equality. Letters were also sent to the Federation of Law Societies of Canada from the Council of Canadian Law Deans, the Canadian Association of Law Teachers and the National Association of Women and the Law, urging the Federation to reject TWU's application. Students at a number of Canadian law schools joined the letter writing campaign to influence the Federation of Law Societies to bar TWU from opening a law school.

Several media reports beginning in January 2013 headlined the issue of the proposed law school in the *Globe and Mail*, the *Vancouver Sun* the *Canadian Journal of Women and the Law* and the CBC. In March 2013, an FOI request was made by the media for all reports, substantial correspondence (excluding the general public) and memos, briefing notes, and submissions sent about this proposed law school.

In 2008, the Canadian Association of University Teachers (CAUT) launched an inquiry into TWU's Mission Statement and its impact on initial hiring, continued employment (tenure), and academic freedom of that institution's faculty. In 2009, CAUT published a report that concluded that TWU violates the commitment to academic freedom by requiring faculty to sign a Statement of Faith and recommended that TWU be placed on the list of institutions published by CAUT that are "found to have imposed a requirement of a commitment to a particular ideology or statement as a condition of employment."

In 2004 during TWU's application for Exempt Status, the Board reviewed the issue of academic freedom as part of TWU's exempt status application in 2004 and found that TWU has articulated its philosophy clearly and consistently and articulates the contract it undertakes with its students, faculty and staff.

During the 2013 DQAB review of the Juris Doctor proposal, the panel of law professors reviewing the program and the DQAB indicated that the proposal met the degree level standards with modifications with the condition that the Federation of Law Society approve the program prior to students being enrolled. The panel and DQAB also noted that the statement of faith may have implications on TWU ability to hire qualified faculty that TWU would extend a hiring *preference* to prospective faculty members who adhere to a particular religion, but not to have a blanket exclusion. TWU also indicated that sessional faculty would not be required to sign the Statement of Faith. TWU also provided information in its response to demonstrate that attracting and retaining highly qualified faculty in other professional programs (i.e. Nursing, Business and Education) has never been of issue.

The expert panel provided information that law schools at religious universities such as Brigham Young University do not require faculty to sign statements of faith. TWU indicated that there are some in the US, but did not provide any examples.

S14

The Federation of Law Societies has recently established a Special Advisory Committee to consider TWU's application including the requirements for students and faculty of TWU to abide by TWU's Statement of Faith and Community Covenant agreement in relation to the *Canadian Charter of Rights and Freedoms*, and human rights legislation and the 2001 Supreme Court of Canada decision in *Trinity Western University v. British Columbia College of Teachers*. The Federation is likely waiting until the Province approves the degree prior to moving forward with the work of the Special Advisory Committee.

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Wyllie, Sandra AVED:EX
Sent: Thursday, July 25, 2013 7:55 AM
To: Rogers, Dorothy AVED:EX; Bakowski, Valarie AVED:EX
Subject: FW: TWU in the morning clips -URGENT
Importance: High

Morning team, we have another rush please. Can this be updated this morning please.

Thanks,
Sandra

From: Brown, Susan B AVED:EX
Sent: Thursday, July 25, 2013 7:35 AM
To: Porter, Rodney GCPE:EX
Cc: Wyllie, Sandra AVED:EX; Gilmore, Dan GCPE:EX
Subject: Re: TWU in the morning clips

Thanks Rodney - these will need to be updated.

Sandra - please have Val and Dorothy update this morning. Thanks

Sent from my iPhone

On Jul 25, 2013, at 7:30 AM, "Porter, Rodney GCPE:EX" <Rodney.Porter@gov.bc.ca> wrote:

Good morning Susan. TWU law degree application story made page 6 of the Globe.

Are the two holding messages from March still good, or should we update them since a decision by government could be a matter of days away? We could update to say when the review began and that we expect a decision in the coming weeks.

- **New degrees need to undergo a quality assessment review by the Degree Quality Assessment Board, before they come forward for government (minister's) decision. As is standard practice, the board has appointed a panel of academic legal experts to review this application.**
- **The board has just begun its review and it will take some time. It considers many factors, such as obtaining input from law societies, the opportunities for graduating students and the quality of the program.**

Lawyer seeks halt to proposed law school with anti-LGBT code
Globe and Mail
Thursday, July 25, 2013
Page A06
By Vidya Kauri and James Bradshaw

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Page 073

Withheld pursuant to/removal as

Copyright

Pages 90 through 223 redacted for the following reasons:

S14

S14

S13

OctDec 2013 msa

S13

From: Porter, Rodney GCPE:EX
Sent: Wednesday, October 30, 2013 9:06 AM
To: Rongve, Ian AVED:EX; Bakowski, Valarie AVED:EX; Thiessen-Wale, Katherine AVED:EX; Rogers, Dorothy AVED:EX
Cc: Wyllie, Sandra AVED:EX; Gilmore, Dan GCPE:EX
Subject: FW: TWU is practising illegal conduct, not silly belief - Clayton Ruby and Angela Chaisson - The Province

Good morning. Flagging the TWU op-ed that appeared in the Province this morning.

Just want to double-check that our IN and QA covers everything (I sent the finals to the MO yesterday), although the critics seem to be trying to advance the argument beyond the proposed law degree to maintain that TWU's policies are illegal. Appreciate your thoughts?

Q. Isn't it illegal to require staff and students to sign such a document?

OctDec 2013.msg

As a private post-secondary institution the covenant is within the purview of TWU.

Rodney Porter | Communications Director

Government Communications & Public Engagement

B.C. Ministry of Advanced Education

Mobile: 250.889.7494 |email: <mailto:rodney.porter@gov.bc.ca>
rodney.porter@gov.bc.ca

From: Facey, Nick AVED:EX

Sent: October-30-13 9:01 AM

To: Merrifield, Katy AVED:EX; Porter, Rodney GCPE:EX

Subject: Fw: TWU is practising illegal conduct, not silly belief - Clayton Ruby and Angela Chaisson - The Province

Going to need to follow this - Rodney I'll need messaging.

Sent from my BlackBerry 10 smartphone on the TELUS network.

S3

Page 5

Page 227 redacted for the following reason:

S3

S3

From: Rogers, Dorothy AVED:EX
Sent: Thursday, October 31, 2013 2:02 PM
To: Thiessen-Wale, Katherine AVED:EX
Subject: RE: TWU

Follow Up Flag: Follow up
Flag Status: Flagged

Did you see the thumbs up/down count?

* * * * *

Dorothy Rogers
Director

Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education

250-387-6298

From: Thiessen-Wale, Katherine AVED:EX
Sent: Thursday, October 31, 2013 1:57 PM
To: Rogers, Dorothy AVED:EX
Subject: FW: TWU

FYI, more on the JD issue.

Katherine Thiessen-Wale
Director, Legislation and Board Appointments
Governance and Quality Assurance Branch

Ministry of Advanced Education

From: Rohrick, Jason AVED:EX
Sent: Thursday, October 31, 2013 1:38 PM
To: Thiessen-Wale, Katherine AVED:EX

Page 7

OctDec 2013.msg

Cc: Dunsdon, Kelly AVED:EX
Subject: RE: TWU is practising illegal conduct, not silly belief - Clayton Ruby and Angela Chaisson - The Province

Here is an article from the Province containing a rebuttal from TWU's president:
<http://blogs.theprovince.com/2013/10/30/bob-kuhn-trinity-western-university-president-responds-to-clayton-ruby/> It may be useful to Rodney if he hasn't seen it yet.
-Jason

From: Gilmore, Dan GCPE:EX
Sent: Thursday, October 31, 2013 2:29 PM
To: Thiessen-Wale, Katherine AVED:EX; Porter, Rodney GCPE:EX
Cc: Rohrick, Jason AVED:EX
Subject: RE: TWU JD

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks Katherine. A fulsome response. Also a letter to the editor in the Province took an interesting tack:

Disrespecting religion

By Jiti Khanna

Copyright

Dan Gilmore
Communications Manager
Ministry of Advanced Education
(250 952-6400 c: 250 213-2302
Dan.Gilmore@gov.bc.ca

Page 8

OctDec 2013.msg

From: Thiessen-Wale, Katherine AVED:EX
Sent: October-31-13 2:17 PM
To: Porter, Rodney GCPE:EX; Gilmore, Dan GCPE:EX
Cc: Rohrick, Jason AVED:EX
Subject: TWU JD

Hi Rodney and Dan, I am not sure if you follow media blogs routinely, but this link is an interesting one on TWU.

Katherine Thiessen-Wale
Director, Legislation and Board Appointments
Governance and Quality Assurance Branch

Ministry of Advanced Education

From: Rohrick, Jason AVED:EX
Sent: Thursday, October 31, 2013 1:38 PM
To: Thiessen-Wale, Katherine AVED:EX
Cc: Dunsdon, Kelly AVED:EX
Subject: RE: TWU is practising illegal conduct, not silly belief - Clayton Ruby and Angela Chaisson - The Province

Here is an article from the Province containing a rebuttal from TWU's president:
<http://blogs.theprovince.com/2013/10/30/bob-kuhn-trinity-western-university-president-responds-to-clayton-ruby/> It may be useful to Rodney if he hasn't seen it yet.
-Jason

Pages 231 through 238 redacted for the following reasons:

S14

S14

Pages 240 through 403 redacted for the following reasons:

S14

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Jothen, Janet M AVED:EX

From: Bakowski, Valarie AVED:EX
Sent: Monday, December 16, 2013 1:37 PM
To: Rogers, Dorothy AVED:EX; Simmons, Vicki AVED:EX
Subject: FW: ACTION REQUIRED: CLIFF 95189 - TWU Application for Consent to Offer a Juris Doctor Degree
Attachments: CFLS Letter re Special Advisory Committee.pdf

TWU - email

From: Bakowski, Valarie AVED:EX
Sent: Wednesday, August 7, 2013 4:06 PM
To: Rongve, Ian AVED:EX
Cc: Wyllie, Sandra AVED:EX; Patterson, Catherine M AVED:EX
Subject: FW: ACTION REQUIRED: CLIFF 95189 - TWU Application for Consent to Offer a Juris Doctor Degree

Hello Ian,

Please find attached the Terms of Reference for the Federation of Law Societies of Canada's Advisory Committee that has been convened to consider certain matters relating to the proposed common law program at TWU. The Federation of Law Societies of Canada set up the special advisory committee to deal with the controversy as the Society received more than 30 submissions from interested groups. The federation said that it will take applicable law into account, including the Canadian Charter of Rights and Freedoms.

Below is the list of inquiries that AVED has received in opposition of the TWU JD proposal:

- Executive Director, National Association of Women and the Law – Letter to the Minister
- S22 – email to the Premier, Minister and Opposition Leader
- President, Canadian Bar Association – Phone call to Governance and Quality Assurance
- President, West Coast Legal Education and Action Fund (LEAF) – Letter to Minister
- Letters were also sent to the Federation of Law Societies of Canada from:
 - the Council of Canadian Law Deans
 - the Canadian Association of Law Teachers
 - the National Association of Women and the Law
 - West Coast Legal Education and Action Fund (LEAF)
 - the Canadian Bar Association's Sexual Orientation and Gender Identity Conference
 - the Centre for Inquiry (CFI)
 - student groups from at least nine Canadian law schools (Dalhousie, U of T, U of Western Ontario, U of Ottawa, U of Saskatchewan, UBC, U of A, UVic, York University) also launched a letter writing campaign to the Federation of Law Societies (approximately 1,000 letters received)

The issue has also been in various media reports and editorial comments through:

- the *Globe and Mail*
- the *Vancouver Sun*
- the *Tyee*
- the *Canadian Journal of Women and the Law*

- the *National Post*
- *Maclean's*
- the *Toronto Star*
- the *Ottawa Citizen*
- the *Montreal Gazette*
- *Canadian Lawyer*
- *Law Times*
- *Academica*
- *Reuters*
- the *Huffington Post*
- *Canadian Legal Ease*
- the CBC (radio and television)
- CTV News
- the *Halifax Chronicle Herald*
- the *Langley Times*
- several Facebook pages and Twitter feeds (i.e., Let's Outlaw TWU)
- Mr. Clayton Ruby – Toronto-based lawyer and human rights advocate
- Mr. Bob Gallagher – co-founder of Canadians for Equal Marriage
- Todd Pettigrew – Associate Professor, Cape Breton University
- Ms. Elaine Craig – Professor of Law, Dalhousie University
- Neil J. Foster – Professor, University of Newcastle, NSW, Australia

In March 2013, an FOI request was made by the media for all reports, substantial correspondence (excluding the general public) and memos, briefing notes, and submissions sent about this proposed law school.

Thank you,

Val

Jothen, Janet M AVED:EX

From: Bakowski, Valarie AVED:EX
Sent: Monday, December 16, 2013 1:34 PM
To: Rogers, Dorothy AVED:EX; Simmons, Vicki AVED:EX
Subject: FW: FOR APPROVAL - Cliff 95785 - Kuhn - TWU - Application for a Juris Doctor law degree program - Due: Tuesday October 8, 3:30
Attachments: M- 95785 - Kuhn - School of Law at TWU.pdf; M- 95875 - Kuhn - Trinity Western University - Application for a Juris Doctor Program.doc

TWU email

From: Rogers, Dorothy AVED:EX
Sent: Sunday, October 6, 2013 9:14 PM
To: Thiessen-Wale, Katherine AVED:EX; Simmons, Vicki AVED:EX
Cc: Bakowski, Valarie AVED:EX
Subject: FW: FOR APPROVAL - Cliff 95785 - Kuhn - TWU - Application for a Juris Doctor law degree program - Due: Tuesday October 8, 3:30

Hi Katherine and Vicki, please review the letter from the President of TWU with regard to approving the law school.

S14

Thanks,

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: AVED MCRU Writer Working Box AVED:EX
Sent: Friday, October 4, 2013 3:18 PM
To: Rogers, Dorothy AVED:EX
Cc: AVED MCRU Writer Working Box AVED:EX; Carnegie, Lynn AVED:EX; Kisilewich, Nicole AVED:EX
Subject: FOR APPROVAL - Cliff 95785 - Kuhn - TWU - Application for a Juris Doctor law degree program - Due: Tuesday October 8, 3:30

Hi Dorothy,

Please find attached incoming and a draft response for your review and approval.

The reply is for ADM signature.

Due: Tuesday October 8, 3:30

Thanks very much!

Lorie

Lorie McLeod
Communications Officer
Ministerial Correspondence and Research Unit
Office of the Deputy Minister
Ministry of Advanced Education
Tel: 250. 952-7408

From: Shaw, Judy E AVED:EX
Sent: Friday, October 4, 2013 2:56 PM
To: AVED MCRU Writer Working Box AVED:EX
Subject: APPROVED: FOR APPROVAL - Cliff 95785 - Kuhn - TWU - Application for a Juris Doctor law degree program

Approved

Judy Shaw
Manager, Business Services & Ministerial Correspondence
and Research Unit
Office of the Deputy Minister
Ministry of Advanced Education
Telephone: 250 356-6284
Fax: 250 356-5468

This message may contain information that is privileged and confidential. If you have received this message in error, please notify me immediately and delete the original transmission without making a copy.

From: AVED MCRU Writer Working Box AVED:EX
Sent: Friday, October 4, 2013 9:46 AM
To: Shaw, Judy E AVED:EX
Cc: AVED MCRU Writer Working Box AVED:EX
Subject: FOR APPROVAL - Cliff 95785 - Kuhn - TWU - Application for a Juris Doctor law degree program

Hi Judy,

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Thanks very much!

Lorie

Lorie McLeod
Communications Officer
Ministerial Correspondence and Research Unit
Office of the Deputy Minister
Ministry of Advanced Education
Tel: 250. 952-7408

Jothen, Janet M AVED:EX

From: Bakowski, Valarie AVED:EX
Sent: Monday, December 16, 2013 1:34 PM
To: Rogers, Dorothy AVED:EX; Simmons, Vicki AVED:EX
Subject: FW: FOR APPROVAL - Cliff 95785 - Kuhn - TWU - Application for a Juris Doctor law degree program - Due: Tuesday October 8, 3:30
Attachments: M- 95875 - Kuhn - Trinity Western University - Application for a Juris Doctor Program.doc

TWU email

From: Bakowski, Valarie AVED:EX
Sent: Tuesday, October 8, 2013 8:14 AM
To: Rogers, Dorothy AVED:EX
Subject: Fw: FOR APPROVAL - Cliff 95785 - Kuhn - TWU - Application for a Juris Doctor law degree program - Due: Tuesday October 8, 3:30

Dorothy,

Could we please talk about this before we do anything else.

Val

From: Simmons, Vicki AVED:EX
Sent: Tuesday, October 08, 2013 07:38 AM Pacific Standard Time
To: Rogers, Dorothy AVED:EX; Thiessen-Wale, Katherine AVED:EX
Cc: Bakowski, Valarie AVED:EX
Subject: RE: FOR APPROVAL - Cliff 95785 - Kuhn - TWU - Application for a Juris Doctor law degree program - Due: Tuesday October 8, 3:30

Hi Dorothy,

Attached are my edits.

Thanks,
Vicki

Vicki Simmons

Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: Rogers, Dorothy AVED:EX
Sent: Sunday, October 6, 2013 9:14 PM
To: Thiessen-Wale, Katherine AVED:EX; Simmons, Vicki AVED:EX

Cc: Bakowski, Valarie AVED:EX

Subject: FW: FOR APPROVAL - Cliff 95785 - Kuhn - TWU - Application for a Juris Doctor law degree program - Due: Tuesday October 8, 3:30

Hi Katherine and Vicki, please review the letter from the President of TWU with regard to approving the law school.

S14

Thanks,

Dorothy

Dorothy Rogers

Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: AVED MCRU Writer Working Box AVED:EX

Sent: Friday, October 4, 2013 3:18 PM

To: Rogers, Dorothy AVED:EX

Cc: AVED MCRU Writer Working Box AVED:EX; Carnegie, Lynn AVED:EX; Kisilewich, Nicole AVED:EX

Subject: FOR APPROVAL - Cliff 95785 - Kuhn - TWU - Application for a Juris Doctor law degree program - Due: Tuesday October 8, 3:30

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Due: Tuesday October 8, 3:30

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Lorie

Lorie McLeod

Communications Officer

Ministerial Correspondence and Research Unit

Office of the Deputy Minister

Ministry of Advanced Education

Tel: 250. 952-7408

From: Shaw, Judy E AVED:EX

Sent: Friday, October 4, 2013 2:56 PM

To: AVED MCRU Writer Working Box AVED:EX

Subject: APPROVED: FOR APPROVAL - Cliff 95785 - Kuhn - TWU - Application for a Juris Doctor law degree program

Approved

Judy Shaw
Manager, Business Services & Ministerial Correspondence
and Research Unit
Office of the Deputy Minister
Ministry of Advanced Education
Telephone: 250 356-6284
Fax: 250 356-5468

This message may contain information that is privileged and confidential. If you have received this message in error, please notify me immediately and delete the original transmission without making a copy.

From: AVED MCRU Writer Working Box AVED:EX
Sent: Friday, October 4, 2013 9:46 AM
To: Shaw, Judy E AVED:EX
Cc: AVED MCRU Writer Working Box AVED:EX
Subject: FOR APPROVAL - Cliff 95785 - Kuhn - TWU - Application for a Juris Doctor law degree program

Hi Judy,

Please find attached incoming and a draft response for your approval.

Thanks very much!

Lorie

Lorie McLeod
Communications Officer
Ministerial Correspondence and Research Unit
Office of the Deputy Minister
Ministry of Advanced Education
Tel: 250. 952-7408



DRAFT LETTER

Our Ref. 95875

Mr. Bob Kuhn, J.D.
President
Trinity Western University
7600 Glover Rd
Langley BC V2Y 1Y1

Dear Mr. Kuhn:

Thank you for your letter of September 25, 2013, sent to the Honourable Amrik Virk, Minister of Advanced Education, regarding Trinity Western University's (TWU) proposed Juris Doctor law degree.

I acknowledge the additional information and concerns you have shared regarding TWU's proposed Juris Doctor law-degree.

In British Columbia, all institutions wishing to offer new degree programs must undergo a rigorous quality assessment process and obtain the approval or consent of the Minister of Advanced Education. As part of the quality assessment process, the Ministry is committed to ensuring that all new degree programs meet consistent and high-quality criteria.

The TWU Law Degree proposal is ~~currently~~ has undergone the quality assessment process and is now under review by the Ministry. I appreciate that to date this has been a lengthy

process for TWU and I want to assure you that Ministry staff continue to work diligently on completing the review of the proposed Juris Doctor law program. Once the Ministry has completed its review, the proposal will move forward to the Minister for decision.

I would like to take this opportunity to thank you for your patience with the quality assessment process and to acknowledge TWU's long history of offering high quality degree programs in British Columbia.

Sincerely,

Ian Rongve, Ph.D.
Assistant Deputy Minister

pc: Honourable Amrik Virk
Minister of Advanced Education

APPROVAL BLOCK FOR MCRU USE ONLY

<u>Prepared by:</u>	Lorie McLeod/Communications Officer MCRU
Director / Manager	Dorothy Rogers / G&QA Br E-mail Review - date
<u>Approval Order</u>	
Executive Dir	Valarie Bakowski / G&QA Br
ADM - Request use of e-signature	Ian Rongve/ Sector Strategy and Quality Assurance Div

ONCE APPROVED Please return to MCRU

Jothen, Janet M AVED:EX

From: Bakowski, Valarie AVED:EX
Sent: Monday, December 16, 2013 1:38 PM
To: Rogers, Dorothy AVED:EX; Simmons, Vicki AVED:EX
Subject: FW: FOR Draft Approval Cliff 95328 - Kuhn - Congrats and Overview of TWU - Due: July 23 @ Noon
Attachments: M- 95328 - Kuhn - Congrats & Overview of TWU programs.doc; M- 95328 - Kuhn - Congrats and overview of TWU provided.pdf

TWU - email

From: Bakowski, Valarie AVED:EX
Sent: Monday, July 22, 2013 9:38 AM
To: Rogers, Dorothy AVED:EX
Subject: FW: FOR Draft Approval Cliff 95328 - Kuhn - Congrats and Overview of TWU - Due: July 23 @ Noon

Is there anything that we are sending TWU from the Minister? If so, could we integrate the 2 letters?

From: Carnegie, Lynn AVED:EX
Sent: Monday, July 22, 2013 8:59 AM
To: Bakowski, Valarie AVED:EX
Cc: Lee, Ally AVED:EX
Subject: FW: FOR Draft Approval Cliff 95328 - Kuhn - Congrats and Overview of TWU - Due: July 23 @ Noon

Morning,

This is due tomorrow by noon.

Thanks,
Lynn

From: AVED MCRU Writer Working Box AVED:EX
Sent: Friday, July 19, 2013 11:32 AM
To: Bakowski, Valarie AVED:EX
Cc: AVED MCRU Writer Working Box AVED:EX; Carnegie, Lynn AVED:EX; Lee, Ally AVED:EX
Subject: FOR Draft Approval Cliff 95328 - Kuhn - Congrats and Overview of TWU - Due: July 23 @ Noon

Hi Valarie:

Please find attached the incoming and draft reply for your approval. Track changes is on. **Due:** July 23 @ Noon. Thanks.

Best,
Elizabeth

ELIZABETH WILCOX
COMMUNICATIONS OFFICER
Ministerial Correspondence and Research Unit
Office of the Deputy Minister
Ministry of Advanced Education
250.952.7409

From: Shaw, Judy E AVED:EX
Sent: Friday, July 19, 2013 11:08 AM
To: AVED MCRU Writer Working Box AVED:EX
Subject: APPROVED WITH EDITS - Cliff 95328 - Kuhn - Congrats and Overview of TWU

Hi Elizabeth,

Approved with edits, thank you!

Lorie McLeod for...

Judy Shaw

Manager, Operations & Ministerial Correspondence
and Research Unit

Office of the Deputy Minister

Ministry of Advanced Education

Telephone: 250 356-6284

Fax: 250 356-5468

This message may contain information that is privileged and confidential. If you have received this message in error, please notify me immediately and delete the original transmission without making a copy.

From: AVED MCRU Writer Working Box AVED:EX
Sent: Thursday, July 18, 2013 3:40 PM
To: Shaw, Judy E AVED:EX
Cc: AVED MCRU Writer Working Box AVED:EX
Subject: For Draft Approval Cliff 95328 - Kuhn - Congrats and Overview of TWU

Hi Lorie:

Please find attached the incoming request and draft letter for your approval. The second paragraph uses the wording we discussed that came from the MO.

Thanks.

Best,
Elizabeth

ELIZABETH WILCOX
COMMUNICATIONS OFFICER
Ministerial Correspondence and Research Unit
Office of the Deputy Minister
Ministry of Advanced Education
250.952.7409



DRAFT LETTER

Our Ref. 95328

Mr. Bob Kuhn, J.D.
President
Trinity Western University
7600 Glover Rd
Langley BC V2Y 1Y1

Dear Mr. Kuhn:

Thank you for your letter of congratulations on my appointment as Minister of Advanced Education, and the overview you provided of Trinity Western University (TWU). I appreciate your kind invitation to visit TWU's campus.

I enjoyed meeting with you on July 4, 2013, to discuss our mutual interest in the importance of post-secondary education. I welcome this exciting opportunity to work with post-secondary educators, administrators and students. Our post-secondary system is vital to ensuring that British Columbians acquire the skills, experience and qualifications for the jobs of the future.

I would like to acknowledge TWU's long history of offering quality programming in British Columbia's post-secondary system.

Sincerely,

Amrik Virk
Minister

APPROVAL BLOCK FOR MCRU USE ONLY

<u>Prepared by:</u>	Elizabeth Wilcox/Communications Officer MCRU
Executive Dir	Valarie Bakowski / G&QA Branch
NOTE: ADM to determine if the DMO needs to see - <u>if so</u> , Fwd to DMO - <u>if not</u> , return to MCRU Writer Working Box	Jennifer Meadows, Mgr Exec Ops James Gorman, DM

Please return to MCRU to prepare for Minister's signature



July 8, 2013

Honourable Amrik Virk
Minister of Advanced Education
PO Box 9080 Stn Prov Govt
Victoria BC V8W 9E2

Minister Virk,

It was a pleasure meeting with you last week and hearing about your vision for education in British Columbia. Again, congratulations on your recent appointment as Minister of Advanced Education. Your passion for education is most evident, and is something we share.

Thank you for meeting with me so quickly after taking office. Thank you also for your commitment to follow-up on approvals for our MBA International program in addition to our proposed juris doctorate program. With respect to both of these programs, timing is critical in that opportunities to proceed depend, at least in part, on a timely processing.

TWU holds a unique place in the landscape of advanced education in British Columbia, Canada and, indeed, internationally. With the help of the British Columbia government, Trinity has built its reputation as one of the finest educational environments in the country, graduating some 24,000 students who have caught on to distinguished careers. More telling is the fact that its success is built on the convictions and contributions of private citizens rather than government financial backing. In effect, TWU has gifted its alumni to the people of British Columbia and beyond without putting his hand in the pocket of British Columbia government.

Trinity Western is dedicated to preparing students for specific careers so that they can participate in the British Columbia workforce. I believe that both the Law and MBA programs would enhance the opportunity for specialized and needed education in BC. Your commitment to listening and responding to our vision at Trinity Western University is reassuring. We look forward to a cooperative relationship with your Ministry as we pursue approval of the programs currently in process.

Like you, I am new to my role and to world of higher education; consequently, there is much to learn. I consider myself dedicated to lifelong learning. I believe you share my enthusiasm for learning. As we continue to learn and to build strong relationships, I hope that I can be of assistance in building for the benefit of our shared vision for higher education in BC.



As mentioned, I would like to invite you to our campus at your convenience. It would be a pleasure to host you and any members your team at any time. In the meantime, I remain appreciative of your efforts on our behalf and look forward to building a strong relationship with your Ministry, and the government as a whole.

Best regards,



Bob Kuhn, J.D.
President

Pages 419 through 421 redacted for the following reasons:

S14

Jothen, Janet M AVED:EX

From: Kilpatrick, Rosalyn AEIT:EX
Sent: Thursday, July 4, 2013 10:33 AM
To: Simmons, Vicki AEIT:EX
Subject: Bullets re TWU - July 4, 2013.docx
Attachments: Bullets re TWU - July 4, 2013.docx

Jothen, Janet M AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Tuesday, October 15, 2013 2:54 PM
To: Thiessen-Wale, Katherine AVED:EX; Simmons, Vicki AVED:EX
Subject: FW: 1173633[1]
Attachments: 1173633[1].doc

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Kisilewich, Nicole AVED:EX
Sent: Tuesday, October 15, 2013 2:48 PM
To: Rogers, Dorothy AVED:EX
Subject: 1173633[1]

95785

Jothen, Janet M AVED:EX

From: Watt, Lianne C AEIT:EX
Sent: Thursday, July 4, 2013 12:10 PM
To: Rogers, Dorothy AEIT:EX
Cc: Bakowski, Valarie AEIT:EX; Simmons, Vicki AEIT:EX; Kilpatrick, Rosalyn AEIT:EX
Subject: FW: Bullets re TWU - July 4, 2013.docx

Importance: High

Thank you very much – especially in light of the short timelines.
Your information was incorporated into the profile document and it has been forwarded to the ADMO.

From: Rogers, Dorothy AEIT:EX
Sent: Thursday, July 4, 2013 11:11 AM
To: Watt, Lianne C AEIT:EX
Cc: Bakowski, Valarie AEIT:EX; Simmons, Vicki AEIT:EX; Kilpatrick, Rosalyn AEIT:EX
Subject: FW: Bullets re TWU - July 4, 2013.docx
Importance: High

Hi Lianne,

Here are the bullets on degree proposals at TWU as requested.

Thanks,

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

Trinity Western University

Re: Status of TWU degree proposals undergoing quality assessment process.

- Trinity Western University (TWU) has Exempt Status up to and including the Master's level and, therefore, proposals up to that level are not normally reviewed by the Degree Quality Assessment Board (Board).
- The following TWU degree proposals are currently in various stages of the degree quality assessment process:
 - **Juris Doctor:** The Board reviewed the proposal and the expert review report at its June 10, 2013 meeting. The Board will be recommending that the degree meets the the quality criteria with several special terms and conditions. The Board also provided further advice on the proposal noted below. .

S14

Speaking points: I understand that the proposal was reviewed by the Degree Quality Assessment Board at their June 10th meeting. I understand that the Ministry is currently reviewing the recommendation. I have not yet received the proposal for my review and decision.

Not Responsive

Page 426 redacted for the following reason:

Not responsive

Jothen, Janet M AVED:EX

From: Rogers, Dorothy AEIT:EX
Sent: Thursday, July 4, 2013 10:47 AM
To: Bakowski, Valarie AEIT:EX
Cc: Simmons, Vicki AEIT:EX; Kilpatrick, Rosalyn AEIT:EX
Subject: FW: Bullets re TWU - July 4, 2013.docx
Attachments: Bullets re TWU - July 4, 2013.docx

Importance: High

Hi Val,

As discussed, the Minister is meeting with TWU this afternoon. Please see the bullets that Ros, Dawn and Vicki prepared.

We are under tight timelines regarding the preparation of materials for the regional branch that is the lead.

Please see the attached bullets for your approval. The other Branch needs them ASAP.

Thank you.

Dorothy

Dorothy Rogers

Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

Jothen, Janet M AVED:EX

From: Simmons, Vicki AEIT:EX
Sent: Thursday, July 4, 2013 10:34 AM
To: Rogers, Dorothy AEIT:EX
Cc: Kilpatrick, Rosalyn AEIT:EX
Subject: FW: Bullets re TWU - July 4, 2013.docx
Attachments: Bullets re TWU - July 4, 2013.docx

Importance: High

Hi Dorothy,

Here is a quick and dirty update on all TWU's proposals.

Vicki

Vicki Simmons

Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: Kilpatrick, Rosalyn AEIT:EX
Sent: Thursday, July 4, 2013 10:33 AM
To: Simmons, Vicki AEIT:EX
Subject: Bullets re TWU - July 4, 2013.docx

Trinity Western University

Re: Status of TWU degree proposals undergoing quality assessment process.

- Trinity Western University (TWU) has Exempt Status up to and including the Master's level and, therefore, proposals up to that level are not normally reviewed by the Degree Quality Assessment Board (Board).
- The following TWU degree proposals are currently in various stages of the degree quality assessment process:
 - **Juris Doctor:** The Board has made a recommendation to the Minister. The Ministry will notify TWU once the Minister's decision is received.

S14

Not Responsive

Not Responsive



September 25, 2013

The Honourable Minister of Advanced Education
Box 9041
Station PROV GOVT
Victoria, BC V8W 9E1

Dear Minister Virk:

Re: School of Law at Trinity Western University

This letter is further to our meeting in late June, 2013, and our subsequent correspondence.

As you know in June, 2012 Trinity Western University submitted an application for a Juris Doctor program (a law school) to the Ministry of Advanced Education. You advised us in June that the application had worked its way through all necessary review processes and indicated that a decision could be expected in the reasonably near future. We recognize that there has been an organized political campaign to oppose TWU's proposal and we know letters have now been written to you and a number of other MLAs. We have taken the liberty of writing this letter in order to provide some further information from the University side.

Trinity Western University has been a fully recognized university for 28 years under the oversight of the British Columbia Ministry of Advanced Education. It offers 42 undergraduate and 16 graduate programs, all of which have been approved by the Ministry. It has developed a long history of excellence in teaching, scholarship and research and regularly receives an A+ for quality of education in the annual Globe and Mail University Report Card. This puts Trinity Western at the very top of the list of Canadian advanced educational institutions. Reflective of that excellence, Trinity graduates are among the most sought after by employers in every field.

The law school proposal was developed over a five year period in consultation with many lawyers, judges and legal academics from across the country. It provides an innovative curriculum designed to build legal skills within the context of law as public service. The curriculum is designed to attract and train students for practicing in small firms outside of the major B.C. urban areas, where there is a greater need for additional lawyers. In keeping with the nature of TWU, a specialization will be offered in Charities and Social Justice Law. Students will be required to complete two practica which will include service at a pro bono legal clinic in partnership with a charitable organization such as Union Gospel Mission. It has been our hope that the proposal would simply be assessed on its merits and we are confident if that is the case that approval will follow.


Those opposing TWU have not focused on the merits of the proposal but rather on the religious character of the University. However, under our founding legislation, Trinity Western University is required to "provide university education...from a viewpoint that is Christian." As such, we have policies that are different than public universities. One of these policies is our Community Covenant, which sets out common expectations of staff, faculty and students. The Community Covenant has been developed by the community itself, through a committee comprised of faculty, staff and students. It is reviewed periodically to ensure that it corresponds with the values of the community. The most fundamental aspect of the Community Covenant is an affirmation of respect for every member of the community.

We are aware that those who oppose a law school at TWU make much of the fact that the Community Covenant includes one reference to marriage as being between a man and a woman. That definition of marriage reflects a traditional evangelical Christian understanding of marriage. In the Civil Marriage Act, passed in 2005, the federal government redefined marriage for civil purposes as being between two persons. However, both in that legislation and in the decision of the Supreme Court of Canada on marriage, it was affirmed that a religious institutions' definition of marriage for religious purposes would be respected. The Civil Marriage Act even includes a preamble which states, "it is not against the public interest to hold and publicly express diverse views on marriage."

Those who are urging that the Ministry of Advanced Education not approve the law school proposal are in essence asking that the government of B.C. discriminate against the University based on our religious beliefs about marriage. We find this deeply disturbing in a multicultural country like Canada that respects diversity. Not only is religious freedom protected in Canada's Charter of Rights and Freedoms, but equality on the basis of religion is also protected. These are core values in Canadian society. In the 2001 Supreme Court of Canada decision, Trinity Western University v. British Columbia College of Teachers, it was clearly determined that the University has the right to maintain a religiously-based community covenant in the context of a professional program.

As indicated, given the campaign that has been organized against the law school proposal, we thought it might be helpful to provide the above additional comments. I and others at TWU would be more than pleased to discuss this or provide you with further information. We look forward to constructive interaction with your office in relation to this very important matter.

Yours truly,



Robert G. Kuhn
President



DRAFT LETTER

Our Ref. 95875

Mr. Bob Kuhn, J.D.
President
Trinity Western University
7600 Glover Rd
Langley BC V2Y 1Y1

Dear Mr. Kuhn:

Thank you for your letter of September 25, 2013, sent to the Honourable Amrik Virk, Minister of Advanced Education, regarding Trinity Western University's (TWU) proposed Juris Doctor law degree.

I acknowledge the additional information and concerns you have shared regarding TWU's proposed Juris Doctor law degree.

In British Columbia, all institutions wishing to offer new degree programs must undergo a rigorous quality assessment process and obtain the approval or consent of the Minister of Advanced Education. As part of the quality assessment process, the Ministry is committed to ensuring that all new degree programs meet consistent and high-quality criteria.

The TWU Law Degree proposal is currently undergoing the quality assessment process and is now under review by the Ministry. I appreciate that to date this has been a lengthy process for

TWU and I want to assure you that Ministry staff continue to work diligently on completing the review of the proposed Juris Doctor law program. Once the Ministry has completed its review, the proposal will move forward to the Minister for decision.

I would like to take this opportunity to thank you for your patience with the quality assessment process and to acknowledge TWU's long history of offering high quality degree programs in British Columbia.

Sincerely,

Ian Rongve, Ph.D.
Assistant Deputy Minister

pc: Honourable Amrik Virk
Minister of Advanced Education

APPROVAL BLOCK FOR MCRU USE ONLY

<u>Prepared by:</u>	Lorie McLeod/Communications Officer MCRU
Director / Manager	Dorothy Rogers / G&QA Br E-mail Review - date
<u>Approval Order</u>	
Executive Dir	Valarie Bakowski / G&QA Br
ADM - Request use of e-signature	Ian Rongve/ Sector Strategy and Quality Assurance Div

ONCE APPROVED Please return to MCRU

Jothen, Janet M AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Wednesday, October 23, 2013 8:19 PM
To: Simmons, Vicki AVED:EX
Subject: FW: Letter to the Law Society from Sandy and Richard - by ? mid Thursday

Katherine is going to draft the letter, I will be phoning the law society tomorrow.

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Thiessen-Wale, Katherine AVED:EX
Sent: Tuesday, October 22, 2013 5:22 PM
To: Rogers, Dorothy AVED:EX
Subject: RE: Letter to the Law Society from Sandy and Richard - by ? mid Thursday

Dorothy, if you need any assistance with this, just let me know. I am sure that Josie will be happy to review, especially if Richard Fyfe is a co-signer of the letter. I'm interested in knowing how this letter came about.

Katherine

From: Rogers, Dorothy AVED:EX
Sent: Tuesday, October 22, 2013 4:41 PM
To: Bakowski, Valarie AVED:EX
Cc: Thiessen-Wale, Katherine AVED:EX
Subject: FW: Letter to the Law Society from Sandy and Richard - by ? mid Thursday

Hi Val,

Ian stopped by to let me know about the letter. I suggested that I call them first to see what the status is. They were under the impression that the Law Society was waiting for our decision and I said that no, that the last time I called that they clarified they were not waiting for us. He said go ahead and call and let them know the letter is coming.

Thank you.

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Bakowski, Valarie AVED:EX
Sent: Tuesday, October 22, 2013 4:30 PM
To: Rogers, Dorothy AVED:EX
Subject: Letter to the Law Society from Sandy and Richard - by ? mid Thursday

Hello Dorothy,

Could we please prepare a letter to the Law Society from Sandy and Richard Fife, the Deputy Attorney General.

The letter to the Law Society needs to explain that we are working on priorities right now and as such we are not going to make a decision about the TWU degree - as we are going to wait until they have made a decision about if the TWU graduates will be able to work.

Happy to discuss this further if you wish to do so.

Thank you,
Val

Jothen, Janet M AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Monday, October 21, 2013 4:05 PM
To: Gilmore, Dan GCPE:EX
Cc: Wyllie, Sandra AVED:EX; Patterson, Catherine M AVED:EX; Bakowski, Valarie AVED:EX; Porter, Rodney GCPE:EX; Rongve, Ian AVED:EX
Subject: FW: Media request - Vancouver Sun

Hi Dan,

Here are the updated bullets for TWU.

Thanks,

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

- Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.
- The TWU Law Degree proposal has undergone the quality assessment process and is now under review by the Ministry.
- Once the Ministry has completed its review, the proposal will move forward to the Minister for decision.

From: Gilmore, Dan GCPE:EX
Sent: Monday, October 21, 2013 3:23 PM
To: Rogers, Dorothy AVED:EX
Cc: Wyllie, Sandra AVED:EX; Patterson, Catherine M AVED:EX; Bakowski, Valarie AVED:EX; Porter, Rodney GCPE:EX; Rongve, Ian AVED:EX
Subject: Media request - Vancouver Sun
Importance: High

Hi Dorothy,

Rush request. 4:30 pm deadline and the reporter just called. Third bullet is no longer accurate I realize. Can you let me know if this is good? Thx!

Dan

- No decision has been made.
- Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.
-
- The Trinity Western University Juris Doctor proposal is undergoing a thorough review by the Degree Quality Assessment Board to ensure that the degree meets the quality expectations of degree level education in British Columbia.

Dan Gilmore
Communications Manager
Ministry of Advanced Education
☎ 250 952-6400 C: 250 213-2302
Dan.Gilmore@gov.bc.ca

Jothen, Janet M AVED:EX

From: Simmons, Vicki AEIT:EX
Sent: Thursday, July 4, 2013 10:19 AM
To: Kilpatrick, Rosalyn AEIT:EX
Subject: FW: Minister mtg with TWU

Importance: High

Hi Ros,

S14

Vicki Simmons
Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: Rogers, Dorothy AEIT:EX
Sent: Thursday, July 4, 2013 10:08 AM
To: Kilpatrick, Rosalyn AEIT:EX; Simmons, Vicki AEIT:EX; Watt, Lianne C AEIT:EX
Cc: Bakowski, Valarie AEIT:EX
Subject: FW: Minister mtg with TWU
Importance: High

Hi Lianne,

Ros and Vicki are pulling things together. Rather short notice. There are many proposals besides the JD and the JD is not a straight forward recommendation. We will get you bullets on the status of the proposals. TWU may bring up the JD and the iMBA.

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education

From: Watt, Lisanne C AEIT:EX
Sent: Thursday, July 4, 2013 9:40 AM
To: Rogers, Dorothy AEIT:EX
Subject: Minister mtg with TWU
Importance: High

Hi Dorothy,

Minister is mtg with TWU this afternoon and we are preparing some info (general in nature). I'm just wondering what the current status of Juris Doctor degree is – still awaiting assessment of expert panel?

Thanks

Lisanne Watt, Policy Analyst - Fraser Valley/Interior Region Branch
Post-Secondary Regions and Programs Division, Ministry of Advanced Education
PO Box 9194 Stn Prov Govt, Victoria BC V8W 9E6 - ph: (250) 356-6355 - fx: (250) 387-2360

Jothen, Janet M AVED:EX

From: Simmons, Vicki AEIT:EX
Sent: Thursday, July 4, 2013 10:04 AM
To: Kilpatrick, Rosalyn AEIT:EX
Subject: FW: Minister mtg with TWU

Importance: High

Vicki Simmons

Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: Rogers, Dorothy AEIT:EX
Sent: Thursday, July 4, 2013 10:04 AM
To: Simmons, Vicki AEIT:EX
Subject: FW: Minister mtg with TWU
Importance: High

Do we have some quick wording on this?

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Watt, Lianne C AEIT:EX
Sent: Thursday, July 4, 2013 9:40 AM
To: Rogers, Dorothy AEIT:EX
Subject: Minister mtg with TWU
Importance: High

Hi Dorothy,

Minister is mtg with TWU this afternoon and we are preparing some info (general in nature). I'm just wondering what the current status of Juris Doctor degree is – still awaiting assessment of expert panel?

Thanks

Lisanne Watt, Policy Analyst - Fraser Valley/Interior Region Branch
Post-Secondary Regions and Programs Division, Ministry of Advanced Education
PO Box 9194 Stn Prov Govt, Victoria BC V8W 9E6 - ph: (250) 356-6355 - fx: (250) 387-2360

Jothen, Janet M AVED:EX

From: AVED Degree Quality Assessment Board Secretariat AVED:EX
Sent: Monday, August 12, 2013 7:27 AM
To: Bakowski, Valarie AVED:EX; Rogers, Dorothy AVED:EX; Thiessen-Wale, Katherine AVED:EX
Cc: AVED Degree Quality Assessment Board Secretariat AVED:EX
Subject: FW: Proposed School of Law at Trinity Western University

FYI – another one in the DQAB inbox, copied to the Minister.

Vicki Simmons

Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: S22
Sent: Sunday, August 11, 2013 3:24 PM
To: info@flsc.ca; AVED Degree Quality Assessment Board Secretariat AVED:EX; Minister, AVED AVED:EX; david.eby.mla@leg.bc.ca
Subject: Proposed School of Law at Trinity Western University

Good morning

Because of its discriminatory admittance and hiring policies, I feel strongly that the proposed School of Law at Trinity Western University to be rejected.

TWU's policies violate the fundamental notion of equality. Approving their law school would create an extra path to becoming a lawyer in Canada that is not available to students who do not fit with TWU's vision of heterosexual Christians.

It is well documented that TWU's Community Covenant discriminates against gay and lesbian students. The Covenant also requires that students adopt an anti-choice stance (students must "uphold...worth from conception") contrary to Canada's ongoing commitment to women's reproductive freedoms. Furthermore, the mandatory Statement of Faith for faculty and staff discriminates against the non-religious and others who are not Christian. These restrictions threaten academic freedom at TWU.

For these reasons I would like you to reject the public funding of this discriminatory law school.

Sincerely,

S22

Jothen, Janet M AVED:EX

From: Simmons, Vicki AVED:EX
Sent: Thursday, August 8, 2013 2:38 PM
To: AVED Degree Quality Assessment Board Secretariat AVED:EX
Subject: FW: Reject proposed TWU Law School
Attachments: 2013-08-14 Position - Reject TWU Law School.pdf; TWU-letter.pdf

From: AVED Degree Quality Assessment Board Secretariat AVED:EX
Sent: Thursday, August 8, 2013 2:38 PM
To: Bakowski, Valarie AVED:EX; Rogers, Dorothy AVED:EX; Thiessen-Wale, Katherine AVED:EX; Wyllie, Sandra AVED:EX
Subject: FW: Reject proposed TWU Law School

Hi,

This was just received in the DQAB inbox. I see that it was also sent to the Minister, so it will be coming from MCRU for drafting bullets for response.

Vicki

Vicki Simmons
Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: S22 **On Behalf Of** Ian Bushfield
Sent: Thursday, August 8, 2013 2:26 PM
To: info@fisc.ca; david.eby.mla@leg.bc.ca; Minister, AVED AVED:EX; AVED Degree Quality Assessment Board Secretariat AVED:EX
Subject: Reject proposed TWU Law School

To:

Federation of Law Societies of Canada Special Advisory Committee on TWU's Proposed School of Law

Degree Quality Assessment Board, Government of British Columbia

Amrik Virk, Minister of Advanced Education, Government of British Columbia

David Eby, Opposition Critic for Advanced Education

Because of its discriminatory admittance and hiring policies, the BC Humanist Association calls for the proposed School of Law at Trinity Western University to be rejected.

TWU's policies violate the fundamental notion of equality. Approving their law school would create an extra path to becoming a lawyer in Canada that is not available to students who do not fit with TWU's vision of heterosexual Christians.

It is well documented that TWU's Community Covenant discriminates against gay and lesbian students. The Covenant also requires that students adopt an anti-choice stance (students must "uphold...worth from conception") contrary to Canada's ongoing commitment to women's reproductive freedoms. Furthermore, the mandatory Statement of Faith for faculty and staff discriminates against the non-religious and others who are not Christian. These restrictions threaten academic freedom at TWU.

Our Board of Directors, in solidarity with numerous other organizations, have taken a strong stance against this proposal (see attached) and urge the FLSC and Government of British Columbia to stand up for prospective LGBT and non-Christian lawyers by rejecting this discriminatory law school.

Sincerely,

Ian Bushfield
Executive Director
BC Humanist Association

Page 125

Withheld pursuant to/removal as

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BRITISH COLUMBIA HUMANIST ASSOCIATION

400 – 3381 Cambie Street
Vancouver, BC V5Z 4R3

bchumanist.ca
info@bchumanist.ca



**BC HUMANIST
ASSOCIATION**

Reject the proposed School of Law at Trinity Western University

To:

Federation of Law Societies of Canada Special Advisory Committee on TWU's Proposed School of Law

Degree Quality Assessment Board, Government of British Columbia

Amrik Virk, Minister of Advanced Education, Government of British Columbia

David Eby, Opposition Critic for Advanced Education

Because of its discriminatory admittance and hiring policies, the BC Humanist Association calls for the proposed School of Law at Trinity Western University to be rejected.

TWU's policies violate the fundamental notion of equality. Approving their law school would create an extra path to becoming a lawyer in Canada that is not available to students who do not fit with TWU's vision of heterosexual Christians.

It is well documented that TWU's Community Covenant discriminates against gay and lesbian students. The Covenant also requires that students adopt an anti-choice stance (students must "uphold...worth from conception") contrary to Canada's ongoing commitment to women's reproductive freedoms. Furthermore, the mandatory Statement of Faith for faculty and staff discriminates against the non-religious and others who are not Christian. These restrictions threaten academic freedom at TWU.

Our Board of Directors, in solidarity with numerous other organizations, have taken a strong stance against this proposal (see attached) and urge the FLSC and Government of British Columbia to stand up for prospective LGBT and non-Christian lawyers by rejecting this discriminatory law school.

Sincerely,

Jan Bushfield
Executive Director

Jothen, Janet M AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Wednesday, July 17, 2013 5:25 PM
To: Simmons, Vicki AVED:EX
Cc: Burns, Susan G AVED:EX
Subject: FW: TWU

We have been given direction to let it go through. No legal advice required.

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Bakowski, Valarie AVED:EX
Sent: Wednesday, July 17, 2013 4:57 PM
To: Thiessen-Wale, Katherine AVED:EX
Cc: Rogers, Dorothy AVED:EX
Subject: TWU

Hello,
Just a note to let you know that we do not need legal advise on the Juris Doctor degree as it is being approved.
Thanks so much,
Val

Jothen, Janet M AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Thursday, July 25, 2013 8:54 AM
To: Simmons, Vicki AVED:EX
Subject: FW: TWU in the morning clips -URGENT

fyi

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Rogers, Dorothy AVED:EX
Sent: Thursday, July 25, 2013 8:53 AM
To: Wyllie, Sandra AVED:EX; Bakowski, Valarie AVED:EX
Subject: RE: TWU in the morning clips -URGENT

Hi Val, see below – here is my suggested information regarding the Issues Note.

Speaking points: (after the degree is approved).

- TWU is a private university in British Columbia which receives no operating or capital funding from government.
- The TWU Juris Doctor proposal underwent a thorough review by the Degree Quality Assessment Board and it was recommended to me that the degree met the quality expectations of degree level education.
- As part of the recommendations, TWU will not be able to enrol students until the degree is reviewed by the Federation of Law Societies and approved by Law Society of British Columbia.
- I would suggest that TWU work with the Federation and critics of the to ensure that there is understanding regarding this issue.

Background:

TWU's Statement of Faith states: "the Bible is...to be believed in all that it teaches, obeyed in all that it requires, and trusted in all that it promises." All TWU faculty members must sign and adhere to the Statement of Faith by signing the following covenant: "I agree with the above Statement of Faith and agree to support that position at all times before the students and friends of Trinity Western University."

The law community is particularly concerned given certain aspects of the statement of faith are contrary to existing laws including the *Canadian Charter of Rights and Freedoms*.

Several letters were sent to the Minister and Premier in February and March 2013 opposing the proposed law school and urging the government to deny approval to TWU arguing its practices having students and faculty sign a statement of faith and Community Covenant are contrary to social justice and equality. Letters were also sent to the Federation of Law Societies of Canada from the Council of Canadian Law Deans, the Canadian Association

of Law Teachers and the National Association of Women and the Law, urging the Federation to reject TWU's application. Students at a number of Canadian law schools joined the letter writing campaign to influence the Federation of Law Societies to bar TWU from opening a law school.

Several media reports beginning in January 2013 headlined the issue of the proposed law school in the *Globe and Mail*, the *Vancouver Sun*, the *Canadian Journal of Women and the Law* and the CBC. In March 2013, an FOI request was made by the media for all reports, substantial correspondence (excluding the general public) and memos, briefing notes, and submissions sent about this proposed law school.

In 2008, the Canadian Association of University Teachers (CAUT) launched an inquiry into TWU's Mission Statement and its impact on initial hiring, continued employment (tenure), and academic freedom of that institution's faculty. In 2009, CAUT published a report that concluded that TWU violates the commitment to academic freedom by requiring faculty to sign a Statement of Faith and recommended that TWU be placed on the list of institutions published by CAUT that are "found to have imposed a requirement of a commitment to a particular ideology or statement as a condition of employment."

In 2004 during TWU's application for Exempt Status, the Board reviewed the issue of academic freedom as part of TWU's exempt status application in 2004 and found that TWU has articulated its philosophy clearly and consistently and articulates the contract it undertakes with its students, faculty and staff.

During the 2013 DQAB review of the Juris Doctor proposal, the panel of law professors reviewing the program and the DQAB indicated that the proposal met the degree level standards with modifications with the condition that the Federation of Law Society approve the program prior to students being enrolled. The panel and DQAB also noted that the statement of faith may have implications on TWU ability to hire qualified faculty that TWU would extend a hiring *preference* to prospective faculty members who adhere to a particular religion, but not to have a blanket exclusion. TWU also indicated that sessional faculty would not be required to sign the Statement of Faith. TWU also provided information in its response to demonstrate that attracting and retaining highly qualified faculty in other professional programs (i.e. Nursing, Business and Education) has never been of issue.

The expert panel provided information that law schools at religious universities such as Brigham Young University do not require faculty to sign statements of faith. TWU indicated that there are some in the US, but did not provide any examples.

S14

The Federation of Law Societies has recently established a Special Advisory Committee to consider TWU's application including the requirements for students and faculty of TWU to abide by TWU's Statement of Faith and Community Covenant agreement in relation to the *Canadian Charter of Rights and Freedoms*, and human rights legislation and the 2001 Supreme Court of Canada decision in *Trinity Western University v. British Columbia College of Teachers*.

S14

S14

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Wyllie, Sandra AVED:EX
Sent: Thursday, July 25, 2013 7:55 AM
To: Rogers, Dorothy AVED:EX; Bakowski, Valarie AVED:EX
Subject: FW: TWU in the morning clips -URGENT
Importance: High

Morning team, we have another rush please. Can this be updated this morning please.

Thanks,
Sandra

From: Brown, Susan B AVED:EX
Sent: Thursday, July 25, 2013 7:35 AM
To: Porter, Rodney GCPE:EX
Cc: Wyllie, Sandra AVED:EX; Gilmore, Dan GCPE:EX
Subject: Re: TWU in the morning clips

Thanks Rodney - these will need to be updated.

Sandra - please have Val and Dorothy update this morning. Thanks

Sent from my iPhone

On Jul 25, 2013, at 7:30 AM, "Porter, Rodney GCPE:EX" <Rodney.Porter@gov.bc.ca> wrote:

Good morning Susan. TWU law degree application story made page 6 of the Globe.

Are the two holding messages from March still good, or should we update them since a decision by government could be a matter of days away? We could update to say when the review began and that we expect a decision in the coming weeks.

- **New degrees need to undergo a quality assessment review by the Degree Quality Assessment Board, before they come forward for government (minister's) decision. As is standard practice, the board has appointed a panel of academic legal experts to review this application.**
- **The board has just begun its review and it will take some time. It considers many factors, such as obtaining input from law societies, the opportunities for graduating students and the quality of the program.**

Lawyer seeks halt to proposed law school with anti-LGBT code

Globe and Mail

Thursday, July 25, 2013

Page A06

By Vidya Kauri and James Bradshaw

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Jothen, Janet M AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Wednesday, October 30, 2013 11:25 AM
To: Simmons, Vicki AVED:EX; Kilpatrick, Rosalyn AVED:EX
Subject: FW: TWU is practising illegal conduct, not silly belief - Clayton Ruby and Angela Chaisson - The Province

fyi

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Thiessen-Wale, Katherine AVED:EX
Sent: Wednesday, October 30, 2013 11:17 AM
To: Porter, Rodney GCPE:EX; Rongve, Ian AVED:EX; Bakowski, Valarie AVED:EX; Rogers, Dorothy AVED:EX
Cc: Wyllie, Sandra AVED:EX; Gilmore, Dan GCPE:EX
Subject: RE: TWU is practising illegal conduct, not silly belief - Clayton Ruby and Angela Chaisson - The Province

S13

If anyone wants to discuss, let me know. Thanks!

Katherine Thiessen-Wale

Director, Legislation and Board Appointments
Governance and Quality Assurance Branch
Ministry of Advanced Education

From: Porter, Rodney GCPE:EX

Sent: Wednesday, October 30, 2013 9:06 AM

To: Rongve, Ian AVED:EX; Bakowski, Valarie AVED:EX; Thiessen-Wale, Katherine AVED:EX; Rogers, Dorothy AVED:EX

Cc: Wyllie, Sandra AVED:EX; Gilmore, Dan GCPE:EX

Subject: FW: TWU is practising illegal conduct, not silly belief - Clayton Ruby and Angela Chaisson - The Province

Good morning. Flagging the TWU op-ed that appeared in the Province this morning.

Just want to double-check that our IN and QA covers everything (I sent the finals to the MO yesterday), although the critics seem to be trying to advance the argument beyond the proposed law degree to maintain that TWU's policies are illegal. Appreciate your thoughts?

Q. Isn't it illegal to require staff and students to sign such a document?

- As a private post-secondary institution the covenant is within the purview of TWU.

Rodney Porter | Communications Director
Government Communications & Public Engagement
B.C. Ministry of Advanced Education

Mobile: 250.889.7494 | email: rodney.porter@gov.bc.ca

From: Facey, Nick AVED:EX

Sent: October-30-13 9:01 AM

To: Merrifield, Katy AVED:EX; Porter, Rodney GCPE:EX

Subject: Fw: TWU is practising illegal conduct, not silly belief - Clayton Ruby and Angela Chaisson - The Province

Going to need to follow this - Rodney I'll need messaging.

Sent from my BlackBerry 10 smartphone on the TELUS network. .

Pages 455 through 456 redacted for the following reasons:

S3

Jothen, Janet M AVED:EX

From: Bakowski, Valarie AVED:EX
Sent: Tuesday, August 6, 2013 10:13 AM
To: Patterson, Catherine M AVED:EX
Cc: Carnegie, Lynn AVED:EX; Simmons, Vicki AVED:EX; Lee, Ally AVED:EX; Dunsdon, Kelly AVED:EX; Rogers, Dorothy AVED:EX
Subject: FW: update - Minister's Roundtable Discussion - July 30, 2013

Hello Catherine,
Please find attached the additional information that the Minister requested when discussing the TWU-JD degree.
Thank you,
Val

From: Carnegie, Lynn AVED:EX
Sent: Tuesday, August 6, 2013 9:59 AM
To: Bakowski, Valarie AVED:EX
Cc: Simmons, Vicki AVED:EX; Lee, Ally AVED:EX; Dunsdon, Kelly AVED:EX; Rogers, Dorothy AVED:EX
Subject: RE: update - Minister's Roundtable Discussion - July 30, 2013

Morning Val,

This is the one Catherine is hoping we can have to the ADMO by 11:00 a.m. this morning.

Thanks,
Lynn

From: Rogers, Dorothy AVED:EX
Sent: Monday, August 5, 2013 2:15 PM
To: Bakowski, Valarie AVED:EX
Cc: Simmons, Vicki AVED:EX; Lee, Ally AVED:EX; Carnegie, Lynn AVED:EX; Dunsdon, Kelly AVED:EX
Subject: FW: update - Minister's Roundtable Discussion - July 30, 2013

Hi Val,

Here is the supplementary information requested for the TWU JD degree. It is due on Tuesday the 6th. S14



95189 - TWU JD
supplementary.d...

Cheers,
Dorothy

Dorothy Rogers
Director

From: Lee, Ally AVED:EX
Sent: Wednesday, July 31, 2013 10:24 AM
To: Rogers, Dorothy AVED:EX
Cc: Carnegie, Lynn AVED:EX
Subject: FW: update - Minister's Roundtable Discussion - July 30, 2013

Hi Dorothy,

Can you please provide the below two things?

Thank you,
Ally

Ally Lee
A/Office Assistant
Governance and Quality Assurance Branch
Ministry of Advanced Education
Phone: (250) 356-9734
Email: Ally.Lee@gov.bc.ca

From: Wyllie, Sandra AVED:EX
Sent: Wednesday, July 31, 2013 10:10 AM
To: Carnegie, Lynn AVED:EX; Lee, Ally AVED:EX
Cc: Patterson, Catherine M AVED:EX; Laberge, Shelly A AVED:EX; Wyllie, Sandra AVED:EX
Subject: FW: update - Minister's Roundtable Discussion - July 30, 2013

Lynn and Ally, I will have the date of the next round table from Jennifer shortly.

In the meantime, we need a couple of things from Dorothy please:

TWU – what degrees have been approved
TWU - Provide a supplementary information to the DN

Thanks so much.

Sandra

From: Stewart, Jacqui AVED:EX
Sent: Wednesday, July 31, 2013 9:34 AM
To: Rogers, Dorothy AVED:EX; Wyllie, Sandra AVED:EX; Meadows, Jennifer L AVED:EX; Cotle, Kate L AVED:EX

Cc: Brown, Susan B AVED:EX; Bakowski, Valarie AVED:EX
Subject: update - Minister's Roundtable Discussion - July 30, 2013

Just a quick note to share highlights of yesterday's meeting.

Not Responsive

S13

Please let me know if you have any questions,
Jacqui

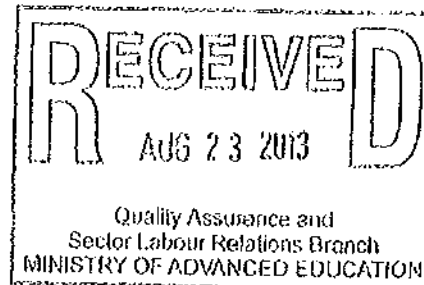
Jothen, Janet M AVED:EX

From: Mayer, Craig W AVED:EX
Sent: Wednesday, September 4, 2013 9:01 AM
To: Simmons, Vicki AVED:EX
Subject: letter from TWU
Attachments: 5. m) TWU - JD Registrar Resources.pdf



May 10, 2013

Nicholas Rubidge,
Chair, DQAB



Re: Registrar Resources

A Review Panel appointed by the B.C. Ministry of Advanced Education conducted a site visit to Trinity Western University on March 26, 2013 in relation to the proposal for a School of Law at the University. The Panel interviewed the Associate Registrar, Emily Greenhalgh. Their subsequent Report indicates that their understanding of Ms. Greenhalgh's responses to their questions left them with some doubt as to the administrative infrastructure of the University, particularly the capacity to manage the complexities of a J.D. program.

This letter confirms that the Office of the Registrar at Trinity Western University has the resource to administer law course registration, provision of law transcripts and scheduling of law classes. The Registrar's office manages all course registration at the University, including a wide variety of graduate programs, degree completion programs and summer travel study courses. These run for varying lengths and have complex scheduling issues. Some of our graduate programs have different grading scales than the general University grading scales and this does not hamper our ability to produce transcripts that accurately reflect student performance.

The Panel also noted that law grades are often "banded" or "bell curved", requiring that marks be entered but not available to the students until they have been approved in accordance with a common grading policy. While the University does not currently have any courses or programs that require this kind of special grading treatment, our system has the capacity to handle it.

The Panel argues that centralized administrative services are not appropriate for a law school. Trinity Western University is a small university and our centralized administration has been shown to be an efficient use of resources that also is able to serve our diverse array of programs.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Grant McMillan'.

Grant McMillan
Registrar

Jothen, Janet M AVED:EX

From: Jothen, Janet M AVED:EX
Sent: Monday, July 29, 2013 2:31 PM
To: Kilpatrick, Rosalyn AVED:EX
Cc: Simmons, Vicki AVED:EX; Rogers, Dorothy AVED:EX
Subject: RE: 94957 - TWU IMBA

Hi –

I was able to post this one using the same date for the T&Cs being sent and signed as the date on the letter.

Janet

From: Kilpatrick, Rosalyn AVED:EX
Sent: Monday, July 29, 2013 9:13 AM
To: Jothen, Janet M AVED:EX
Cc: Simmons, Vicki AVED:EX
Subject: RE: 94957 - TWU IMBA

We will have the same issue with the TWU JD one I think...normally we get the T&C signed prior to Minister's approval but in both cases for TWU we did it afterwards. Vicki, do you recall how we handled this with PSIPS in the past?

R.

Rosalyn Kilpatrick
Education Officer
Ministry of Advanced Education
250-387-6176

Not Responsive

Pages 463 through 466 redacted for the following reasons:

Not Responsive
S14

Jothen, Janet M AVED:EX

From: Simmons, Vicki AVED:EX
Sent: Monday, October 21, 2013 3:41 PM
To: Rogers, Dorothy AVED:EX
Subject: RE: Media request - Vancouver Sun

- Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.
- The TWU Law Degree proposal has undergone the quality assessment process and is now under review by the Ministry.
- Once the Ministry has completed its review, the proposal will move forward to the Minister for decision.

Vicki Simmons

Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8
(T) 250-356-2067 | (F) 250-356-8851 | (E) vicki.simmons@gov.bc.ca

From: Rogers, Dorothy AVED:EX
Sent: Monday, October 21, 2013 3:38 PM
To: Simmons, Vicki AVED:EX
Subject: FW: Media request - Vancouver Sun
Importance: High

Hi Vicki and Katherine,

Please review and edit accordingly.

Thx!

Dorothy Rogers

Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Gilmore, Dan GCPE:EX
Sent: Monday, October 21, 2013 3:23 PM
To: Rogers, Dorothy AVED:EX
Cc: Wyllie, Sandra AVED:EX; Patterson, Catherine M AVED:EX; Bakowski, Valarie AVED:EX; Porter, Rodney GCPE:EX; Rongve, Ian AVED:EX
Subject: Media request - Vancouver Sun
Importance: High

Hi Dorothy,

Rush request. 4:30 pm deadline and the reporter just called. Third bullet is no longer accurate I realize. Can you let me know if this is good? Thx!

Dan

- No decision has been made.
- Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.
-
- The Trinity Western University Juris Doctor proposal is undergoing a thorough review by the Degree Quality Assessment Board to ensure that the degree meets the quality expectations of degree level education in British Columbia.

Dan Gilmore

Communications Manager

Ministry of Advanced Education

☎ 250 952-6400 C: 250 213-2302

Dan.Gilmore@gov.bc.ca

Jothen, Janet M AVED:EX

From: Simmons, Vicki AVED:EX
Sent: Friday, October 4, 2013 10:03 AM
To: Rogers, Dorothy AVED:EX
Subject: RE: Request Draft Bullets Cliff 95794 - EDUC (Ruby & Chaisson) - TRU Law School accreditation- Due: October 9 @ 9:30

Ok.

Vicki Simmons

Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8
(T) 250-356-2067 | (F) 250-356-8851 | (E) vicki.simmons@gov.bc.ca

From: Rogers, Dorothy AVED:EX
Sent: Friday, October 4, 2013 10:01 AM
To: Simmons, Vicki AVED:EX
Subject: FW: Request Draft Bullets Cliff 95794 - EDUC (Ruby & Chaisson) - TRU Law School accreditation- Due: October 9 @ 9:30

Hi Vicki,

Can you please draft bullets for this letter.

S14

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: AVED MCRU Writer Working Box AVED:EX
Sent: Thursday, October 3, 2013 4:56 PM
To: Rogers, Dorothy AVED:EX
Cc: AVED MCRU Writer Working Box AVED:EX; Carnegie, Lynn AVED:EX; Kisilewich, Nicole AVED:EX
Subject: Request Draft Bullets Cliff 95794 - EDUC (Ruby & Chaisson) - TRU Law School accreditation- Due: October 9 @ 9:30

Hi Dorothy:

Please find attached the incoming requiring draft bullets for response.
This is for ADM signature.
Due: October 9 @ 9:30. Thanks.

Best,

Elizabeth

ELIZABETH WILCOX
COMMUNICATIONS OFFICER
Ministerial Correspondence and Research Unit
Office of the Deputy Minister
Ministry of Advanced Education
☎ 250.952.7409

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry: Advanced Education

Date: Oct. 22, 2013

Minister Responsible: Amrik Virk

Trinity Western University – proposed law degree

ADVICE AND RECOMMENDED RESPONSE:

- Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.
- The Trinity Western University law degree proposal has undergone the quality assessment process and is now under review by the Ministry.
- As part of the review, the Ministry is awaiting the outcome of the Federation of Law Societies' review as to whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law. This is relevant to the Ministry as it speaks to the quality of the degree and relevant in a final decision whether to provide consent under the Degree Authorization Act.
- Once the review is completed, an update will be provided at that time.

If asked about the Degree Quality Assessment Board recommendation:

- The Degree Quality Assessment Board made the recommendation to the ministry that the proposed law degree met the degree program quality assessment criteria.
- The board also recommended several special terms and conditions of consent.

BACKGROUND REGARDING THE ISSUE:

- Trinity Western University, a faith-based private university located in Langley, is proposing to offer a Juris Doctor degree, a second-entry bachelor's degree in law. It hopes to launch the program in September 2015.
- The Degree Quality Assessment Board undertook a review and made a number of recommendations to ensure the quality of the proposed law degree. Concerns were noted about the institutions statement of faith and community covenant that all staff and students are required to sign. TWU addressed this by agreeing that temporary and adjunct faculty members would not be required to sign the covenant.
- The community covenant defines marriage as being between one man and one woman. This has created controversy due to same-sex marriage being recognized by the Canadian court since 2005 under the equality clause of the Canadian Charter of Rights and Freedoms.
- The Federation of Law Societies does not undertake a quality review but does undertake a review of proposed new law programs on whether the learning outcomes of the program enable graduates to meet the competencies to practice law. This is done on behalf of the provincial regulatory body, the Law Society of BC. Should the Federation take the position of not approving the program, graduates would not be able to write the bar exam.
- In 2001, the Supreme Court of Canada ruled in Trinity Western University v. British Columbia College of Teachers following a similar issue.

DISCUSSION/ADVICE:

- The Ministry is writing to the Federation to seek a decision from them with regard to whether they will recognize the proposed law degree.
- A decision either way by the ministry, will generate criticism and media coverage.

Communications Contact: Rodney Porter

Program Area Contact: Dorothy Rogers

File Created:

File Updated:

File Location: Document2

Minister's Office	Program Area	Deputy	Communications Director / Manager
			Rodney Porter

Page 473 redacted for the following reason:

S14

Jothen, Janet M AVED:EX

From: Dunsdon, Kelly AVED:EX
Sent: Wednesday, July 31, 2013 11:19 AM
To: Bakowski, Valarie AVED:EX; Rogers, Dorothy AVED:EX
Cc: Thiessen-Wale, Katherine AVED:EX; Simmons, Vicki AVED:EX
Subject: RE: update - Minister's Roundtable Discussion - July 30, 2013

S22

S14

S14

I would recommend the latter, because it is likely

S14

Kelly Dunsdon

Senior Legislative Analyst
Ministry of Advanced Education
(250) 387-9479

From: Bakowski, Valarie AVED:EX
Sent: Wednesday, July 31, 2013 11:08 AM
To: Dunsdon, Kelly AVED:EX; Rogers, Dorothy AVED:EX
Cc: Thiessen-Wale, Katherine AVED:EX; Simmons, Vicki AVED:EX
Subject: RE: update - Minister's Roundtable Discussion - July 30, 2013

Could we consider having a discussion with them and then determining if we need further information. That could be decided at the meeting.

From: Dunsdon, Kelly AVED:EX
Sent: Wednesday, July 31, 2013 10:50 AM
To: Rogers, Dorothy AVED:EX
Cc: Thiessen-Wale, Katherine AVED:EX; Bakowski, Valarie AVED:EX; Simmons, Vicki AVED:EX
Subject: RE: update - Minister's Roundtable Discussion - July 30, 2013

Hi Dorothy,

S14

Thanks,
Kelly

Kelly Dunsdon

Senior Legislative Analyst
Ministry of Advanced Education
(250) 387-9479

From: Rogers, Dorothy AVED:EX
Sent: Wednesday, July 31, 2013 10:38 AM
To: Dunsdon, Kelly AVED:EX
Cc: Thiessen-Wale, Katherine AVED:EX; Bakowski, Valarie AVED:EX; Simmons, Vicki AVED:EX
Subject: FW: update - Minister's Roundtable Discussion - July 30, 2013

Hi,

S13

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Cotie, Kate L AVED:EX
Sent: Wednesday, July 31, 2013 9:57 AM
To: Stewart, Jacqui AVED:EX; Rogers, Dorothy AVED:EX; Wyllie, Sandra AVED:EX; Meadows, Jennifer L AVED:EX
Cc: Brown, Susan B AVED:EX; Bakowski, Valarie AVED:EX
Subject: RE: update - Minister's Roundtable Discussion - July 30, 2013

Yes – I'll have an update ready for early next week

From: Stewart, Jacqui AVED:EX
Sent: Wednesday, July 31, 2013 9:34 AM
To: Rogers, Dorothy AVED:EX; Wyllie, Sandra AVED:EX; Meadows, Jennifer L AVED:EX; Cotie, Kate L AVED:EX
Cc: Brown, Susan B AVED:EX; Bakowski, Valarie AVED:EX
Subject: update - Minister's Roundtable Discussion - July 30, 2013

Just a quick note to share highlights of yesterday's meeting.

Not Responsive

S14

Please let me know if you have any questions,
Jacqui

Jothen, Janet M AVED:EX

From: Simmons, Vicki AVED:EX
Sent: Tuesday, October 15, 2013 3:08 PM
To: Rogers, Dorothy AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: RE: URGENT ACTION PLEASE

My edits suggested below in red.

Vicki Simmons
Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: Rogers, Dorothy AVED:EX
Sent: Tuesday, October 15, 2013 3:02 PM
To: Thiessen-Wale, Katherine AVED:EX; Simmons, Vicki AVED:EX
Subject: RE: URGENT ACTION PLEASE

Here are my suggested bullets – any comment and/or issues?

Here are some suggested bullets:

S14

- Dr. Kuhn has written to the Ministry with regard to the degree and the attached letter was sent from the Ministry on October 11th.

External:

- As you know, the TWU Law Degree proposal has undergone the quality assessment process and is now under review by the Ministry.

- I appreciate that to date this has been a lengthy process for TWU and I want to assure you that Ministry staff continue to work diligently on completing the review of the proposed Juris Doctor program.
- Once the Ministry has completed its review, the proposal will move forward to the Minister for decision.

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Wyllie, Sandra AVED:EX
Sent: Tuesday, October 15, 2013 2:04 PM
To: Rogers, Dorothy AVED:EX
Cc: Patterson, Catherine M AVED:EX; Bakowski, Valarie AVED:EX
Subject: URGENT ACTION PLEASE

Hi Dorothy, can Ian have messaging for this asap please. Thanks so much.

From: Rongve, Ian AVED:EX
Sent: Tuesday, October 15, 2013 2:02 PM
To: Rogers, Dorothy AVED:EX
Cc: Wyllie, Sandra AVED:EX
Subject: Fwd: TW

Sent from my iPhone

Begin forwarded message:

From: "Carroll, Sandra AVED:EX" <Sandra.Carroll@gov.bc.ca>
Date: 15 October, 2013 2:01:09 PM PDT
To: "Rongve, Ian AVED:EX" <Ian.Rongve@gov.bc.ca>
Cc: "Meadows, Jennifer L AVED:EX" <Jennifer.Meadows@gov.bc.ca>
Subject: TW

Bob Kuhn call me asking for status of his law proposal.

I will need some holding messaging to return his call.

Can you pull that together? Any questions we have on the proposal?

Sandra Carroll
Deputy Minister, Ministry Advanced Education

Phone: (250) 356-5173

Jothen, Janet M AVED:EX

From: Simmons, Vicki AVED:EX
Sent: Wednesday, October 16, 2013 10:04 AM
To: Rogers, Dorothy AVED:EX
Subject: RE: URGENT ACTION PLEASE -

Here is what is on the Federation's website (<http://www.flsc.ca/en/national-requirement-for-approving-canadian-common-law-degree-programs/>)

Under the FAQ link they say their work will be completed in the next few months.

Trinity Western University's Proposed School of Law

In 2012, the Approval Committee received an application by Trinity Western University ("TWU") to assess whether its proposed law degree program will meet the national requirement. However, certain issues have been raised regarding the proposal that are outside of the mandate of the Approval Committee. These issues were not anticipated when the national requirement was developed and the Approval Committee established. The Federation believes, nevertheless, that these issues should be addressed. To do so, the Federation has established the Special Advisory Committee on Trinity Western University's Proposed School of Law (the "Special Advisory Committee").

The Federation has received numerous representations from individuals and groups that deal with issues relating to TWU's Community Covenant Agreement. The Council of the Federation has established the Special Advisory Committee to provide advice to the Council on the question of whether additional considerations ought to be taken into account having regard to the Community Covenant Agreement. The Terms of Reference of the Special Advisory Committee are [here](#). To help situate the work of the Special Advisory Committee within the common law program approval process set by Canada's law societies, a series of questions and answers are provided [here](#).

The following individuals have been appointed to the Special Advisory Committee:

1. John J.L. Hunter, Q.C., Chair, Past-President of the Federation and of the Law Society of British Columbia;
2. Mona T. Duckett, Q.C., former Council member representing the Law Society of Alberta and Past-President of the Law Society of Alberta;
3. Derry Millar, former Treasurer of the Law Society of Upper Canada;
4. Madame la Bâtonnière Madeleine Lemieux, Ad. E., former Council member representing the Barreau du Québec and former bâtonnière of Québec; and
5. Morgan C. Cooper, President of the Law Society of Newfoundland and Labrador.

The Federation is committed to ensuring that the work of the Approval Committee and the Special Advisory Committee is completed in a timely fashion and that our process meets the highest standards.

Vicki Simmons
Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: Rogers, Dorothy AVED:EX
Sent: Wednesday, October 16, 2013 9:49 AM
To: Simmons, Vicki AVED:EX
Subject: FW: URGENT ACTION PLEASE -

Fyi

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Wyllie, Sandra AVED:EX
Sent: Wednesday, October 16, 2013 9:48 AM
To: Rogers, Dorothy AVED:EX; Thiessen-Wale, Katherine AVED:EX
Cc: Bakowski, Valarie AVED:EX
Subject: FW: URGENT ACTION PLEASE -

Hi Dorothy and Katherine, just a heads up on this please...

From: Meadows, Jennifer L AVED:EX
Sent: Wednesday, October 16, 2013 9:35 AM
To: Wyllie, Sandra AVED:EX
Cc: Patterson, Catherine M AVED:EX
Subject: RE: URGENT ACTION PLEASE -

Also, just want to flag for your calendars, that Minister may be visiting TWU on Nov 22nd. Sandy commented in ExCom yesterday that a decision on this proposal will need to be made before that time.

Jennifer

From: Wyllie, Sandra AVED:EX
Sent: Wednesday, October 16, 2013 9:29 AM
To: Meadows, Jennifer L AVED:EX
Cc: Patterson, Catherine M AVED:EX
Subject: FW: URGENT ACTION PLEASE -

Hi Jennifer, please see attached TW notes.

Thanks,
Sands

From: Rongve, Ian AVED:EX
Sent: Tuesday, October 15, 2013 4:50 PM
To: Rogers, Dorothy AVED:EX

Cc: Wyllie, Sandra AVED:EX; Patterson, Catherine M AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: Re: URGENT ACTION PLEASE -

Thanks Dorothy.

Sent from my iPhone

On 2013-10-15, at 4:20 PM, "Rogers, Dorothy AVED:EX" <Dorothy.Rogers@gov.bc.ca> wrote:

Hi Sandra and Ian,

Here are some suggested bullets on the status of the TWU JD degree and a recent relevant letter:

S14

- Dr. Kuhn has written to the Ministry with regard to the degree and the attached letter was sent from the Ministry on October 11th.

External:

- As you know, the TWU Law Degree proposal has undergone the quality assessment process and is now under review by the Ministry.
- I appreciate that to date this has been a lengthy process for TWU and I want to assure you that Ministry staff continue to work diligently on completing the review of the proposed Juris Doctor program.
- Once the Ministry has completed its review, the proposal will move forward to the Minister for decision.

Let me know if you need anything further.

Thanks.

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Wyllie, Sandra AVED:EX
Sent: Tuesday, October 15, 2013 2:04 PM
To: Rogers, Dorothy AVED:EX
Cc: Patterson, Catherine M AVED:EX; Bakowski, Valarie AVED:EX
Subject: URGENT ACTION PLEASE

Hi Dorothy, can Ian have messaging for this asap please. Thanks so much.

From: Rongve, Ian AVED:EX
Sent: Tuesday, October 15, 2013 2:02 PM
To: Rogers, Dorothy AVED:EX
Cc: Wyllie, Sandra AVED:EX
Subject: Fwd: TW

Sent from my iPhone

Begin forwarded message:

From: "Carroll, Sandra AVED:EX" <Sandra.Carroll@gov.bc.ca>
Date: 15 October, 2013 2:01:09 PM PDT
To: "Rongve, Ian AVED:EX" <Ian.Rongve@gov.bc.ca>
Cc: "Meadows, Jennifer L AVED:EX" <Jennifer.Meadows@gov.bc.ca>
Subject: TW

Bob Kuhn call me asking for status of his law proposal.

I will need some holding messaging to return his call.

Can you pull that together? Any questions we have on the proposal?

Sandra Carroll
Deputy Minister, Ministry Advanced Education

Phone: (250) 356-5173

<1173633[1].doc>



Our Ref. 95785

October 11, 2013

Mr. Bob Kuhn, J.D.
President
Trinity Western University
7600 Glover Rd
Langley BC V2Y 1Y1
Dear Mr. Kuhn:

Thank you for your letter of September 25, 2013, sent to the Honourable Amrik Virk, Minister of Advanced Education, regarding Trinity Western University's (TWU) proposed Juris Doctor law degree.

I acknowledge the additional information and concerns you have shared regarding TWU's proposed Juris Doctor law degree.

In British Columbia, all institutions wishing to offer new degree programs must undergo a rigorous quality assessment process and obtain the approval or consent of the Minister of Advanced Education. As part of the quality assessment process, the Ministry is committed to ensuring that all new degree programs meet consistent and high-quality criteria.

The TWU Law Degree proposal is currently undergoing the quality assessment process and is now under review by the Ministry. I appreciate that to date this has been a lengthy process for TWU and I want to assure you that Ministry staff continue to work diligently on completing the review of the proposed Juris Doctor law program. Once the Ministry has completed its review, the proposal will move forward to the Minister for decision.

I would like to take this opportunity to thank you for your patience with the quality assessment process and to acknowledge TWU's long history of offering high quality degree programs in British Columbia.

Sincerely,

Ian Rongve, Ph.D.
Assistant Deputy Minister

pc: Honourable Amrik Virk
Minister of Advanced Education

Jothen, Janet M AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Tuesday, October 15, 2013 2:54 PM
To: Kisilewich, Nicole AVED:EX
Cc: Simmons, Vicki AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: RE: URGENT ACTION PLEASE

We discovered it is the wrong letter. I will send you the scanned one.

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Kisilewich, Nicole AVED:EX
Sent: Tuesday, October 15, 2013 2:44 PM
To: Rogers, Dorothy AVED:EX
Cc: Simmons, Vicki AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: RE: URGENT ACTION PLEASE

With Jacqui Stewart for review
Also scanned incoming sent as an FYI to Jennifer Mesdows in DMO

From: Rogers, Dorothy AVED:EX
Sent: Tuesday, October 15, 2013 2:18 PM
To: Kisilewich, Nicole AVED:EX
Cc: Simmons, Vicki AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: FW: URGENT ACTION PLEASE

Hi Nicole,

Look to see the status of CLIFF 95875 and, if the letter was sent yet.

Thank you.

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Simmons, Vicki AVED:EX
Sent: Tuesday, October 15, 2013 2:14 PM

To: Rogers, Dorothy AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: RE: URGENT ACTION PLEASE

Did he get the letter MCRU drafted to his written inquiry yet? I doubt it, since we only provided edits to the draft on the 8th (a week ago). I have attached the draft response that was for Ian's signature.

Vicki Simmons

Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6

(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: Rogers, Dorothy AVED:EX
Sent: Tuesday, October 15, 2013 2:09 PM
To: Thiessen-Wale, Katherine AVED:EX; Simmons, Vicki AVED:EX
Subject: FW: URGENT ACTION PLEASE
Importance: High

Hi Katherine and Vicki,

Would you mind helping with some bullets with regard to this?

Thanks,

Dorothy

Dorothy Rogers

Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Wyllie, Sandra AVED:EX
Sent: Tuesday, October 15, 2013 2:04 PM
To: Rogers, Dorothy AVED:EX
Cc: Patterson, Catherine M AVED:EX; Bakowski, Valarie AVED:EX
Subject: URGENT ACTION PLEASE

Hi Dorothy, can Ian have messaging for this asap please. Thanks so much.

From: Rongve, Ian AVED:EX
Sent: Tuesday, October 15, 2013 2:02 PM
To: Rogers, Dorothy AVED:EX
Cc: Wyllie, Sandra AVED:EX
Subject: Fwd: TW

Sent from my iPhone

Begin forwarded message:

From: "Carroll, Sandra AVED:EX" <Sandra.Carroll@gov.bc.ca>
Date: 15 October, 2013 2:01:09 PM PDT
To: "Rongve, Ian AVED:EX" <Ian.Rongve@gov.bc.ca>
Cc: "Meadows, Jennifer L AVED:EX" <Jennifer.Meadows@gov.bc.ca>
Subject: TW

Bob Kuhn call me asking for status of his law proposal.

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Can you pull that together? Any questions we have on the proposal?

Sandra Carroll
Deputy Minister, Ministry Advanced Education

Phone: (250) 356-5173

Jothen, Janet M AVED:EX

From: Thiessen-Wale, Katherine AVED:EX
Sent: Tuesday, October 15, 2013 2:53 PM
To: Rogers, Dorothy AVED:EX
Cc: Simmons, Vicki AVED:EX; Kisilewich, Nicole AVED:EX
Subject: RE: URGENT ACTION PLEASE

Sorry, I'm unsure of Jacqui's role in this? The messaging should be what is in the draft response. No more and no less.

Katherine Thiessen-Wale

Director, Legislation and Board Appointments
Governance and Quality Assurance Branch
Ministry of Advanced Education

From: Kisilewich, Nicole AVED:EX
Sent: Tuesday, October 15, 2013 2:44 PM
To: Rogers, Dorothy AVED:EX
Cc: Simmons, Vicki AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: RE: URGENT ACTION PLEASE

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Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

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Sent: Tuesday, October 15, 2013 2:14 PM
To: Rogers, Dorothy AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: RE: URGENT ACTION PLEASE

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Vicki Simmons

Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

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(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: Rogers, Dorothy AVED:EX
Sent: Tuesday, October 15, 2013 2:09 PM
To: Thiessen-Wale, Katherine AVED:EX; Simmons, Vicki AVED:EX
Subject: FW: URGENT ACTION PLEASE
Importance: High

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Dorothy Rogers
Director
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Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

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Sandra Carroll
Deputy Minister, Ministry Advanced Education

Phone: (250) 356-5173

Jothen, Janet M AVED:EX

From: Simmons, Vicki AVED:EX
Sent: Tuesday, October 15, 2013 2:33 PM
To: Rogers, Dorothy AVED:EX; Kisilewich, Nicole AVED:EX
Cc: Thiessen-Wale, Katherine AVED:EX
Subject: RE: URGENT ACTION PLEASE
Attachments: Speaking Bullets and Background re JD 15Oct2013.docx

Attached are the bullets used for the draft letter to Bob Kuhn as well as the background bullets already used for previous briefings.

Vicki Simmons
Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

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Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

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Sent: Tuesday, October 15, 2013 2:14 PM
To: Rogers, Dorothy AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: RE: URGENT ACTION PLEASE

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Vicki Simmons

Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: Rogers, Dorothy AVED:EX
Sent: Tuesday, October 15, 2013 2:09 PM
To: Thiessen-Wale, Katherine AVED:EX; Simmons, Vicki AVED:EX
Subject: FW: URGENT ACTION PLEASE
Importance: High

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Thanks,

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-8298

From: Wyllie, Sandra AVED:EX
Sent: Tuesday, October 15, 2013 2:04 PM
To: Rogers, Dorothy AVED:EX
Cc: Patterson, Catherine M AVED:EX; Bakowski, Valarie AVED:EX
Subject: URGENT ACTION PLEASE

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To: Rogers, Dorothy AVED:EX
Cc: Wyllie, Sandra AVED:EX
Subject: Fwd: TW

Sent from my iPhone

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From: "Carroll, Sandra AVED:EX" <Sandra.Carroll@gov.bc.ca>
Date: 15 October, 2013 2:01:09 PM PDT
To: "Rongve, Ian AVED:EX" <Ian.Rongve@gov.bc.ca>
Cc: "Meadows, Jennifer L AVED:EX" <Jennifer.Meadows@gov.bc.ca>
Subject: TW

Bob Kuhn call me asking for status of his law proposal.

I will need some holding messaging to return his call.

Can you pull that together? Any questions we have on the proposal?

Sandra Carroll
Deputy Minister, Ministry Advanced Education

Phone: (250) 356-5173

Speaking Bullets

- As you know, the TWU Law Degree proposal has undergone the quality assessment process and is now under review by the Ministry.
- I appreciate that to date this has been a lengthy process for TWU and I want to assure you that Ministry staff continue to work diligently on completing the review of the proposed Juris Doctor program.
- Once the Ministry has completed its review, the proposal will move forward to the Minister for decision.

Background

TWU's Statement of Faith states: "the Bible is...to be believed in all that it teaches, obeyed in all that it requires, and trusted in all that it promises." All TWU faculty members must sign and adhere to the Statement of Faith by signing the following covenant: "I agree with the above Statement of Faith and agree to support that position at all times before the students and friends of Trinity Western University."

The law community is particularly concerned given certain aspects of the statement of faith are contrary to existing laws including the *Canadian Charter of Rights and Freedoms*.

Multiple letters have been sent to the Minister and Premier opposing the proposed law school and urging the government to deny approval to TWU arguing its practices having students and faculty sign a statement of faith and Community Covenant are contrary to social justice and equality¹. Letters were also sent to the Federation of Law Societies of Canada from the Council of Canadian Law Deans, the Canadian Association of Law Teachers and the National Association of Women and the Law, urging the Federation to reject TWU's application. Students at a number of Canadian law schools joined the letter writing campaign to influence the Federation of Law Societies to bar TWU from opening a law school.

Several media reports beginning in 2012 and 2013 headlined the issue of the proposed law school in the *Globe and Mail*, the *Vancouver Sun* the *Canadian Journal of Women and the Law* and the CBC. In March 2013, an FOI request was made by the media for all reports, substantial correspondence (excluding the general public) and memos, briefing notes, and submissions sent about this proposed law school.

In 2008, the Canadian Association of University Teachers (CAUT) launched an inquiry into TWU's Mission Statement and its impact on initial hiring, continued employment (tenure), and academic freedom of that institution's faculty. In 2009, CAUT published a report that concluded that TWU violates the commitment to academic freedom by requiring faculty to sign a Statement of Faith and recommended that TWU be placed on the list of institutions published by CAUT that are "found to have imposed a requirement of a commitment to a particular ideology or statement as a condition of employment."

In 2004 during TWU's application for Exempt Status, the Board reviewed the issue of academic freedom as part of TWU's exempt status application in 2004 and found that TWU has articulated its philosophy clearly and consistently and articulates the contract it undertakes with its students, faculty and staff.

During the 2013 DQAB review of the Juris Doctor proposal, the panel of law professors reviewing the program and the DQAB indicated that the proposal met the degree level standards with modifications with the condition that the Federation of Law Society approve the program prior to students being enrolled. The panel and DQAB also noted that the statement of faith may have implications on TWU ability to hire qualified faculty that TWU would extend a hiring *preference* to prospective faculty members who adhere to a particular religion, but not to have a blanket exclusion. TWU also indicated that sessional faculty would not be required to sign the Statement of Faith. TWU also provided information in its response to demonstrate that attracting and retaining highly qualified faculty in other professional programs (i.e. Nursing, Business and Education) has never been of issue.

The expert panel provided information that law schools at religious universities such as Brigham Young University do not require faculty to sign statements of faith. TWU indicated that there are some in the US, but did not provide any examples.

S13

The Federation of Law Societies has recently established a Special Advisory Committee to consider TWU's application including the requirements for students and faculty of TWU to abide by TWU's Statement of Faith and Community Covenant agreement in relation to the *Canadian Charter of Rights and Freedoms*, and human rights legislation and the 2001 Supreme Court of Canada decision in *Trinity Western University v. British Columbia College of Teachers*. The Federation is likely waiting until the Province approves the degree prior to moving forward with the work of the Special Advisory Committee.

Inquiries/Correspondence to the Ministry regarding TWU's Juris Doctor Proposal

- Executive Director, National Association of Women and the Law – Letter to the Minister
- S22 – email to the Premier, Minister and Opposition Leader
- President, Canadian Bar Association – Phone call to Governance and Quality Assurance
- President, West Coast Legal Education and Action Fund (LEAF) – Letter to Minister
- Letters were also sent to the Federation of Law Societies of Canada from:
 - the Council of Canadian Law Deans
 - the Canadian Association of Law Teachers
 - the National Association of Women and the Law
 - West Coast Legal Education and Action Fund (LEAF)
 - the Canadian Bar Association's Sexual Orientation and Gender Identity Conference
 - the Centre for Inquiry (CFI)

- student groups from at least nine Canadian law schools (Dalhousie, U of T, U of Western Ontario, U of Ottawa, U of Saskatchewan, UBC, U of A, UVic, York University) also launched a letter writing campaign to the Federation of Law Societies (approximately 1,000 letters received)
- The issue has also been in various media reports and editorial comments through:
 - the *Globe and Mail*
 - the *Vancouver Sun*
 - the *Tyee*
 - the *Canadian Journal of Women and the Law*
 - the *National Post*
 - *Maclean's*
 - the *Toronto Star*
 - the *Ottawa Citizen*
 - the *Montreal Gazette*
 - *Canadian Lawyer*
 - *Law Times*
 - *Academica*
 - *Reuters*
 - the *Huffington Post*
 - *Canadian Legal Ease*
 - the CBC (radio and television)
 - CTV News
 - the *Halifax Chronicle Herald*
 - the *Langley Times*
 - several Facebook pages and Twitter feeds (i.e., Let's Outlaw TWU)
 - Mr. Clayton Ruby – Toronto-based lawyer and human rights advocate
 - Mr. Bob Gallagher – co-founder of Canadians for Equal Marriage
 - Todd Pettigrew – Associate Professor, Cape Breton University
 - Ms. Elaine Craig – Professor of Law, Dalhousie University
 - Neil J. Foster – Professor, University of Newcastle, NSW, Australia
- In March 2013, an FOI request was made by the media for all reports, substantial correspondence (excluding the general public) and memos, briefing notes, and submissions sent about this proposed law school.
- The Federation of Law Societies of Canada has set up a special advisory committee to deal with the controversy. It has received more than 30 submissions from interested groups. The federation said that it will take applicable law into account, including the Canadian Charter of Rights and Freedoms.

Page 171 to/à Page 197

Withheld pursuant to/removed as

Copyright

Simmons, Vicki AVED:EX

From: Elsie Froment [Elsie.Froment@twu.ca]
Sent: Friday, June 29, 2012 7:29 PM
To: Simmons, Vicki AVED:EX
Subject: TWU JD Proposal Resubmitted

Vicky,

I hope you had a great weekend.

I made the changes and resubmitted. I couldn't change the degree status on the screen so assume your office does that. Please let me know if I didn't get the process right.

Elsie

Elsie Froment, PhD
Dean of Research
Trinity Western University
7600 Glover Road
Langley, BC V2Y 1Y1

Phone: 604-888-7511 or 604-513-2121 Ext. 3615
Fax: 604-513-2047

Simmons, Vicki AVED:EX

From: Simmons, Vicki AVED:EX
Sent: Monday, June 25, 2012 2:28 PM
To: 'Elsie Froment'
Subject: RE: PSIPS# 1213TWU0018: Juris Doctor - Submitted to Secretariat

Thank you very much. Adding this information to the proposal document along with the other items will help.

Vicki Simmons
Governance and Quality Assurance Branch
BC Ministry of Advanced Education
1st Floor, 835 Humboldt St
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8
(T) 250-356-2067 | (F) 250-356-8851 | (E) vicki.simmons@gov.bc.ca

-----Original Message-----

From: Elsie Froment [<mailto:Elsie.Froment@twu.ca>]
Sent: Mon, June 25, 2012 2:24 PM
To: Simmons, Vicki AVED:EX
Subject: RE: PSIPS# 1213TWU0018: Juris Doctor - Submitted to Secretariat

Vicki,

Thank you for this feedback re the TWU JD proposal.

I will make the changes requested on the submission.

Janet Epp-Buckingham and Kevin Sawatsky met with the UVic, UBC, and TRU law school deans and also advised them when the JD proposal was submitted to you and the Law School proposal was submitted to the Federation of Law Societies.

Elsie

-----Original Message-----

From: Simmons, Vicki AVED:EX [<mailto:Vicki.Simmons@gov.bc.ca>]
Sent: Monday, June 25, 2012 10:40
To: Elsie Froment
Subject: RE: PSIPS# 1213TWU0018: Juris Doctor - Submitted to Secretariat

Hi Dr. Froment,

Thank you for your submission of the new degree program proposal for a Juris Doctor (JD) degree. Before submitting a new proposal for the 30-day review by peers and the public, the DQAB Secretariat conducts an initial review of the submission materials and requests clarification or additional information as required.

We have reviewed your submission and have the following comments and suggestions based on the Degree Program Review Criteria and Guidelines:

Degree Level Standard - Section 2

TWU's proposal describes the JD as a Master's level degree. Since TWU is proposing similar entrance requirements to other JD's offered in BC/Canada, completion of at least 90 credits towards an undergraduate degree, this is considered a second-entry undergraduate degree, not a master's.

Program Consultation - Section 9

In the submission guidelines, institutions are asked to provide evidence of consultation with all relevant parties. In the case of a regulated profession such as law, the institution must provide evidence of consultation with the regulatory body. Although the proposal mentions discussions with the Federation of Law Societies and an initial submission has been sent to them for review, institutions should provide some evidence of the assurance that graduates of the program will be able to gain professional licensing through the relevant regulatory or professional bodies. Please provide any official correspondence with the regulatory body in this regard in an appendix.

Although TWU has included 2 external reviews conducted prior to their submission, it does not appear TWU has consulted with UVic, UBC or TRU who are the only other institutions in BC that offer similar programs. Please clarify whether TWU has consulted with other post-secondary institutions.

The proposal also mentions that ministerial approval takes approximately 4 months. Since this is just an estimate, we ask that you remove reference to the ministerial approval process from the proposal altogether.

Your submission will now be moved to "Revisions Required" on PSIPS so that you are able to address the items identified above and add the documents on PSIPS. Once resubmitted, Ministry staff will then review and forward the proposal onto peers for the required 30-day review period.

If you have any questions, please don't hesitate to contact me.

Sincerely,

Vicki Simmons

Vicki Simmons
Governance and Quality Assurance Branch
BC Ministry of Advanced Education
1st Floor, 835 Humboldt St
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8
(T) 250-356-2067 | (F) 250-356-8851 | (E) vicki.simmons@gov.bc.ca

-----Original Message-----

From: BC Gov. - PSIPS [mailto:sam_dev@dean.educ.gov.bc.ca]
Sent: Mon, June 18, 2012 7:00 PM
Subject: PSIPS# 1213TWU0018: Juris Doctor - Submitted to Secretariat

This is to advise that Trinity Western University: Juris Doctor has been submitted to the Secretariat and is ready for verification.

This is an automatic e-mail notification from the BC Post Secondary Institution Proposal System (PSIPS). Please do not reply to this address.

Page 201 to/à Page 320

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Carters Professional Corporation / Société professionnelle Carters
Barristers, Solicitors & Trade-mark Agents / Avocats et agents de marques de commerce

Terrance S. Carter B.A., LL.B.,
TEP, Trade-Mark Agent

Orangeville Office
Tel: (519) 942-0001 x222
tcarter@carters.ca

March 9, 2012

SENT BY REGULAR MAIL

Trinity Western University
7600 Glover Road
Langley, BC V2Y 1Y1

"PRIVATE & CONFIDENTIAL"

ATTENTION: Jonathan S. Raymond, Ph.D., President

Dear Sir:

Re: Law School and Juris Doctor Degree Program at Trinity Western University

I am writing to express my support for the pending proposal for a Law School and a Juris Doctor degree program at Trinity Western University. I have read the proposals, and as a lawyer and an employer, I would strongly encourage and endorse this program. I understand the program proposal will soon be submitted to the BC Ministry of Advanced Education for approval. You have my permission to include this letter as part of an appendix to that submission.

I understand that the Law School will have a particular focus on charity and not-for-profit law. As the Managing Partner of Carters Professional Corporation, one of the leading firms in Canada in the area of charity and not-for-profit law, our firm has a particular interest in the development of a Law School program that puts forth a valuable curriculum with a charity and not-for-profit law focus. Two of our lawyers, Karen Cooper and Jane Burke-Robertson, have taught at the University Of Ottawa Faculty Of Common Law, teaching advanced seminars on charity and not-for-profit law. As well, I have given lectures as part of those courses over the last five years. Our firm also participates in an extensive number of seminars each year to assist churches, charities and not-for-profits in understanding developing trends in the law in order to reduce unnecessary exposure to legal liability. A Law School at Trinity Western University would enhance the knowledge base of future lawyers in Charity and Not-for-Profit Law, and provide a Christian environment in which to learn.

I strongly recommend that this degree program be offered at Trinity Western University.

Yours truly,
Carters Professional Corporation

Per: 

Terrance S. Carter

TSC:wmes

cc: Janet Epp Buckingham, Laurentian Leadership Centre, 252 Metcalfe St., Ottawa, ON K2P 1R3

S:\Lawyer Folders\TSC\TWU 2012\reference letter 2012 03 06 draft 2.doc

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AED-2013-00130
Page 646

HOLMES & KING
BARRISTERS & SOLICITORS

ROBERT D. HOLMES
Law Corporation
rdholmes@mhklaw.com

June 13, 2012

Janet Epp Buckingham, LL.B, LL.D.
Director | Laurentian Leadership Centre
252 Metcalfe St., Ottawa, ON K2P 1R3
Associate Professor
Trinity Western University

Dear Dr. Buckingham:

Re: Trinity Western University School of Law Proposal

Thank you for meeting with me to discuss the exciting project that you and others associated with Trinity Western University are putting together for the establishment of a law school.

Thus far, three of my children have attended Trinity Western University. Our eldest daughter went through the sciences program, is now completing a Masters in Science at the University of Western Ontario and has been accepted into the School of Medicine at the University of British Columbia. Our second daughter graduated with a B.A. majoring in political science and is carrying on her studies at the University of Leicester in the UK studying law. Our third daughter is currently pursuing a program in the Trinity Western arts faculty and is aiming at finishing the requirements for her B.A. degree in three years instead of the usual four. In each case, our children have appreciated the high standards, teaching and research abilities of the faculty, the collegiality of the students and the leadership provided by the university administration.

With regard to the proposal for a new law school in British Columbia, I have to say that I enthusiastically support it. I attended the University of British Columbia years ago for both my B.A. and LL.B. and then obtained an LL.M at Yale. The University of British Columbia, the University of Victoria and Thompson River University law schools are all largely funded by the provincial government and each provides, in their own way, a perspective on the law that is similar to that of other Canadian law schools.

In my view, it would be useful having another law school with another perspective offered. The mission statement and principles of Trinity Western University clearly would form a distinctive voice among Canadian law schools. Anyone truly committed to academic freedom and excellence and vigorous intellectual debate and discussion would have to concede that point.

I offered my views to you on how Trinity Western University would, of course, have to provide a solid grounding in core courses in law that are required in Canadian law schools and by Canadian law societies for admission to the bar. I have already noted my own family's

HOLMES & KING
BARRISTERS & SOLICITORS


experience with the high standards that Trinity Western University displays in relation to the programs of study and the courses it already offers. I added that Trinity Western could readily draw upon the talents of other faculty members, particularly relating to philosophy, history, government, political science and other disciplines, so as to offer courses involving legal philosophy, legal ethics, professional obligations and legal history not emphasized or offered elsewhere. I have in mind courses relating to the natural law tradition as but one example.

Trinity Western University makes a point of developing among its students not just academic excellence, but also an understanding of principles of leadership and service. Given that the legal community prizes all three of those that creates an opportunity and potential advantage for students graduating in law from Trinity Western University. Having what would perhaps amount to an even greater appreciation and understanding of the possibilities that a legal education and career in law affords would be very useful, in my view.

I am pleased to join in support of the proposal by Trinity Western University to open a law school.

Yours truly,
HOLMES & KING

per:



Robert D. Holmes, Q.C.

Page 649 redacted for the following reason:

S22



May 1, 2012

Trinity Western University
7600 Glover Road.
Langley, BC V2Y 1Y1

*Attention: Elsie Froment, PhD
Dean of Research*

Dear Sirs/Mesdames:

Re: Proposed Law School at Trinity Western University

It is with deep sense of gratitude, as well as unhesitating endorsement, that I write in full support of the establishment of a law school at Trinity Western University.

I graduated from what was then Trinity Western College in 1972 with an Associate of Arts diploma. Having been born and raised in the interior British Columbia, it proved to be the perfect accelerant to ignite and fuel my educational aspirations. Even then, as only a two-year school, it gave me an extraordinary opportunity to experience a post-secondary education in an environment that actually cared about me. Its faculty and staff invested in me as a young man, providing ample opportunity and encouragement to excel academically, as well as develop as a well-rounded person with something to contribute to our province and country. Trinity invested in me in a way that I believe no other school would have. They taught me to reinvest, which I believe my firm and I have been able to do through contributions made to the charity and not-for-profit sector of this province.

I have remained involved with TWU ever since I was a student, both personally and professionally. I have watched TWU mature into a first class, leading institution of higher learning. It rightfully has taken its place among other prestigious universities in British Columbia through membership in a number of organizations, including the Association of Universities and Colleges of Canada.

There are relatively few private universities in Canada. I believe that TWU is the largest and, given the economic, enrollment and regulation requirements, this must be recognized as a significant accomplishment. In academics, sports, community, national and international involvement, as well as numerous other arenas of comparison, Trinity has become 'the little school that could', challenging, effectively competing with and overcoming numerically superior universities in Canada in many ways. TWU has had to contend with numerous challenges in a relatively short period of time in order to achieve its size and superlative reputation, all without

receiving public funds. This is a testament to the outstanding quality of its leadership, faculty and students. Many of its graduates who have taken their places as professional, business and political leaders in Canada are proud to be TWU alumni, attributing to that institution much of what provided them with the opportunity, skills and vision to become who they are.

I understand that TWU is the only university in Canada to receive an A+ award for overall quality of education in the Globe and Mail University report card in each of 2006, 2007, 2008, 2009 and 2010. It also received an A+ for Quality of Teaching and Learning in the 2011 and 2012 editions of this report (it was the only university in Canada to receive this A+ rating in 2012). This reputation is not deemed because of a lucrative funding base, but rather these widely accepted public "report cards" reflect and constitute compelling evidence that Trinity's educational excellence and vibrant, caring student life are worthy of respect and recognition.

TWU has succeeded brilliantly in establishing other professional schools, including ones for education and nursing. It also has a wide variety of very successful graduate programs in a variety of fields, including counselling psychology and leadership. Of particular note is its Master of Business Administration program, as the TWU School of Business was selected by the Globe and Mail as the best business school in British Columbia.

Given its track record for development of important educational programming and professional development, a law school is a logical next step for TWU. It will bring its standard of excellence, highly successful student life environment, and ability to attract both highly qualified and yet caring faculty to legal education. As a graduate of TWU, and a lawyer who has practiced in Vancouver and the Lower Mainland for over 30 years, I know first-hand that the educational program at a law school developed and launched by Trinity would, as have its many other successes, leave the uninformed observer amazed. It is only those who carefully examine the educational environment created by TWU who will understand its amazing ability to transform its students by helping them to actualize their potential and realize their hopes and dreams, as it did for me.

A TWU law school would be the only one in the Fraser Valley. The Fraser Valley is probably the fastest growing geographic area of our Province, not just in a residential sense, but for business and institutional growth. Further, it is sustainable, and diverse and community-oriented growth. As a resident, and as founding partner of a medium-sized law firm with its head office in Abbotsford, I am fully convinced that a law school at Trinity would be well situated not only for present needs, but for the future of the Province.

A Trinity law school would educate lawyers that can serve in small to medium sized firms, like the one in which I am a partner. These firms serve the families and small to medium-size businesses that are the backbone of our economy. I fully expect that TWU's law school graduates would also be attracted to some of the rural areas of BC, which in my experience have been underserved by the legal profession. The practical legal education proposed at TWU would be very welcome and much-needed addition to our profession.

My firm has been committed to hiring and training articling students, and we typically take at least one articling student each year. We have trained a number of lawyers whose undergraduate degrees were from TWU. From my experience I can say that these Trinity-educated students now comprise some of our brightest and best legal talent. I know that my partners and I would welcome applications for articling position who would graduate from a TWU law school program.

In conclusion, I cannot be more enthusiastic in my support of the development of a law school at Trinity Western University. I say this with the benefit of an education first grounded there, which has stood me in good stead in a dynamic and demanding legal profession. I say this knowing what it takes to succeed in that profession, especially in the Fraser Valley. I say this knowing the invaluable, well-rounded, educational experience received by students who attend Trinity. I say this in full confidence that a Trinity Western University law school would soon become an exemplar, a model of what a law school can be.

Yours truly,

KUHN LLP



Robert G. Kuhn
Law Corporation

May 2, 2012

Dr. Elsie Froment
Dean of Research
Trinity Western University
7600 Glover Road
Langley, BC, V2Y 1Y1

Dear Dr. Froment:

Re: School of Law and Juris Doctor Program at Trinity Western University

I am writing to express my support of the proposal to establish a School of Law at Trinity Western University and offer a Juris Doctor Program. Trinity Western University has a strong academic reputation. The university also has an excellent track record for graduates of strong character, high ethical standards, and exemplary leadership qualities. The graduates of this university that I have met and worked with, including Members of Parliament, political staffers, and Manning Centre for Building Democracy staff contribute substantially to the public good of their communities and indeed to Canada. I recommend approval of a School of Law and a Juris Doctor program to be offered at Trinity Western University.

Yours sincerely,



Preston Manning, C.C.
President and CEO

PM:jmc



397 Gladstone Ave.
Suite 100
Ottawa, ON K2P 0Y9
Canada
Telephone: (613) 695-8855
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Reply to:
Eugene Meehan, Q.C.
emeehan@supremeadvocacy.ca

March 20, 2012

MAIL

Ms Elsie Froment, PhD
Dean of Research
Trinity Western University
7600 Glover Road
Langley, BC V2Y 1Y1

Dear Ms. Froment:

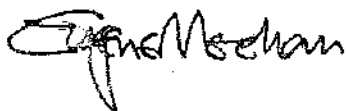
Re: Trinity Western University Law School

1. I am an irregular church goer, but more regular Law School attendee (four times) – so I probably know more about the latter than the former.
2. I do believe however in something greater than me.
3. But this new Law School is doing something special, and big in my view, that I acknowledge, respect, and support – it will be open to:
 - all faiths
 - Christian or non-Christian
 - those of no faith.
4. Though the Law School will be small (in terms of graduates being produced) they will serve a very necessary need for lawyers in:
 - small to medium sized firms
 - rural Canada (in this particular respect I attach the article “Nova Scotia Needs More Rural Lawyers”, Canadian Lawyer magazine, Feb 2012)
5. This Law School will produce lawyers with strong moral values together with a sense of local community – something most positive for the legal profession throughout Canada.
6. Because this Law School will focus on:
 - practical training
 - clinical programs
 - how-to programs as well as academic-type programs

- cooperative programs
their graduates will be much sought after.

7. My firm would be pleased to take anyone from the first graduating class as an articling student.
8. And to speak personally and directly, I do put my money where my mouth is – I have personally contributed \$25,000 to this Law School initiative. I will contribute more.
9. And last, the Law School I (first) attended was the University of Edinburgh – the University being founded in 1583 and the Law School 1707 – we do this now, we do this forever. In other words, creating something that wasn't there before, and doing so for the benefit of others, is something greater than us.

Yours very truly,



Eugene Meehan, Q.C.
LL.B. (Edinburgh, 1975)
LL.M. (McGill, 1977)
LL.B. (Ottawa, 1978)
D.C.L. (Doctor of Civil Law, McGill, 1984)
Partner | Bio
T 613-695-8855
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emeehan@supremeadvocacy.ca



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Earl Phillips
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Direct Fax: 604-605-5275
Email: ephilips@mccarthy.ca

February 27, 2012

BY EMAIL AND POST

Trinity Western University
7600 Glover Road
Langley, BC V2Y 1Y1

Attention: Dr. Elsie Froment, Dean of Research

Dear Sir/Mesdames:

I am pleased to express my support for the Juris Doctor proposal of Trinity Western University.

There are three features of the proposal that stand out as particularly important:

- better preparing law graduates for the practice of law,
- emphasizing ethics and professionalism, and
- promoting service to the community.


The traditional articling system is under strain and there is serious discussion of other ways to meet Law Society requirements for being qualified to practise law. It seems inevitable that some of the training burden will have to be assumed by law schools. There is also a need for more lawyers outside the major cities, but lawyers in the smaller centres must be convinced that law graduates have the training and practice skills that will make them worthy of hire.

Lawyers in Canada have the great privilege of being a self regulating profession. But that privilege can only be sustained by a constant emphasis on ethics and professionalism. Law schools have an important role to play, introducing and teaching law students about the ethical obligations of practising law, being officers of the court, and serving clients. Closely related is the need to emphasize what it means to be a professional; to act so as to truly profess the ideals of the rule of law, justice and equity.

Perhaps service to the community is part of professionalism, but it deserves special mention. This is a time of great legal complexity; it is also a time when access to justice is seriously strained. Lawyers must be prepared to offer their legal knowledge and skills in service to their communities and to those who lack real, practical access to justice. A law school curriculum and experience that is rich with encouragement and opportunity for community service will be of great benefit. It will bolster a key foundation of our society - the right of all people and organizations to have their rights honoured and their disputes resolved in a legal system that is available, accessible and fair.

I have been practising law for almost 32 years. The firm I joined in downtown Vancouver has grown from about 25 lawyers to 100 or so, and has been part of a national firm of 600+ lawyers since 1989. The changes we have seen in our firm have been matched by changes in our profession and our society. But those changes have only served to highlight the importance of the fundamentals of practising law: knowledge and skills, ethics and professionalism, and service. It is from that perspective that I gladly endorse the TWU proposal.

Yours truly,



Earl Phillips

EP/asb

Attention: Dr. Elsie Froment, Dean of Research – February 27, 2012

DOCS #11225691 v. 1



Dennis K. Boon
David M. Frechette*
Donald L. Wilkinson
Timothy T. Brown*
Jaime M. Boyle

Tom Smithwick, Q.C.*
Mark A. Koochin*
John S. Kennedy
Christopher K. Wendell*

March 26, 2012

Dr. Elsie Froment
Dean of Research
Trinity Western University
7600 Glover Road
Langley, BC, V2Y 1Y1

Dear Dr. Froment:

RE: Trinity Western University's ("TWU") Juris Doctor Proposal Endorsement Request

Thank you for your letter of March 6, 2012. I am delighted to be asked to give my opinion concerning the Juris Doctor degree program proposal. I have read the proposal with interest, including the appendices. The proposal is well written and engaging.

I heartily endorse this program for the following reasons:

1. The program's objectives set a new and high standard in Canadian legal education.

The integration of practical assignment with the study of case material will be much appreciated by the students. Although all courses may not lend themselves to this type of integration, those that do will add a "real life" element to the course. There were few of these available when I attended law school 20 years ago. The lack of practical experience was a constant complaint among students. I am pleased this proposal addresses that complaint.

The objective of integrating the study of law with a Christian worldview is intriguing, vital and distinctive. In fact, without this component, there really is no reason for TWU to have a School of Law, other than for general, educational purposes. However, in keeping with TWU's mission of approaching all of life with a Christian worldview in mind, this proposal is totally appropriate. The curriculum, as taught from a Christian perspective, will allow students and faculty alike to explore the dialectical relationship between love and justice. The late Reinhold Niebuhr's thought in this regard is instructive. "Justice is the embodiment of love in complex human relations. On the one hand, justice without love ceases to be justice. On the other hand, love without justice ceases to be love." To the best of my knowledge, there is no other Canadian law school that has as one of its objectives, to

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*Denotes Personal Law Corporation

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Page 658

wed the best of Canadian legal scholarship with the best of Christian theological scholarship.

I believe that TWU's Law School graduates will add a healthy dimension to B.C.'s and Canada's pluralistic society.

2. A new state-of-the-art Law School building will provide students and faculty with a valuable resource for years to come.

I am of the opinion that a great law school program is built on a great law school library. The fact that TWU is going to build and equip a new library from the ground-up will allow it to take advantage of the newest in legal technological resources, as well as current hard copy resources. I am also of the opinion that the new library will not only be a valuable resource for those on campus, but will be a valuable resource for those who live throughout the Fraser Valley area of B.C.

3. There will be a unique curriculum design focused on leadership, character development and ethics.

Although alluded to above, under section 1, the focus on ethics and professional responsibility begins during Orientation Week and continues throughout the entire three year curriculum. The first year mentoring program is a wonderful idea. It is one which should be followed in all law schools. The second year course in Ethics and Professionalism is very positive, as are the third year courses in Practice Management and Jurisprudence.

However, most importantly, is the emphasis that law is a calling that has service to others, regardless of their economic status or social class, as its highest goal. I hope the Practice Management class will emphasize service to the poor and oppressed as being a virtue highly prized by Christ.

4. There will be an emphasis on the core subjects of legal education.

There may be some who will think that a law school that emphasizes a Christian worldview will be "soft" in terms of course content and methodology. This does not seem to be the case. The first year program will have a strong focus on learning to read and analyze case law. The five basic first year courses will be taught: Contracts, Torts, Property, Constitutional and Criminal Law. In addition, the first year students will take two half courses: Fundamentals of Canadian Law: Common Law & Statutory Instruments, and, Introduction to Practice Skills and the Practice of Law. Thirty-six credit hours in core subjects in first year law do not make for a "soft" legal program. Upper year courses also appear to be just as rigorous.

5. There are plenty of elective courses.

In many law schools there is the reoccurring complaint that there are too many mandatory courses and not enough electives. This does not appear to be the case as set out in the

proposal. Any student should be able to find courses that appeal to their tastes and interests and be useful in their legal practices after graduation.

6. There will be small class sizes.

It has been my experience, both as a student and a teacher, that small class sizes are more conducive to class participation than larger ones. Engaging in a give-and-take discussion or debate is more likely to happen in a smaller class setting than a larger one. I am pleased to see that first year classes will be kept to approximately 30 students or less per section.

7. There will be optional specializations.

A feature that I found particularly appealing is the option to specialize, either in Small Business and Entrepreneurial Law, or in Charities and Social Justice. I am unaware of this being offered in other law schools in Canada. This is particularly appealing for those students who have a firm view in mind of the area of the law they want to practice in.

8. The introduction of the requirement that each student must complete three practica over the course of their years in the J.D. program is an appealing feature of the program.

This requirement is in keeping with the objective that the TWU – J.D. program will have a practical, as well as a theoretical focus to it. I am certain that each student will greatly appreciate this emphasis. It will give each student the feel of what legal practice is all about, and hopefully a love for the law.

Overall Strengths and Weaknesses

Overall, I am greatly impressed by the proposal to offer a J.D. program at TWU. If I were to make several small criticisms, the first would be that there is no Legal History course being offered. Although this course seems to have fallen out of favour in many law schools, I do think there is some merit in knowing the lineage of the law. It may be that this focus will be picked up as part of another class. If so, I would be in favour of it.

My second criticism is actually more a suggestion than a criticism. It pertains to the Charities and Social Justice specialization. I would think that you may want to include course LAW 626 – Human Rights Discrimination Law and course LAW 622 – Environmental Law under the same heading, particularly since they represent a major focus of Social Justice.

My last criticism concerns the task of teaching with a focus on a Christian worldview. Although the law school is not a seminary, it would be helpful that there be an optional course in Christian apologetics or a survey course in biblical/theological studies. It may be easy to say that the students are going to be taught with a Christian worldview in mind, but if students have little or no theological background or training, this may be difficult to achieve. It may even be the case that some instructors have little or no theological training. This criticism may become moot if some of these issues are addressed in the Religion and Law course or the Jurisprudence course.

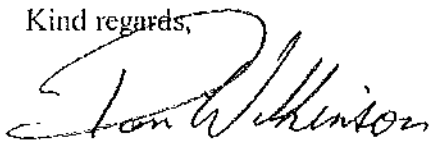
Some of the strengths of the proposed program I have already mentioned above. However, what I did not mention is the overall environment of this new law school. I suspect, given the nature and focus of TWU's mission, that the law school may have a more collegial or cooperative bent to the program than many law school programs in Canada. If such be the case, we may be seeing a new paradigm in legal education at TWU.

In conclusion, I am very much impressed by this proposal. As a partner of a mid-size law firm in Kelowna, B.C., I am sure that we would give serious consideration to any law school student from the School of Law at TWU looking for summer employment, articles or for permanent employment at our firm, depending on our needs of course at that time. We would treat a TWU School Law graduate no differently than we would a graduate from any other law school in Canada. That is, we will assume they are well trained and ready to make a contribution to the practice of law.

This is a very exciting proposal and one I hope comes to full fruition. There is definitely a need for another law school in British Columbia.

Thank you once again for inviting me to give my thoughts on this proposal. Should you have any questions or require any clarification concerning what is written herein, please feel free to contact me at your convenience.

Kind regards,



DONALD L WILKINSON

cc. Dr. Janet Epp Buckingham

Page 662 redacted for the following reason:

S22



Feeding hope. Changing lives.

Dr. Janet Epp Buckingham
Director, Laurentian Leadership Centre
Associate Professor, Trinity Western University
252 Metcalfe Street, Ottawa ON K2P 1R3

February 24, 2012

Dear Janet,

Warm greetings from rainy Vancouver! I trust this finds you well.

It was good to meet you last month and to hear of Trinity Western's University's interest in establishing a law program.

As I shared at that time, at Union Gospel Mission we serve a wide diversity of clients, many of whom come from marginalized and difficult situations, who need legal advice regarding all sort of personal matters. Many sadly have histories of convictions and crime and need help dealing with pardons, advice or other legal counsel. We have over 100 recovery and long-term residents living in this facility, and serve hundreds more each day in both our Hastings facility and Cordova's Womens' Centre.

All this to say, the idea of having legal clinic staffed by Trinity Western legal interns is exciting to us, and we anticipate would be huge help to our programs and our people.

We are very interested in exploring this idea with Trinity, and hope the law program becomes a reality.

I would be happy to meet and dialogue about this further.

Warm regards,

Dan Russell, DMin
Director of Programs

APPENDIX M

LAW SCHOOL PROPOSAL and SUBMISSION LETTER



June 15, 2012

Canadian Common Law Program Approval Committee
Federation of Law Societies of Canada
World Exchange Plaza
45 O'Connor Street, Suite 1810
Ottawa, Ontario K1P 1A4

Dear Committee members:

Re: Trinity Western University School of Law Proposal

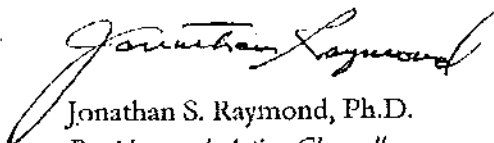
I am pleased to submit the attached proposal for the establishment of a new School of Law at Trinity Western University ("TWU"). The proposal has been developed over the last several years with broad consultation with the profession. TWU is the largest privately-funded Christian university in Canada. It has grown over the past decade to now offer 42 undergraduate majors and 16 graduate programs. Many of our 4,000 students are enrolled in professional programs. Trinity Western University is proposing to move forward with its plan to develop a law school with a focus on excellence, strong ethics, public service and professionalism.

We are cognizant that the creation of a law school will be a formidable task. However, we believe that TWU's commitment to academic quality would provide a good foundation for the creation of a small law school with a program that would prepare lawyers with excellence for the practice of law.

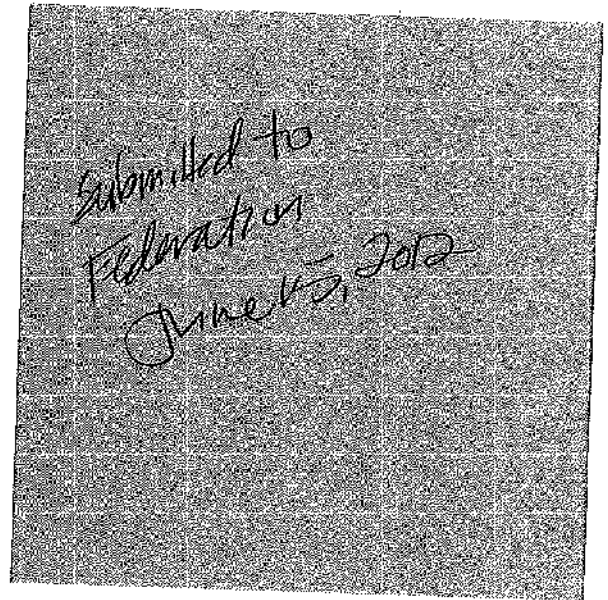
The attached proposal has been developed with the FLSJC Common Law Degree Implementation Committee *Final Report* requirements in mind and we are confident that our proposal fully complies with these standards.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Jonathan S. Raymond, Ph.D.
President and Acting Chancellor



Page 341 to/à Page 409

Withheld pursuant to/removed as

Copyright

DQAB Review Documents Information

Proposal:		Juris Doctor (JD)			
Institution Name and Address:		Trinity Western University 7600 Glover Road Langley, BC V2Y 1Y1		Location	Langley
Institution Contract #:		C13TWU18I1	Proposal #:		1213TWU0018
Institutional Contact for Email to Reviewers:					
Name:		Elsie Froment			
Email:		Elsie.Froment@twu.ca			
Phone:		604-888-7511 or 604-513-2121 Ext. 3615			
Invoice to:					
Name:		Elsie Froment			
Phone:		604-888-7511 or 604-513-2121 Ext. 3615			
Fax:		604-513-2047			
Email:		Elsie.Froment@twu.ca			
Approval Type: (Approval/Consent)		Consent	Terms of Reference: (Y/N)		N
Review Type:		Criteria:			
Degree Program Review		X	Degree Program Criteria		
Use of "University" Review			Use of "University" Criteria		
Organization Review			Organization Review Criteria		
Exempt Status Review			Exempt Status Criteria		
Site Visit Date:		March 26, 2013	Report Due Date:		April 16, 2013
Description of Duties for Claim form:		Degree Program Review of Trinity Western University's proposal to offer a Juris Doctor Degree			
	Panel Chair	Panel 2	Panel 3	Panel 4	Panel 5
Mr/Ms/Dr	Professor 2298274/001	Professor	Professor 2298076/	Professor 2298225/001	Ms.
Name:	David R. Percy	Professor David Blom	Jeffrey Berryman	Bernard L. Adell	Anne N. Pappas
Address:					
S22		S22			
SIN:					
Contract #:	C13TWU18P1	C13TWU18P2	C13TWU18P3	C13TWU18P4	C13TWU18P5
Email:	dpercy@law.ualberta.ca	blom@law.ubc.ca	jberrym@uwindsor.ca	bernard.adell@queensu.ca	apappas@tru.ca
Phone:	780-492-5537	604-822-4564	519-253-3000 x 2965	613-533-6000 x 74256	250-320-6539
Honorarium:	\$ 1,500	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000
Expenses:	\$ 1,100	\$ 250	\$ 1,500	\$ 1,500	\$ 1,100
Letter of Introduction:	Y	Y	Y	Y	Y
Document Completion Checklist:					
Contract		✓	Institution Contract		✓
Claim Form		✓	Institution Invoice		✓
Letter(s) of Introduction		✓	Contract Tracking Sheet Data Entry		✓
Schedule D		✓	Supplier Update		✓
Update Expert Database		✓			

Reference No. C13TWU18P1

February 4, 2013

David R. Percy Professional Corp.

S22

Dear Professor Percy:

The Degree Authorization Act provides a mechanism for private and out-of-province public institutions to apply for Ministerial consent to offer degree programs, grant degrees, and use the word "university" in their name in British Columbia. Under the Act, private post-secondary institutions and public post-secondary institutions from other jurisdictions will be required to undergo a quality assessment process in order to obtain Ministerial consent. Although the Degree Authorization Act does not apply to British Columbia public post-secondary institutions, the Ministry requires proposals from these institutions to undergo the same quality assessment process to obtain ministerial approval. The Degree Quality Assessment Board ("the Board") oversees the degree quality assessment process, reviews applications and other materials and provides recommendations to the Minister.

As part of the degree quality assessment process, we are pleased that you have agreed to provide services as Chair of the Degree Program Review Panel ("the Panel") for the assessment of Trinity Western University (TWU) regarding the institution's application 1213TWU0018 for consent to offer a Juris Doctor degree program (Attached as Schedule A).

Duties and Terms of Compensation:

1. The purpose of the Panel is to undertake a review of TWU's proposal based on the Degree Program Review Criteria (attached as Schedule B), and provide an opinion and/or recommendations to the Chair of the Board using the format provided for in the Quality Assessment Report Workbook ("report workbook") (attached as Schedule C).

As a member of the Panel you will:

- 1) Undertake the review pursuant to the criteria set out in the Degree Program Review Criteria;
- 2) Cooperate with any other person assigned to the Panel by the Board;
- 3) Participate in a site visit if the Board requires one;
- 4) Participate in a discussion about the report with the Board and with anyone the Board determines should be part of the discussion, and in a manner and time that the Board reasonably determines.

The Panel will consist of four other panel members. Their names and contact information are attached as Schedule D.

As Chair of the Panel, you will provide the following services:

- 1) Plan the activities of the Panel, assign tasks and monitor the progress of each member, in consultation with the other members of the Panel;
 - 2) Assign the responsibilities of the site visit, if the Board requires one, in consultation with other members of the Panel; and,
 - 3) Draft the report based on the Degree Program Review Criteria, using information collected by the Panel during its assessment of the proposal, and submit the report workbook to the Board by **April 16, 2013**.
2. You must avoid any conflict of interest that might impair or impugn the independence, integrity or impartiality of the Board. You must approach the review with a broad outlook and open mind. There must be no apprehension of bias, based on what a reasonable person might perceive or is in contravention of the Conflict of Interest and Confidentiality Policy for Board Members and External Experts (attached as Schedule E).
 3. We will provide compensation in the amount of \$1 500.00 per review provided you satisfactorily chair and participate in the Panel and provide information and recommendations to the Board through the report.
 4. You will be reimbursed for expenses up to a maximum of \$1 100.00 as follows:
 - 1) Travel, meals and accommodation expenses must fall within the guidelines for the Province of British Columbia as indicated in the "Travel Expenses for Participants" and Group 2 Rates, dated April/05 or later;
 - 2) Courier, printing, copying charges, and other identifiable business communication expenses, at cost (see Attachment 1).
 5. All original receipts and vouchers must be submitted for reimbursement. **NO REIMBURSEMENT WILL BE MADE WITHOUT ORIGINAL RECEIPTS.**
 6. Notwithstanding paragraphs 3 through 5, in no event will the total amount payable to you exceed, in total, \$2 600.00.
 7. If the terms and conditions of this letter are successfully met, we will provide your compensation and expense reimbursement within 31 days of receipt of a properly completed claim form (Attachment 2), complete with applicable receipts.
 8. We may terminate the Agreement for any reason on giving three days notice to you. If we do so for any reason other than your failure to comply with this Agreement, we must pay you that portion of the fees and expenses described above which equals the portion of Services that was completed to our satisfaction before termination.



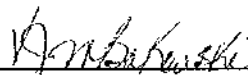
pay you that portion of the fees and expenses described above which equals the portion of Services that was completed to our satisfaction before termination.

9. You agree to treat as confidential all information and material to which access is given, or which is acquired, before, as well as after, the review is complete.
10. You agree to return to the institution all confidential information and material to which access is given, or which is acquired during the review.
11. You agree that all rights to any findings, conclusions or recommendations become the property of the Province of British Columbia and that all material produced during the review is confidential and is not to be disclosed without our prior written consent, except as required to perform your obligations under this Agreement, or to comply with applicable law, or if it is information that is generally known to the public other than as a result of a breach of this Agreement.
12. Please sign below to indicate your acceptance of this letter and the terms and conditions of compensation, and mail to:

The Degree Quality Assessment Board Secretariat
c/o Governance and Quality Assurance Branch
P.O. Box 9177 STN PROV GOVT
Victoria, British Columbia V8W 9H8
Fax: (250) 387-3750

If you have any questions in the meantime, please call Ms. Vicki Simmons, Policy Analyst, Governance and Quality Assurance Branch at (250) 356-2067.

Yours truly,


Valarie Bakowski, Executive Director
Governance and Quality Assurance Branch

Accepted this _____ day of _____, 20__.

Signature of the Expert Reviewer

Reference No. C13TWU18P2

February 4, 2013

Professor Joost Blom
Faculty of Law
University of British Columbia
1822 East Mall
Vancouver BC V6T 1Z1

Dear Professor Blom:

The Degree Authorization Act provides a mechanism for private and out-of-province public institutions to apply for Ministerial consent to offer degree programs, grant degrees, and use the word "university" in their name in British Columbia. Under the Act, private post-secondary institutions and public post-secondary institutions from other jurisdictions will be required to undergo a quality assessment process in order to obtain Ministerial consent. Although the Degree Authorization Act does not apply to British Columbia public post-secondary institutions, the Ministry requires proposals from these institutions to undergo the same quality assessment process to obtain Ministerial approval. The Degree Quality Assessment Board ("the Board") oversees the degree quality assessment process, reviews applications and other materials and provides recommendations to the Minister.

As part of the of the degree quality assessment process, we are pleased that you have agreed to provide services as a member of the Degree Program Review Panel ("the Panel") for the assessment of Trinity Western University (TWU) regarding the institution's application 1213TWU0018 for consent to offer a Juris Doctor degree program (attached as Schedule A).

Duties and Terms of Compensation:

1. The purpose of the Panel is to undertake a review of TWU's proposal based on the Degree Program Review Criteria (attached as Schedule B), and provide an opinion and/or recommendations to the Chair of the Board using the format provided for in the Quality Assessment Report Workbook ("report workbook") (attached as Schedule C).

As a member of the Panel you will:

- 1) Undertake the review pursuant to the criteria set out in the Degree Program Review Criteria;
- 2) Cooperate with any other person assigned to the Panel by the Board;
- 3) Participate in a site visit if the Board requires one;
- 4) Participate in a discussion about the report with the Board and with anyone the Board determines should be part of the discussion, and in a manner and time that the Board reasonably determines.

The Panel will consist of four other panel members. Their names and contact information are attached as Schedule D.

The Chair of the Panel will provide the following services:

- 1) Plan the activities of the Panel, assign tasks and monitor the progress of each member, in consultation with the other members of the Panel;
 - 2) Assign the responsibilities of the site visit, if the Board requires one, in consultation with other members of the Panel; and,
 - 3) Draft the report based on the Degree Program Review Criteria using information collected by the Panel during its assessment of the proposal, and submit the report workbook to the Board by **April 16, 2013**.
2. You must avoid any conflict of interest that might impair or impugn the independence, integrity or impartiality of the Board. You must approach the review with a broad outlook and open mind. There must be no apprehension of bias, based on what a reasonable person might perceive or is in contravention of the Conflict of Interest and Confidentiality Policy for Board Members and External Experts (attached as Schedule E).
 3. We will provide compensation in the amount of \$1 000.00 per review provided you satisfactorily participate in the Panel and provide information and recommendations to the Board through the report.
 4. You will be reimbursed for expenses up to a maximum of \$250.00 as follows:
 - 1) Travel and meals and accommodation expenses must fall within the guidelines for the Province of British Columbia as indicated in the "Travel Expenses for Participants" and Group 2 Rates, dated April/05 or later;
 - 2) Courier, printing, copying charges, and other identifiable business communication expenses, at cost (see Attachment 1).
 5. All original receipts and vouchers must be submitted for reimbursement. **NO REIMBURSEMENT WILL BE MADE WITHOUT ORIGINAL RECEIPTS.**
 6. Notwithstanding paragraphs 3 through 5, in no event will the total amount payable to you exceed, in total, \$1 250.00.
 7. If the terms and conditions of this letter are successfully met; we will provide your compensation and expense reimbursement within 31 days of receipt of a properly completed claim form (Attachment 2), complete with applicable receipts.
 8. We may terminate the Agreement for any reason on giving three days notice to you. If we do so for any reason other than your failure to comply with this Agreement, we must

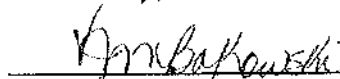
pay you that portion of the fees and expenses described above which equals the portion of Services that was completed to our satisfaction before termination.

9. You agree to treat as confidential all information and material to which access is given, or which is acquired, before, as well as after, the review is complete.
10. You agree to return to the institution all confidential information and material to which access is given, or which is acquired during the review.
11. You agree that all rights to any findings, conclusions or recommendations become the property of the Province of British Columbia and that all material produced during the review is confidential and is not to be disclosed without our prior written consent, except as required to perform your obligations under this Agreement, or to comply with applicable law, or if it is information that is generally known to the public other than as a result of a breach of this Agreement.
12. Please sign below to indicate your acceptance of this letter and the terms and conditions of compensation, and mail to:

The Degree Quality Assessment Board Secretariat
c/o Governance and Quality Assurance Branch
P.O. Box 9177 STN PROV GOVT
Victoria, British Columbia V8W 9H8
Fax: (250) 387-3750

If you have any questions in the meantime, please call Ms. Vicki Simmons, Policy Analyst, Governance and Quality Assurance Branch at (250) 356-2067.

Yours truly,


Valarie Bakowski, Executive Director
Governance and Quality Assurance Branch

Accepted this _____ day of _____, 20__.

Signature of the Expert Reviewer

Reference No. C13TWU18P3

February 4, 2013

Professor Jeffrey Berryman

S22

Dear Professor Berryman:

The Degree Authorization Act provides a mechanism for private and out-of-province public institutions to apply for Ministerial consent to offer degree programs, grant degrees, and use the word "university" in their name in British Columbia. Under the Act, private post-secondary institutions and public post-secondary institutions from other jurisdictions will be required to undergo a quality assessment process in order to obtain Ministerial consent. Although the Degree Authorization Act does not apply to British Columbia public post-secondary institutions, the Ministry requires proposals from these institutions to undergo the same quality assessment process to obtain Ministerial approval. The Degree Quality Assessment Board ("the Board") oversees the degree quality assessment process, reviews applications and other materials and provides recommendations to the Minister.

As part of the of the degree quality assessment process, we are pleased that you have agreed to provide services as a member of the Degree Program Review Panel ("the Panel") for the assessment of Trinity Western University (TWU) regarding the institution's application 1213TWU0018 for consent to offer a Juris Doctor degree program (attached as Schedule A).

Duties and Terms of Compensation:

1. The purpose of the Panel is to undertake a review of TWU's proposal based on the Degree Program Review Criteria (attached as Schedule B), and provide an opinion and/or recommendations to the Chair of the Board using the format provided for in the Quality Assessment Report Workbook ("report workbook") (attached as Schedule C).

As a member of the Panel you will:

- 1) Undertake the review pursuant to the criteria set out in the Degree Program Review Criteria;
- 2) Cooperate with any other person assigned to the Panel by the Board;
- 3) Participate in a site visit if the Board requires one;
- 4) Participate in a discussion about the report with the Board and with anyone the Board determines should be part of the discussion, and in a manner and time that the Board reasonably determines.

The Panel will consist of four other panel members. Their names and contact information are attached as Schedule D.

The Chair of the Panel will provide the following services:

- 1) Plan the activities of the Panel, assign tasks and monitor the progress of each member, in consultation with the other members of the Panel;
 - 2) Assign the responsibilities of the site visit, if the Board requires one, in consultation with other members of the Panel; and,
 - 3) Draft the report based on the Degree Program Review Criteria using information collected by the Panel during its assessment of the proposal, and submit the report workbook to the Board by **April 16, 2013**.
2. You must avoid any conflict of interest that might impair or impugn the independence, integrity or impartiality of the Board. You must approach the review with a broad outlook and open mind. There must be no apprehension of bias, based on what a reasonable person might perceive or is in contravention of the Conflict of Interest and Confidentiality Policy for Board Members and External Experts (attached as Schedule E).
 3. We will provide compensation in the amount of \$1 000.00 per review provided you satisfactorily participate in the Panel and provide information and recommendations to the Board through the report.
 4. You will be reimbursed for expenses up to a maximum of \$1 500.00 as follows:
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pay you that portion of the fees and expenses described above which equals the portion of Services that was completed to our satisfaction before termination.

9. You agree to treat as confidential all information and material to which access is given, or which is acquired, before, as well as after, the review is complete.
10. You agree to return to the institution all confidential information and material to which access is given, or which is acquired during the review.
11. You agree that all rights to any findings, conclusions or recommendations become the property of the Province of British Columbia and that all material produced during the review is confidential and is not to be disclosed without our prior written consent, except as required to perform your obligations under this Agreement, or to comply with applicable law, or if it is information that is generally known to the public other than as a result of a breach of this Agreement.
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Victoria, British Columbia V8W 9H8
Fax: (250) 387-3750

If you have any questions in the meantime, please call Ms. Vicki Simmons, Policy Analyst, Governance and Quality Assurance Branch at (250) 356-2067.

Yours truly,


Valarie Bakowski, Executive Director
Governance and Quality Assurance Branch

Accepted this _____ day of _____, 20__.

Signature of the Expert Reviewer

Reference No. C13TWU18P4

February 4, 2013

Professor Bernard L. Adell
Faculty of Law
Queen's University
Kingston ON K7L 3N6

Dear Professor Adell:

The Degree Authorization Act provides a mechanism for private and out-of-province public institutions to apply for Ministerial consent to offer degree programs, grant degrees, and use the word "university" in their name in British Columbia. Under the Act, private post-secondary institutions and public post-secondary institutions from other jurisdictions will be required to undergo a quality assessment process in order to obtain Ministerial consent. Although the Degree Authorization Act does not apply to British Columbia public post-secondary institutions, the Ministry requires proposals from these institutions to undergo the same quality assessment process to obtain Ministerial approval. The Degree Quality Assessment Board ("the Board") oversees the degree quality assessment process, reviews applications and other materials and provides recommendations to the Minister.

As part of the of the degree quality assessment process, we are pleased that you have agreed to provide services as a member of the Degree Program Review Panel ("the Panel") for the assessment of Trinity Western University (TWU) regarding the institution's application 1213TWU0018 for consent to offer a Juris Doctor degree program (attached as Schedule A).

Duties and Terms of Compensation:

1. The purpose of the Panel is to undertake a review of TWU's proposal based on the Degree Program Review Criteria (attached as Schedule B), and provide an opinion and/or recommendations to the Chair of the Board using the format provided for in the Quality Assessment Report Workbook ("report workbook") (attached as Schedule C).

As a member of the Panel you will:

- 1) Undertake the review pursuant to the criteria set out in the Degree Program Review Criteria;
- 2) Cooperate with any other person assigned to the Panel by the Board;
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The Panel will consist of four other panel members. Their names and contact information are attached as Schedule D.

The Chair of the Panel will provide the following services:

- 1) Plan the activities of the Panel, assign tasks and monitor the progress of each member, in consultation with the other members of the Panel;
 - 2) Assign the responsibilities of the site visit, if the Board requires one, in consultation with other members of the Panel; and,
 - 3) Draft the report based on the Degree Program Review Criteria using information collected by the Panel during its assessment of the proposal, and submit the report workbook to the Board by **April 16, 2013**.
2. You must avoid any conflict of interest that might impair or impugn the independence, integrity or impartiality of the Board. You must approach the review with a broad outlook and open mind. There must be no apprehension of bias, based on what a reasonable person might perceive or is in contravention of the Conflict of Interest and Confidentiality Policy for Board Members and External Experts (attached as Schedule E).
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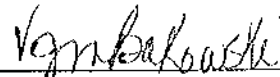
pay you that portion of the fees and expenses described above which equals the portion of Services that was completed to our satisfaction before termination.

9. You agree to treat as confidential all information and material to which access is given, or which is acquired, before, as well as after, the review is complete.
10. You agree to return to the institution all confidential information and material to which access is given, or which is acquired during the review.
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Victoria, British Columbia V8W 9H8
Fax: (250) 387-3750

If you have any questions in the meantime, please call Ms. Vicki Simmons, Policy Analyst, Governance and Quality Assurance Branch at (250) 356-2067.

Yours truly,


Valarie Bakowski, Executive Director
Governance and Quality Assurance Branch

Accepted this _____ day of _____, 20__.

Signature of the Expert Reviewer

Reference No. C13TWU18P5

February 4, 2013

Ms. Anne N. Pappas

S22

Dear Ms. Pappas:

The Degree Authorization Act provides a mechanism for private and out-of-province public institutions to apply for Ministerial consent to offer degree programs, grant degrees, and use the word "university" in their name in British Columbia. Under the Act, private post-secondary institutions and public post-secondary institutions from other jurisdictions will be required to undergo a quality assessment process in order to obtain Ministerial consent. Although the Degree Authorization Act does not apply to British Columbia public post-secondary institutions, the Ministry requires proposals from these institutions to undergo the same quality assessment process to obtain Ministerial approval. The Degree Quality Assessment Board ("the Board") oversees the degree quality assessment process, reviews applications and other materials and provides recommendations to the Minister.

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Duties and Terms of Compensation:

1. The purpose of the Panel is to undertake a review of TWU's proposal based on the Degree Program Review Criteria (attached as Schedule B), and provide an opinion and/or recommendations to the Chair of the Board using the format provided for in the Quality Assessment Report Workbook ("report workbook") (attached as Schedule C).

As a member of the Panel you will:

- 1) Undertake the review pursuant to the criteria set out in the Degree Program Review Criteria;
- 2) Cooperate with any other person assigned to the Panel by the Board;
- 3) Participate in a site visit if the Board requires one;
- 4) Participate in a discussion about the report with the Board and with anyone the Board determines should be part of the discussion, and in a manner and time that the Board reasonably determines.

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The Chair of the Panel will provide the following services:

- 1) Plan the activities of the Panel, assign tasks and monitor the progress of each member, in consultation with the other members of the Panel;
 - 2) Assign the responsibilities of the site visit, if the Board requires one, in consultation with other members of the Panel; and,
 - 3) Draft the report based on the Degree Program Review Criteria using information collected by the Panel during its assessment of the proposal, and submit the report workbook to the Board by **April 16, 2013**.
2. You must avoid any conflict of interest that might impair or impugn the independence, integrity or impartiality of the Board. You must approach the review with a broad outlook and open mind. There must be no apprehension of bias, based on what a reasonable person might perceive or is in contravention of the Conflict of Interest and Confidentiality Policy for Board Members and External Experts (attached as Schedule E).
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 5. All original receipts and vouchers must be submitted for reimbursement. **NO REIMBURSEMENT WILL BE MADE WITHOUT ORIGINAL RECEIPTS.**
 6. Notwithstanding paragraphs 3 through 5, in no event will the total amount payable to you exceed, in total, \$2 100.00.
 7. If the terms and conditions of this letter are successfully met, we will provide your compensation and expense reimbursement within 31 days of receipt of a properly completed claim form (Attachment 2), complete with applicable receipts.
 8. We may terminate the Agreement for any reason on giving three days notice to you. If we do so for any reason other than your failure to comply with this Agreement, we must

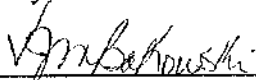
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9. You agree to treat as confidential all information and material to which access is given, or which is acquired, before, as well as after, the review is complete.
10. You agree to return to the institution all confidential information and material to which access is given, or which is acquired during the review.
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Victoria, British Columbia V8W 9H8
Fax: (250) 387-3750

If you have any questions in the meantime, please call Ms. Vicki Simmons, Policy Analyst, Governance and Quality Assurance Branch at (250) 356-2067.

Yours truly,



Valarie Bakowski, Executive Director
Governance and Quality Assurance Branch

Accepted this _____ day of _____, 20__.

Signature of the Expert Reviewer



THE PROVINCE OF BRITISH COLUMBIA

**MINISTRY OF ADVANCED EDUCATION,
INNOVATION AND TECHNOLOGY**

LETTER OF INTRODUCTION

February 4, 2013

To: All Government Vendors

This letter is to introduce and inform all authorized Province of British Columbia travel industry suppliers that **Professor David R. Percy** is a cost recoverable contractor to the Ministry of Advanced Education, Innovation and Technology, Governance and Quality Assurance Branch.

The Contractor is permitted access to provincial government rates allowed all regular government employees for the term of the contract which is from **February 4, 2013** to **April 16, 2013** while on government business only.

Vehicle rental agencies should note that all conditions of the Government of British Columbia Corporate Supply Arrangements (CSAs) apply with the exception of Personal Injury Insurance (PII or PAI) and Collision or Loss Damage Waivers (CDW or LDW). Purchase of this coverage voids the CSA arrangement and this not a reimbursable cost to the Contractor.

Should you require verification of this letter, please contact me at (250) 387-6298.

Dorothy Rogers
Contract Manager



THE PROVINCE OF BRITISH COLUMBIA

MINISTRY OF ADVANCED EDUCATION,
INNOVATION AND TECHNOLOGY

LETTER OF INTRODUCTION

February 4, 2013

To: All Government Vendors

This letter is to introduce and inform all authorized Province of British Columbia travel industry suppliers that **Professor Joost Blom** is a cost recoverable contractor to the Ministry of Advanced Education, Innovation and Technology, Governance and Quality Assurance Branch.

The Contractor is permitted access to provincial government rates allowed all regular government employees for the term of the contract which is from **February 4, 2013 to April 16, 2013** while on government business only.

Vehicle rental agencies should note that all conditions of the Government of British Columbia Corporate Supply Arrangements (CSAs) apply with the exception of Personal Injury Insurance (PII or PAI) and Collision or Loss Damage Waivers (CDW or LDW). Purchase of this coverage voids the CSA arrangement and this not a reimbursable cost to the Contractor.

Should you require verification of this letter, please contact me at (250) 387-6298.

Dorothy Rogers
Contract Manager



THE PROVINCE OF BRITISH COLUMBIA

MINISTRY OF ADVANCED EDUCATION,
INNOVATION AND TECHNOLOGY

LETTER OF INTRODUCTION

February 4, 2013

To: All Government Vendors

This letter is to introduce and inform all authorized Province of British Columbia travel industry suppliers that **Professor Jeffrey Berryman** is a cost recoverable contractor to the Ministry of Advanced Education, Innovation and Technology, Governance and Quality Assurance Branch.

The Contractor is permitted access to provincial government rates allowed all regular government employees for the term of the contract which is from **February 4, 2013 to April 16, 2013** while on government business only.

Vehicle rental agencies should note that all conditions of the Government of British Columbia Corporate Supply Arrangements (CSAs) apply with the exception of Personal Injury Insurance (PII or PAI) and Collision or Loss Damage Waivers (CDW or LDW). Purchase of this coverage voids the CSA arrangement and this not a reimbursable cost to the Contractor.

Should you require verification of this letter, please contact me at (250) 387-6298.

Dorothy Rogers
Contract Manager



THE PROVINCE OF BRITISH COLUMBIA

**MINISTRY OF ADVANCED EDUCATION,
INNOVATION AND TECHNOLOGY**

LETTER OF INTRODUCTION

February 4, 2013

To: All Government Vendors

This letter is to introduce and inform all authorized Province of British Columbia travel industry suppliers that **Professor Bernard L. Adell** is a cost recoverable contractor to the Ministry of Advanced Education, Innovation and Technology, Governance and Quality Assurance Branch.

The Contractor is permitted access to provincial government rates allowed all regular government employees for the term of the contract which is from **February 4, 2013 to April 16, 2013** while on government business only.

Vehicle rental agencies should note that all conditions of the Government of British Columbia Corporate Supply Arrangements (CSAs) apply with the exception of Personal Injury Insurance (PII or PAI) and Collision or Loss Damage Waivers (CDW or LDW). Purchase of this coverage voids the CSA arrangement and this not a reimbursable cost to the Contractor.

Should you require verification of this letter, please contact me at (250) 387-6298.

Dorothy Rogers
Contract Manager



THE PROVINCE OF BRITISH COLUMBIA

**MINISTRY OF ADVANCED EDUCATION,
INNOVATION AND TECHNOLOGY**

LETTER OF INTRODUCTION

February 4, 2013

To: All Government Vendors

This letter is to introduce and inform all authorized Province of British Columbia travel industry suppliers that **Ms. Anne N. Pappas** is a cost recoverable contractor to the Ministry of Advanced Education, Innovation and Technology, Governance and Quality Assurance Branch.

The Contractor is permitted access to provincial government rates allowed all regular government employees for the term of the contract which is from **February 4, 2013 to April 16, 2013** while on government business only.

Vehicle rental agencies should note that all conditions of the Government of British Columbia Corporate Supply Arrangements (CSAs) apply with the exception of Personal Injury Insurance (PII or PAI) and Collision or Loss Damage Waivers (CDW or LDW). Purchase of this coverage voids the CSA arrangement and this not a reimbursable cost to the Contractor.

Should you require verification of this letter, please contact me at (250) 387-6298.


Dorothy Rogers
Contract Manager



Ministry of Advanced Education,
Innovation and Technology

INVOICE

IN ACCOUNT WITH

INVOICE NO. C13TWU1811

Trinity Western University
7600 Glover Rd
Langley BC V2Y 1Y1

Date: February 4, 2013

Re:

**Degree Program Review by an external expert panel
regarding an application for Ministerial consent to offer a
Juris Doctor degree program.**

Fee Type - 5 Expert Reviewers

1 Chair - \$1,500 per review

4 Panel Members - \$1,000 each per review

\$ 1,500.00

\$ 4,000.00

Estimated Expenses

\$ 5,450.00

Total \$ 10,950.00

Please make the cheque in Canadian dollars payable to:

Minister of Finance

Addressed to:

**Degree Quality Assessment Board Secretariat
c/o Governance and Quality Assurance Branch
Ministry of Advanced Education, Innovation and Technology**

Mailing Address:

**P.O.BOX 9177, STN PROV GOVT
Victoria, British Columbia
V8W 9T6**

Physical Address for Courier:

**3rd Floor, 835 Humboldt St.
Victoria, British Columbia
V8V 4W8**



Ministry of Advanced Education,
Innovation and Technology

Our Ref. C13TWU1811

This Agreement, dated for reference the 4th day of February 2013.

BETWEEN:

HER MAJESTY OF THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA represented by the

Ministry of Advanced Education, Innovation and Technology at the following address:
("AEIT")

The Degree Quality Assessment Board Secretariat
c/o Governance and Quality Assurance Branch
P.O. Box 9177 STN PROV GOVT
Victoria, British Columbia V8W 9H8

Contact Person: Valarie Bakowski, Executive Director
Telephone number: (250) 356-5406
Fax: (250) 387-3750
E-mail: DQABsecretariat@gov.bc.ca

AND

Trinity Western University at the following address:
("the Institution")

Trinity Western University
7600 Glover Rd
Langley BC V2Y 1Y1

Contact Person: Dr. Elsie Froment
Telephone number: 604-888-7511 or 604-513-2121 (Ext 3615)
Facsimile: 604-513-2047
E-mail: elsie.froment@twu.ca

Definitions:

“AEIT” means the Ministry of Advanced Education, Innovation and Technology, Government of British Columbia.

“the Board” means the Degree Quality Assessment Board established by the Minister.

“the Chair” means the Chair or Lead Member of an Expert Review Panel, appointed by the Board.

“Expert Review Panel” means an individual or team of experts appointed by the Board to assess an institution’s proposal.

“the Institution” means an institution seeking approval or consent to grant a degree, to offer or advertise a degree program, to use the word “university”, or to receive “exempt status” from the requirement of a Board review for subsequent degree program proposals.

“the Minister” means the Minister of Advanced Education, Innovation and Technology and Minister for Multiculturalism for the Province of British Columbia.

“Panel Member” means an expert, other than the Chair, appointed to an expert review panel.

“report” means a report submitted to the Board, a copy of which is provided to the Institution by the Chair of an expert review panel, at the conclusion of the expert review panel’s assessment.

“the Secretariat” means the Secretariat to the Degree Quality Assessment Board, Governance and Quality Assurance Branch, Ministry of Advanced Education, Innovation and Technology.

“site visit” means an assessment of an Institution’s physical, financial, learning and human resources, by the expert review panel who visit the Institution.

General Terms:

1. The parties to this agreement are: The Province of British Columbia as represented by the Minister of Advanced Education, Innovation and Technology and acting through the Board, and the Institution named above.
2. This agreement is regarding an expert review panel of the institution’s application 1213TWU0018 for Ministerial consent for consent to offer a Juris Doctor degree.

3. Both parties affirm that the terms of this Agreement are contained herein.

Institution's Responsibilities:

4. The Institution agrees to permit the Chair and any other member of the expert review panel to complete a site visit if the Board requires one.
5. The Institution agrees to allow students, faculty and staff to answer questions asked in connection with a quality assessment review.
6. The Institution agrees to provide the Chair and any other member of the expert review panel with the information and access they need to conduct an expert review.
7. The Institution agrees to submit to a new assessment, at the institution's expense, including a site visit by a new expert review panel, if the Board finds a reasonable possibility of a conflict of interest between the Institution and any member of the expert review panel, or the Board is otherwise dissatisfied with the assessment.
8. The Institution agrees that AEIT owns the report and any written submission made on behalf of the Institution, in response to the report.
9. The Institution agrees that the report, and any written submission made on behalf of the Institution is confidential and will not permit its disclosure without the Province's prior written consent, except as required by applicable law.
10. The Institution agrees to pay \$10 950.00 prior to the start of the expert review. The fee is an estimate of the actual cost of the expert review based on the following:
 - a. External Expert Honoraria:
 - Chair/Lead member: \$1 500 per review;
 - Panel member: \$1 000 per review;
 - Panel member: \$1 000 per review;
 - b. Travel, meals and accommodation, at government category 2 rates plus printing, copying charges and other identifiable business communication expenses estimated to be \$5 450.00.
11. The Institution agrees to pay the expenses of the experts incurred that are over the amount paid in Section 10 (b).

12. AEIT will refund the difference, if any, between the funds collected prior to the expert review and the actual cost of the expert review that is over \$20.00.
13. The Institution agrees that should it withdraw its application during the review process, the Institution may not be eligible for a refund.

AEIT's Responsibilities:

14. The Board agrees to provide the Institution with a copy of the written report.
15. The Board will provide the Institution with ten business days to respond in writing to the expert report before completing its review of the Institution's proposal.
16. The Board will use the report and any written response to the report from the Institution, as part of its assessment of the Institution's proposal.
17. The Board may use information from the report or from an Institution's written response to the report, as part of its determination leading to the Board's recommendation to the Minister.

In the parties hereto have executed the Agreement on the day and year as set out above.

SIGNED AND DELIVERED on the
_____ day of _____,
_____ on behalf of the Province
by its duly authorized representative.

Signature: _____

Name: _____

SIGNED AND DELIVERED on the
_____ day of _____,
_____ by or on behalf of the
Institution.

Signature: _____

Name: _____

Degree Quality Assessment Board – Expert Reviewer
Reference No. Expert Reviewer Contract #C13TWU18P1

S22

CERTIFIED THIS IS A TRUE STATEMENT OF DISBURSEMENTS MADE AND/OR ALLOWANCES TO WHICH I AM ENTITLED AS DETAILED HEREIN AND THAT I HAVE NOT BEEN AND WILL NOT BE REIMBURSED FOR THEM BY ANY OTHER PARTY.

SIGNATURE: _____ DATE _____

FISCAL YEAR:	2012/13
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HEADQUARTERS (CITY):

[illegible]

* IF AIR COST IS DIRECT BILLED, PLEASE INDICATE (DO NOT INCLUDE DOLLAR AMOUNT)

DESCRIPTION	AMOUNT	TOTAL	
Degree Program Review of Trinity Western University's proposal to offer a Juris Doctor degree.		1500	00
		1500	00

FOR MINISTRY USE ONLY:	PROJECT NUMBER							VOTE			RESPONSIBILITY					SERVICE LINE					STOB				SUPPLIER #				AMOUNT	
OIC #:	1	1	0	1	0	0	2		0	0	9	1	1	1	1	0	1	8	2	0	0	6	0	0	3					
	1	1	0	1	0	0	2		0	0	9	1	1	1	1	0	1	8	2	0	0	6	0	0	4					
	LESS ADVANCE																										()			
DATE	SPENDING AUTHORITY SIGNATURE - CERTIFIED CORRECT PURSUANT TO SECTIONS 32 & 33 OF THE FINANCIAL ADMINISTRATION ACT AND RELATED POLICIES. OR: Vicki Simmons																											TOTAL		

OR: Vicki Simmons

Reference No. Expert Reviewer Contract #C13TWU18P2

SIGNATURE: _____ DATE _____

2012/13

HEADQUARTERS (CITY):

DATE		DEPARTURE AND DESTINATION CITIES, MODE OF TRANSPORTATION	PERSONAL CAR USE: RATE X KMS			FERRY/AIR * BUS/TAXI		MEALS			MEAL ALLOWANCE		ACCOMMODATION		MISCELLANEOUS				DAILY			
MM	DD		RATE: ... \$0.50			COST		B	L	D	COST		COST		COST		DESCRIPTION		TOTAL			
			KMS	COST																		
																			TOTAL TRAVEL REIMBURSEMENT			

* IF AIR COST IS DIRECT BILLED, PLEASE INDICATE (DO NOT INCLUDE DOLLAR AMOUNT)

DESCRIPTION	AMOUNT	TOTAL	
Degree Program Review of Trinity Western University's proposal to offer a Juris Doctor degree.		1000	00
		1000	00

FOR MINISTRY USE ONLY:	PROJECT NUMBER							VOTE			RESPONSIBILITY					SERVICE LINE				STOB				SUPPLIER #				AMOUNT	
OIC #:	1	1	0	1	0	0	2		0	0	9	1	1	1	1	0	1	8	2	0	0	6	0	0	3				
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	LESS ADVANCE																										(.)		
DATE	SPENDING AUTHORITY SIGNATURE - CERTIFIED CORRECT PURSUANT TO SECTIONS 32 & 33 OF THE FINANCIAL ADMINISTRATION ACT AND RELATED POLICIES																							TOTAL					
	OR: Vicki Simmons																												

Reference No. Expert Reviewer Contract #C13TWU18P3

S22

CERTIFIED THIS IS A TRUE STATEMENT OF DISBURSEMENTS MADE AND/OR ALLOWANCES TO WHICH I AM ENTITLED AS
DETAILED HEREIN AND THAT I HAVE NOT BEEN AND WILL NOT BE REIMBURSED FOR THEM BY ANY OTHER PARTY.

SIGNATURE: _____ DATE _____

2012/13

HEADQUARTERS (CITY):

DATE		DEPARTURE AND DESTINATION CITIES.	PERSONAL CAR USE.			FERRY/AIR * BUS/TAXI		MEALS			MEAL ALLOWANCE		ACCOMMODATION		MISCELLANEOUS			DAILY	
MM	DD		RATE X KMs			COST		B	L	D	COST		COST		COST		TOTAL		
		MODE OF TRANSPORTATION	RATE	\$0.50															
			KMs	COST															
TOTAL TRAVEL REIMBURSEMENT																			

* IF AIR COST IS DIRECT BILLED, PLEASE INDICATE (DO NOT INCLUDE DOLLAR AMOUNT)

REMUNERATION

DESCRIPTION	AMOUNT	TOTAL	
Degree Program Review of Trinity Western University's proposal to offer a Juris Doctor degree.		1000	00
		1000	00

FOR MINISTRY USE ONLY:	PROJECT NUMBER							VOTE			RESPONSIBILITY					SERVICE LINE				STOB				SUPPLIER #		AMOUNT			
OIC #:	1	1	0	1	0	0	2		0	0	9	1	1	1	1	0	1	8	2	0	0	6	0	0	3				
	1	1	0	1	0	0	2		0	0	9	1	1	1	1	0	1	8	2	0	0	6	0	0	4				
	LESS ADVANCE																									()		
DATE	SPENDING AUTHORITY SIGNATURE - CERTIFIED CORRECT PURSUANT TO SECTIONS 32 & 33 OF THE FINANCIAL ADMINISTRATION ACT AND RELATED POLICIES																											TOTAL	
	OR: Vicki Simmons																												

Reference No. Expert Reviewer Contract #C13TWU18P4

CERTIFIED THIS IS A TRUE STATEMENT OF DISBURSEMENTS MADE AND/OR ALLOWANCES TO WHICH I AM ENTITLED AS DETAILED HEREIN AND THAT I HAVE NOT BEEN AND WILL NOT BE REDMBURSED FOR THEM BY ANY OTHER PARTY

SIGNATURE: _____ DATE _____

2012/13

HEADQUARTERS (CITY):

DATE		DEPARTURE AND DESTINATION CITIES, MODE OF TRANSPORTATION	PERSONAL CAR USE RATE N KMS RATE — 50.50 KMS COST			FERRY/AIR * BUS/TAXI COST		MEALS B L D			MEAL ALLOWANCE COST		ACCOMMODATION COST		MISCELLANEOUS COST DESCRIPTION				DAILY TOTAL	
MM	DD							B	L	D										
TOTAL TRAVEL REIMBURSEMENT																				

* IF AIR COST IS DIRECT BILLED, PLEASE INDICATE (DO NOT INCLUDE DOLLAR AMOUNT)

DESCRIPTION	AMOUNT	TOTAL	
Degree Program Review of Trinity Western University's proposal to offer a Juris Doctor degree.		1000	00
		1000	00

FOR MINISTRY USE ONLY:	PROJECT NUMBER							VOTE			RESPONSIBILITY					SERVICE LINE				STOB				SUPPLIER #		AMOUNT	
OIC #:	1	1	0	1	0	0	2		0	0	9	1	1	1	1	0	1	8	2	0	0	6	0	0	3		
	1	1	0	1	0	0	2		0	0	9	1	1	1	1	0	1	8	2	0	0	6	0	0	4		
	LESS ADVANCE																									()
DATE	SPENDING AUTHORITY SIGNATURE - CERTIFIED CORRECT PURSUANT TO SECTIONS 32 & 33 OF THE FINANCIAL ADMINISTRATION ACT AND RELATED POLICIES.																							TOTAL			
	OR: Vicki Simmons																										

Degree Quality Assessment Board – Expert Reviewer
Reference No. Expert Reviewer Contract #C13TWU18P5

S22

CERTIFIED THIS IS A TRUE STATEMENT OF DISBURSEMENTS MADE AND/OR ALLOWANCES TO WHICH I AM ENTITLED AS
DETAILED HEREIN AND THAT I HAVE NOT BEEN AND WILL NOT BE REIMBURSED FOR THEM BY ANY OTHER PARTY

SIGNATURE: _____ DATE _____

FISCAL YEAR:	2012/13
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HEADQUARTERS (CITY):

DATE		DEPARTURE AND DESTINATION CITIES, MODE OF TRANSPORTATION	PERSONAL CAR USE: RATE X KMs RATE \$0.50 KMs COST			FERRY/AIR * BUS/TAXI COST		MEALS B L D			MEAL ALLOWANCE COST		ACCOMMODATION COST		MISCELLANEOUS COST DESCRIPTION				DAILY TOTAL	
MM	DD							B	L	D										
TOTAL TRAVEL REIMBURSEMENT																				

* IF AIR COST IS DIRECT BILLED, PLEASE INDICATE (DO NOT INCLUDE DOLLAR AMOUNT)

* IF AIR COST IS DIRECT BILLED, PLEASE INDICATE (DO NOT INCLUDE DOLLAR AMOUNT)

REMUNERATION

RECOMPENSE		TOTAL	
DESCRIPTION	AMOUNT		
Degree Program Review of Trinity Western University's proposal to offer a Juris Doctor degree.		1000	00
		1000	00

FOR MINISTRY USE ONLY:	PROJECT NUMBER							VOTE			RESPONSIBILITY					SERVICE LINE					STOB				SUPPLIER #		AMOUNT	
OIC #:	1	1	0	1	0	0	2		0	0	9	1	1	1	1	0	1	8	2	0	0	6	0	0	3			
	1	1	0	1	0	0	2		0	0	9	1	1	1	1	0	1	8	2	0	0	6	0	0	4			
	LESS ADVANCE																									()	
DATE	SPENDING AUTHORITY SIGNATURE - CERTIFIED CORRECT PURSUANT TO SECTIONS 32 & 33 OF THE FINANCIAL ADMINISTRATION ACT AND RELATED POLICIES.																									TOTAL		
	OR: Vicki Simmons																											

Schedule D
Contact Information

Trinity Western University
Juris Doctor

Panel members:

Professor David R. Percy, Chair
E-mail: dpercy@law.ualberta.ca
Telephone: 780-492-5537

Professor Joost Blom
E-mail: blom@law.ubc.ca
Telephone: 604-822-4564

Professor Jeffrey Berryman
Email: jberryman@uwindsor.ca
Telephone: 519-253-3000 x 2965

Professor Bernard L. Adell
Email: bernard.adell@queensu.ca
Telephone: 613-533-6000 x 74256

Ms. Anne N. Pappas
Email: apappas@tru.ca
Telephone: zzs

DEGREE PROGRAM REVIEW

Quality Assessment Report Workbook

Institution: Trinity Western University

Proposed Program: Juris Doctor

Quality Assessment Review Panel Member(s):

Professor David R. Percy (Chair)

Professor Bernard L. Adell

Professor Jeffrey Berryman

Professor Joost Blom

Professor Anne N. Pappas

Date: April 17, 2013

CONFIDENTIAL

All rights to any findings, conclusions or recommendations in this report workbook are the property of the Province of British Columbia and are **not to be disclosed without receiving prior written consent** from the Ministry of Advanced Education, Innovation and Technology.

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Overall Assessment

Program Information:

Applicant **Trinity Western University**

Proposed Program Name: Juris Doctor

Assessment Summary Table:

Standard	Fails	Meets	Conditional
1. Executive Summary	N/A	N/A	N/A
2. Degree Level Standard		x	
3. Credential Recognition and Nomenclature		x	
4. Curriculum/Program Content			x
5. Learning Methodologies/ Program Delivery			x
6. Admission and Transfer/Residency		x	
7. Faculty			x
8. Program Resources			x
9. Program Consultation			x
10. Program Review and Assessment		x	

Overall Assessment:

Following its assessment of the proposed program, the Quality Assessment Panel has determined that the proposed program

_____ fails to meet the Degree Program Review Criteria and Standards
 _____ meets or exceeds the Degree Program Review Criteria and standards
 _____ x _____ meets the Degree Program Review Criteria and Standards, on the condition that
 the following required actions are undertaken:

Rationale for Determination:

The proposed program would meet the Criteria and Standards, subject to TWU satisfying the DOAB that it has met the following conditions set out in this report:

- 3 conditions relating to Curriculum, as set out in Part 4 of this report.
- 2 conditions relating to Learning Methodologies, as set out in Part 5 of this report.
- 1 condition relating to Faculty, as set out in Part 7 of this report.
- 4 conditions relating to Program Resources, as set out in Part 8 of this report.
- 1 condition relating to Consultation, as set out in Part 9 of this report.

Signed:

Chair of the Quality Assessment Panel:

David R. Percy

(Signature)

April 17, 2013

David R. Percy, Q.C.
(Printed Name)

Quality Assessment Panel Members:

Professor Bernard L. Adell
Professor Jeffrey Berryman
Professor Joost Blom
Professor Anne N. Pappas

approvals via email
(Signature)

April 17, 2013

Standards Assessment Worksheets

1. Executive Summary

The Executive Summary presents, in a succinct manner, the purpose of the proposal and a summary of the key objectives and outcomes of the proposed degree program.

2. Degree Level Standard

Standard

The institution must demonstrate that the proposed program meets or exceeds the proposed degree level standard (refer to Appendix).

Determination of Quality Assessment Panel

The Applicant:

- ☐ fails to meet this standard
☐ meets or exceeds this standard
☒ meets this standard provided that the following requirements are addressed:

Rationale for Determination:

Criteria for Assessing Satisfaction of Degree Level Standards

Criteria	Comment
The program meets or exceeds specified learning outcomes (see appendix) and the institution demonstrates how the program meets the standard.	The conditions attached to the panel's approval are those set out in Parts 4 and 5 of this report.

3. Credential Recognition and Nomenclature

Standard

The institution must demonstrate that the program's learning outcomes and standards are sufficiently clear and at a level that will facilitate recognition of the credential by other post-secondary institutions, professional and licensing bodies and employers. Where appropriate, the program, courses or curricular elements are designed to facilitate credential recognition by other post-secondary institutions and by employers, both within the province and other jurisdictions.

The name of a degree should convey long-term meaning; the content of a degree program should be consistent with the name; and the reputation of the institution and of post-secondary education in British Columbia should be enhanced by the quality of the offering. Beyond that is the value to graduates of having a professional credential recognized by appropriate licensing and accrediting bodies as the basis for entry to practice.

Determination of Quality Assessment Panel

The Applicant:

- ☐ fails to meet this standard
☒ meets or exceeds this standard
☐ meets this standard on the condition that the following requirements are addressed:

Criteria for Assessing Satisfaction of Credential Recognition and Nomenclature Standard

Criteria	Comment
Evidence that the institution is making provisions for credential recognition and course transfer, and that the institution will advise students of any changes to credential recognition or course transfer in a timely manner.	The panel is satisfied that TWU would make such provisions.
Evidence that employers, relevant occupational and professional groups, regulatory bodies and other post-secondary institutions will recognize the credential and their assessment of whether the credential will contribute to the professional advancement of the graduate.	The panel has not made further consultation on these particular matters a condition of approval of the program, but asks the DQAB to note its comments in Part 9 below, under the heading "Consultation Going Forward".
For programs leading to profession that are subject to government regulation, the learning outcomes and standards and other requirements for graduation take into account the requirements of the relevant regulatory or professional body.	The panel asks the DQAB to note condition [1] in Part 5 of this report, with respect to degree level standards and learning outcomes.
There is an appropriate fit between the nomenclature of the credential and the content of the degree.	Satisfactory
Degree name is consistent with the Degree Quality Assessment Board's Guidelines on Naming of Degrees.	Satisfactory

4. Curriculum/Program Content

Standard

The management structures and methods of the program are well defined and permit delivery of the quality of education necessary for students to attain the learning outcomes. The institution must demonstrate that the program in both subject matter and learning outcome standards, offers an education of sufficient breadth and rigour to be comparable to similar programs at the proposed degree level offered by recognized provincial, national and international post-secondary institutions. The curriculum must be current and reflect the state of knowledge in the field, or fields in the case of interdisciplinary and multidisciplinary programs.

Determination of Quality Assessment Panel

The Applicant:

- ☐ fails to meet this standard
☐ meets or exceeds this standard
☒ meets this standard on the condition that the following requirements are addressed:

That TWU reconsider, in accordance with what we say below in the Rationale for Determination of this part of our report, whether what the proposal describes as the "turnkey" approach of the projected JD program is appropriate for an academic law faculty and is consistent with the true needs of the legal profession and the students who will be entering that profession. More specifically, we recommend:

[a] That TWU modify the proposal's approach to experiential learning in light of the suggestions set out in paragraphs [3] and [4] of the Rationale for Determination immediately below, in order to make that approach more effective.

[b] That TWU modify the proposal to bolster the theoretical aspects of the curriculum, in light of the suggestions set out in paragraph [5] of the Rationale for Determination immediately below, with a view to making a more sustained effort to help students come to grips with the social and political factors that have shaped the law in the past and are likely to shape it in the future.

Rationale for Determination:

[1] The program objectives identified in the Executive Summary of the proposal (at p. 6) are: to focus on professionalism, practice competence and high ethical standards; to integrate practical assignments; to emphasize leadership and character development; and to integrate a Christian worldview. We take these to be the features that the university regards as making its proposed program distinctive, rather than as being a complete summary of the objectives. The curriculum as described in the written materials does not set out in a comprehensive way what the overall learning objectives are.

[2] In its current form the curriculum proposal, in our assessment, has two general shortcomings. First, its stated objectives with respect to preparation for the practice of law seem to us to be overstated, and even if taken more modestly, very unlikely to be achieved with the curriculum and methods of delivery described. Second, the proposal says very little about the importance of an understanding of the theory of law.

[3] The written proposal makes considerable mention of practical skills, but is very unclear on what the learning objectives would be with respect to those skills. During our site visit, the university's representatives more than once emphasized that the program's goal was to produce "practice-ready graduates", and the proposal speaks (at p. 13) of graduates with "the basic turnkey skills and knowledge to be immediately useful in the regular transactions that occur in small and medium-sized firms." We find it difficult to take these as literally accurate statements of aspiration, but if they are indeed accurate, they are in our view misguided. For one thing, provincial law societies still require students to article for a year, or in Ontario (in a pilot project to begin in 2014-15), to complete a Law Practice Program. After law school, the appropriate level of readiness is bar-admission-course-ready, not fully practice-ready. (It is true that the American states, although they have bar examinations, do not have articling. However, we heard no suggestion that the proposal was drafted with U.S. practice in mind, or that any effort was made to adapt the program to the needs of practice in that country.)

[4] Parts of the proposed curriculum are stated as being designed to enable students to acquire practice skills through experiential learning (see p. 6 of the Executive Summary, point 2, under "How the Objectives Are Achieved"). However, the proposal is not clear on what is envisaged as genuinely experiential learning and what is to be just classroom lectures on practical matters. To the extent that experiential learning is to form part of the courses, TWU seems to us to underestimate seriously the time and resources that are needed to do a good job in this respect. Faculty are to be encouraged to integrate "practical assignments" into their courses, and two examples are given (which are stated as mandatory requirements, not as approaches to be encouraged). One of those examples is that "students must draft contracts" in the first year Contracts course. However, teaching legal drafting is notoriously difficult and time-intensive, and we are very doubtful that it can just be inserted as an exercise into a Contracts course. Teaching drafting well requires students to do multiple iterations of a document, and the instructor to give individual feedback each time. Even in a relatively small class of 30, this is a very laborious process, and we are very sceptical that it can be done at all effectively in a Contracts course or in any other first year course. The second example consists of a "walk through all the steps to incorporate a company" in the Business Organizations course. We do not see how this

could be a real skill-builder without much more hands-on instruction and feedback than the classroom format would allow. The three required practica, another feature that is highlighted in the proposal, largely lack specific content and objectives and also raise resource issues, as discussed below in paragraph [2] of the Rationale for Determination under Part 5 of this report.

One of the proposed first year courses, Introduction to Practice Skills and the Practice of Law (Law 508), is a compendium of twelve broad and unfocused topics (see the course outline in the Appendix to the proposal). Many of those topics (such as legal research, legal drafting, negotiation and problem solving) could simply not be taught to any reasonable level in the time available. This course, we were told, is planned to be taught by a practicing lawyer who would bring in other lawyers for particular parts of the course, a structure which makes a coherent educational experience additionally unlikely.

Although it is entirely legitimate for the proposed program to emphasize experiential learning, the concrete plans in this regard need to be substantially revised, both in terms of what the objectives of such learning are and in terms of the resources needed to achieve those objectives.

[5] Next, the more theoretical side of the curriculum. Perhaps because of the proposal's commitment to a "turnkey" approach, this part of the curriculum is underdeveloped. Few courses are proposed that would require students to come to grips with divergent views on the nature of law and with how the law influences and is influenced by other social and political institutions, some understanding of which is needed if students are to be able to adapt to ever-accelerating changes in the "black letter law". Only the compulsory upper-year Jurisprudence course seems to be designed to that end, and most Canadian law schools recognized long ago that a compulsory course in that area was not a sufficient or even a particularly effective way of attaining it.

The detailed course outlines in the Appendix to the proposal do make frequent mention of critical reflection or critical assessment, but more attention needs to be paid to how students are to be equipped to engage in such critical reflection and critical assessment. This is made particularly important, in our opinion, by the stated objective of "integrating a Christian worldview into all courses" (point 4 on p. 7 of the proposal's Executive Summary). A good understanding of law requires a clear sense of the wide range of political, social and moral ideas that have shaped the law and will shape it in the future. Whether or not a lawyer holds a Christian worldview, he or she must be able readily to understand and respect a diversity of worldviews, and respond to the needs and rights of people with all sorts of perspectives and experiences. Any JD program must make a sustained effort to give students the intellectual background that will help them deal with and effectively represent people and organizations with whose views they may profoundly disagree. TWU should be asked to work out and articulate much more clearly how the proposed program will do that. We cannot presume to recommend specifically how to go about it; existing Canadian law faculties take a wide range of approaches to it, but virtually all of them offer students more curricular opportunities in this regard than the TWU proposal does.

[6] We would add the observation that with nine compulsory upper year courses and two compulsory practica, the proposed program has a more rigid curriculum than any other Canadian JD or LLB program. For example, the proposal includes a compulsory upper year course in Practice Management, even though a considerable proportion of Canadian law school graduates do not go into the private practice of law and many of those who do will not have managerial responsibilities for quite some time. In addition, a review of the websites of existing Canadian law faculties indicates that nowhere else are full or partial courses in real estate transactions or wills mandatory. We understand that most practitioners

(even those in small centres and in sole practice) no longer do much work in those areas of law, and they do not serve as building blocks for understanding other areas of law (as tax law, for example, does). Conversely, the proposal calls for only one course, taught in the first year, covering both criminal law and criminal procedure, and for no optional courses in that field. In addition to its vast social significance, criminal law is of great importance to practitioners in small firms, perhaps especially in small centres. Most Canadian law schools devote a full compulsory course to substantive criminal law and offer a separate course in criminal procedure, as well as advanced courses in various aspects of that field. In our view, these are matters which TWU should consider, in furtherance of its stated aspiration to have a law faculty of high quality.

Criteria for Assessing Satisfaction of Curriculum/Program Content Standard

Criteria	Comment
Approval by the institution's senior academic governance body (i.e., Senate, Education Council, or equivalent), or an academic planning and priorities committee to which it has delegated authority and which has sufficient qualifications to ensure that the curriculum is current and reflects the state of knowledge in the field and the needs of the field in practice. If an external review is undertaken before submission of the degree proposal, the external review committee's report is included in an appendix.	The proposal was approved by TWU's Senate and Board of Governors in April 2012. A Curriculum Development Working Group formed in 2009 to prepare the proposal included two current members of the TWU Faculty (Dr. Janet Epp Buckingham and Professor Kevin Sawatsky), as well as Dr. Eugene Meehan (a practicing lawyer in Ottawa) and Dr. Donald Buckingham (a former law professor who is chair of the Canada Agricultural Review Tribunal in Ottawa). Two external reviews of the curriculum were solicited by TWU, from Albert Oosterhoff, Professor Emeritus of Law at Western Ontario, and Lyman Robinson, Professor Emeritus of Law at the University of Victoria. The curriculum plans were modified in some respects in response to these reviews, which are included in the appendices to the proposal.
Learning outcomes and standards for the program demonstrate how graduates will be prepared with a sound basis in theory, as well as the intellectual, communications and other skills necessary to be effective in the workplace upon graduation, and to remain current in their field.	We note above our serious reservations on major aspects of the program relating to legal theory, to the teaching of legal skills, and to the extent and configuration of compulsory courses in the upper years. In other respects, the proposed curriculum has many parallels to those in existing Canadian law schools.
Courses provide exposure to increasingly complex theory, and in programs with an applied or professional focus, the application of that theory to practice in the field.	We have commented above on the proposal's relative lack of focus on the theoretical side of the curriculum. The proposal provides little or no indication that students would be exposed to increasingly complex theoretical issues over the course of the program. In certain subject areas, the proposal does envisage a progression from basic to more complex and specialized subject matter, as existing Canadian law school curricula do.
The program has sufficient breadth (i.e. courses outside the professional or main field of studies, some of which are free	The program is at the narrow end of the spectrum of breadth of offerings seen in existing Canadian law schools. Required second and third year courses would make up about half of the

Criteria	Comment
electives) and/or an appropriate balance of professional and liberal studies.	upper year curriculum, which is more than at all or almost all existing Canadian schools. As we say above, we are of the view that both the extent and the configuration of the program's required upper year courses should be reconsidered.
Time allotments assigned to the program as a whole, and to components in the program, are appropriate to the stated learning outcomes.	In most respects, the time allotted to the various courses and subject areas in the proposed curriculum follows the basic pattern of Canadian undergraduate JD and LLB programs.
The type and frequency of evaluations of student learning are commensurate with the stated learning outcomes and provide appropriate information to students about their achievement levels.	The proposal does not specifically address evaluation of student learning. We were told that the expectation is that course work would generally be evaluated by conventional law school examinations, and that practical exercises or research papers might also be used to assess student performance. Subject to what we say in paragraph [2] of Part 5 below, we have no reason to think that the proposed evaluation methods would be inappropriate in terms of the standards applied or the feedback students received.
Levels of student achievement for successful course completion and the graduation requirements for the proposed program are appropriate to the learning outcome goals and degree level standard and allow for confirmation that a student is progressing normally through the program.	Subject to our comments above, the proposal seems to contemplate an appropriate level of achievement both at the course level and at the overall program level. It follows the standard Canadian law school curriculum pattern with respect to progression through the program, and we assume that student achievement would be assessed at a comparable level.
For degrees with in applied or professional focus -- work experiences, field placements etc., have appropriate articulated learning outcome goals and a method for joint instructor and employer evaluation leading to the assignment of a grade.	Our comments on the three practica, which are required law-related experiences in the proposed program, are set out in paragraph [2] of part 5 below.

5. Learning Methodologies/Program Delivery

Standard

Learning methodologies are the methods of delivery that will be used to achieve the desired learning outcomes at the degree level standard and at an acceptable level of quality. The institution must demonstrate that it has the expertise and resources to support the proposed method of delivery and ensure its effectiveness. In some cases, it may be more appropriate for the institution to demonstrate that it has a realistic plan to put the necessary expertise and resources in place.

Determination of Quality Assessment Panel

The Applicant:

- _____ fails to meet this standard
_____ meets or exceeds this standard
 x meets this standard on the condition that the following requirements are addressed:

- [1] That TWU set out degree level standards for the proposed program, and learning objectives mapped to those degree level standards.
- [2] Subject to what we say in Part 7 below', that 'TWU provide a plan (with timelines) for hiring faculty and administrative support, and that it set milestones in terms of preparedness to handle the student admission and registration processes, course management, and other important administrative matters discussed in Part 8 below, under Staffing and Student/Learning Resources.

Rationale for Determination:

- [1] The Ministry's guidelines for review outline six dimensions: depth and breadth of knowledge, knowledge of methodologies, application of knowledge, communication skills, awareness of limits of knowledge, and professional capacity/autonomy. While the proposal contains some evidence that those criteria were considered (i.e., some overall objectives are set out at page 14 of the proposal, and specific course objectives under each course), it does not focus on the specific dimensions set out in the Ministry's guidelines or address the specific learning outcomes for the program. Learning outcomes describe what it is that a graduate will know, value, and be able to do following completion of the program, and how the institution will know that those qualities have been acquired and can be put into practice. Without learning outcomes, it is difficult to evaluate the program's proposed delivery methodologies.
- [2] A strength of the proposal is the commitment to teach the first year program in small sections of no more than thirty students. TWU also has creative plans to integrate skills acquisition into courses, particularly in its compulsory practica courses. These are good ideas. However, under questioning from the review panel it became clear that the logistics of implementing them still need considerable work. In particular, there are many important questions that have to be addressed on the three compulsory practica, including these:
 - (i) What are the learning objectives and expected outcomes for the three practica and how do they differ between the first year, second year and third year practica?
 - (ii) How would sufficient placements be found for a total of 180 students who will be engaged each year in some form of practicum?
 - (iii) How would supervision be undertaken of the students and of the lawyers, agencies, tribunals or other bodies recruited to take students?
 - (iv) When would the two upper year practica be taken -- i.e., would each of them be a two-week work experience during the academic term or in the summer, or would it be taken one day a week during the term? Because the third year practicum would be taken for credit, which requires measuring the performance of students on a level playing field, TWU must provide satisfactory answers to the DQAB on these questions.

- [3] It is now universally recognized that education in legal research and legal writing is a vital part of the law school experience. The TWU proposal left the panel unsure how those needs would be addressed. Legal research is included as a component of Law 507, Fundamentals of Canadian Law, but our experience is that teaching legal research skills requires the allocation of considerable teaching energy and resources in first year, and reinforcement throughout the rest of the curriculum. During the site visit, we put forward the suggestion that TWU should follow the practice, common in Canadian law schools, of devoting a first year course to legal research and writing and requiring a supervised research paper in the upper years to reinforce the skills learned in first year. A member of TWU's law advisory panel expressed enthusiasm about this suggestion during our discussions, but nothing like it is in the proposal. We suggest that TWU be asked to present a detailed plan on how legal research and writing would be taught over the three years of the program.

There was a clear willingness on the part of the TWU representatives with whom we met to see these issues resolved. At various points during our site visit, we raised and discussed with them a number of suggestions (some of which we will return to in Part 8 below) on how to deal with many of the practical complexities (both substantive and administrative) of running a law school. This discussion reinforced our concern that many important issues of that sort had not yet been identified or worked through. In our view, the proponents of the program need to have further discussions with an experienced law school administrator to identify such issues and put in place a plan to address them. Alternatively or additionally, if the proposal goes forward, TWU may wish to recruit as its founding dean a person with law school administrative experience who would be able to initiate and implement a plan of that sort. Either way, TWU should be required to set out a plan, and a timetable, for addressing these practical issues.

Criteria for Assessing Satisfaction of Learning Methodologies/Program Delivery Standard

Criteria	Comment
The delivery method(s) and quality assurance policies are appropriate to course content, the students involved and the proposed learning outcomes.	The proposal provides detailed descriptions of course content, but little detail on delivery methods other than the use of standard classroom format. The proposal emphasizes mentoring and practice, with which we would agree, but we saw few plans for their implementation.
Evidence that the institution has the expertise and resources to support the proposed method of delivery (both human and material that support the program and its students and provides processes for students' feedback); and ensures its effectiveness or demonstrates a viable plan to put the necessary expertise and resources in place.	TWU has expressed a strong commitment to the success of the proposed law school program. However, more attention must be given to creating a plan with milestones, or to recruiting personnel with the expertise to create and implement such a plan, so that the range of practical issues involved in launching a new law school will be addressed.
Where applicable, policies pertaining to technology-based, computer-based and web based learning and modes of delivery ensure: student and faculty preparation and	During the site visit, we endeavoured to make the TWU representatives aware of the special demands of law students and faculty members in such matters as course management and the information

Criteria	Comment
orientation; <ul style="list-style-type: none"> • reliable, and sufficient course management systems; • accessible technical assistance for students and faculty; • appropriate hardware, software and other technological resources and media; and, • well-maintained and current technology and equipment. 	technology needed for electronic research and course support. We also raised related issues of grading policy and practice. For example, how will grading equity be ensured between multiple sections? How will grade appeals be handled? If a student fails to complete a not-for-credit practicum, will the student be able to advance? TWU needs to demonstrate that it has thought such issues through, and to provide a time line for implementing solutions prior to launch of the program.

6. Admission and Transfer/Residency

Standard

The institution should demonstrate that the program is designed to provide flexible admission and transfer arrangements. Where appropriate, the program, courses or curricular elements are designed to facilitate credit transfer by other post-secondary institutions both within the province and other jurisdictions¹.

Determination of Quality Assessment Panel

The Applicant:

- ☐ fails to meet this standard
☒ meets or exceeds this standard
☐ meets this standard on the condition that the following requirements are addressed:

Two of the five members of the panel would impose a condition to the effect that students in the proposed program not be required to sign the university's Community Covenant. The views of those two members on this matter are set out in an Addendum at the end of this Part.

Rationale for Determination:

TWU proposes to use law school admissions criteria similar to those of most law schools in Canada: namely, a combination of Law School Admission Test scores, grade point averages, and written letters of application outlining leadership qualities, work experience, community involvement and the applicant's reasons for wanting to pursue a legal education.

The current reality in Canadian legal education is that few students transfer between law school programs, because most law schools operate a cohort program comprising a significant number of compulsory core courses.

¹ The British Columbia Council on Admissions and Transfer administers the *British Columbia Online Transfer Guide* that provides information on course or program articulation agreements between institutions. Institutions are encouraged to contact the British Columbia Council on Admissions and Transfer early in the development of new degree program proposals for information on admissions and transfer in British Columbia.

Before being admitted to the JD program (as to other programs at TWU), students would have to sign the university's Community Covenant (page 16 of the proposal). The most pertinent provisions of that covenant are set out in Part 7 below. In that Part, we express the strong concern that persisting with the requirement that faculty members must sign the Community Covenant and a Statement of Faith (which we understand students are not required to sign) would make it very difficult for TWU to attract a strong and diverse group of law faculty members.

It is virtually certain, in our view, that requiring law students to sign the Community Covenant would have a similarly detrimental effect on the diversity of the law student body, and it may also have a detrimental effect on the academic quality of those students. This is particularly important in a law faculty, because law students (more than those in most other faculties) learn extensively from one another in many contexts, both inside and (perhaps especially) outside the classroom.

Criteria for Assessing Satisfaction of Admission and Transfer/Residency Standard

Criteria	Comment
Evidence that the institution has clearly established policies and procedures on admissions consistent with the level of the degree program (including policies on direct entry and mature students) and will inform students of these provisions and any changes to these provisions.	TWU's proposed admissions process and standards are in accordance with those used by other Canadian law schools. Under a Special Access policy, five places would be made available for exceptional students who did not meet the standard criteria.
The institution has admission requirements for the proposed program are consistent with the post-secondary character of degree-granting organizations and where appropriate ensure appropriate forms of assessment of prior learning for admission to programs.	Assessment of prior learning is not really a feature of law school admission programs in Canada.
Evidence that the institution has clearly established policies and procedures on transfer consistent with the level of the degree program and will inform students of these provisions and any changes to these provisions.	The circumstances under which TWU proposes to consider applications from transfer students are similar to those in existing law schools in Canada.
The institution's policy on admissions and transfer indicates a willingness to consider applicants applying to undergraduate, graduate and professional programs from any post-secondary institutions.	TWU's proposed policies in these matters conform to those in law schools across Canada. As noted above, few students transfer between law schools in Canada.
Appropriate residency requirements.	TWU proposes a two-year residence requirement for the JD degree. This is fairly standard across Canada.

ADDENDUM FROM PANEL MEMBERS BERNARD L. ADELL AND JEFFREY BERRYMAN

As is indicated by our signatures above, we agree with and endorse the recommendation of the entire panel that TWU's proposal for a law school should not be accepted without the substantial changes called for in this report in the areas of Curriculum/Program Content, Learning Methodologies/ Program Delivery, Faculty, Program Resources, and Program Consultation. However, we would go slightly farther than the panel's report in one respect. We would recommend that the proposal not be accepted unless potential law students as well as potential faculty members are exempted from being required to sign the university's Community Covenant as long as that document (by requiring abstention from "sexual intimacy that violates the sacredness of marriage between a man and a woman") discriminates against anyone who is in a same-sex relationship.

For the purposes of this report, we accept (as the entire panel does) that as the law now stands, TWU is legally entitled to require its students and faculty members not to be in same-sex relationships (in other words, that it is legally entitled to discriminate against homosexuals). However, we also recognize (as the entire panel does) that the fact that a particular type of discrimination is legal does not necessarily mean that it does not detract from the academic merits of a proposed faculty—in this case, a law faculty. Discrimination on all sorts of perfectly legal grounds would have detrimental effects on the quality of a faculty, and the seriousness of those effects would vary with the type of discrimination and the type of faculty. If a religiously affiliated university had a religious basis for totally excluding black, Jewish or Muslim law students or faculty members, and did in fact say that it would do so, we can only imagine that such discrimination would be widely seen as a critical obstacle to the establishment of a credible law school. And of course, it can no longer be argued either in fact or in law (if it ever could) that discrimination against homosexual relationships is not discrimination against homosexuals themselves. This was made clear very recently in *Saskatchewan (Human Rights Commission) v. Whatcott*, 2013 SCC 11, at para. 123, where the Supreme Court of Canada unanimously adopted the following comments made twelve years earlier in what was at the time a dissenting judgment by Justice L'Heureux-Dubé in *Trinity Western University v. British Columbia College of Teachers*, 2001 SCC 31 at para. 69:

I am dismayed that at various points in the history of this case the argument has been made that one can separate condemnation of the "sexual sin" of "homosexual behaviour" from intolerance of those with homosexual or bisexual orientations. This position alleges that one can love the sinner, but condemn the sin. . . The status/conduct or identity/practice distinction for homosexuals and bisexuals should be soundly rejected. . . This is not to suggest that engaging in homosexual behaviour automatically defines a person as homosexual or bisexual, but rather is meant to challenge the idea that it is possible to condemn a practice so central to the identity of a protected and vulnerable minority without thereby discriminating against its members and affronting their human dignity and personhood.

Compelling considerations of this sort led as perennially cautious and circumspect a newspaper as the *Globe & Mail* to say, in an editorial on February 8 of this year: ". . . a law school that purports to be a homosexual-free zone is a contradiction in terms. . . Equality before the law is at the heart of Canadian law, and a law school that won't accept that idea has no legitimacy."

(Online www.theglobeandmail.com/commentary/editorials/no-gay-free-law-school-should-stand-in-canada/article8356107/)

7. Faculty

Standard

The institution must demonstrate that it has the human resources necessary to develop and deliver a quality degree program. In some cases, it may not be feasible for an institution to hire faculty until it receives program approval. In these cases, the institution should provide the specific faculty selection criteria that will be used to ensure new faculty hires have the necessary qualifications for the degree level being offered and program being proposed.

Determination of Quality Assessment Panel

The Applicant:

- ☐ fails to meet this standard
☐ meets or exceeds this standard
☒ meets this standard on the condition that the following requirements are addressed:

Removing the requirement that all faculty members sign the Statement of Faith and the Community Covenant, or alternatively, replacing it with a non-exclusive preference for faculty members who are prepared to sign those documents.

Rationale for Determination:

According to our understanding, which was confirmed by representatives of the university in response to our questions, each TWU faculty member is required (annually, it appears) to sign two documents that are unique to TWU: a Statement of Faith (adopted by the TWU Board of Governors on November 6, 2009) and a Community Covenant, also dated 2009. We also understand that every student must sign the Community Covenant but not the Statement of Faith. In response to our questions, representatives of the university confirmed that no one who does not sign both documents will be hired as a faculty member.

The preamble to the Statement of Faith reads as follows:

As a Christian University, Trinity Western University openly espouses a unifying philosophical framework to which all faculty and staff are committed without reservation. The university identifies with and is committed to historic orthodox Christianity as expressed by the official Statement of Faith.

Under the general heading, "What we believe", the document goes on to set out (under ten subheadings) a detailed statement of what appear to be evangelical Christian doctrines. Under the second of those subheadings, the document says: "the Bible is . . . to be believed in all that it teaches, obeyed in all that it requires, and trusted in all that it promises."

The Statement of Faith concludes as follows, just above the signature line: "I agree with the above *Statement of Faith* and agree to support that position at all times before the students and friends of Trinity Western University." An optional additional sentence says: "However, I wish to clarify my understanding of an article(s) on a separate, attached sheet."

The Community Covenant states, under heading 1 ("The TWU Community Covenant"), that it 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." It continues as follows: "In making this pledge, members enter into a contractual agreement and a relational bond. . . 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."

Under heading 3 ("Community Life at TWU"), the document says:

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: . . . reserve sexual expressions of intimacy for marriage . . .

In keeping with biblical and TWU ideals, community members voluntarily abstain from the following actions: . . . sexual intimacy that violates the sacredness of marriage between a man and a woman . . .

Under heading 5, "Commitment and Accountability", the Community Covenant says:

. . . 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. . .

The significance of the signing of the Community Covenant in the eyes of the university is emphasized in the *Trinity Western Student Handbook, Sept. 2012- Sept. 2013*, at p. 19:

Maintenance of one's integrity with regard to the *Community Covenant* is essential for continued membership in the community. Once a commitment has been indicated through signature, failure to respect the *Community Covenant* is a breach of personal integrity, a matter that may, in some cases, be of greater concern than the violation itself.

In addition, a document entitled "Position Description: Faculty Member, School of Law". and included at page 156 of the proposal, reads as follows:

Personal: Warm-hearted, dedicated, committed and mature evangelical Christian with a keen desire to serve in family, church, work and community. A firm commitment to TWU's mission, Statement of Faith and Community Covenant.

The requirement that every prospective faculty member sign the Statement of Faith and the Community Covenant as a condition of appointment gives rise to two major concerns on our part. The first is whether the proposed law school would be able to attract enough faculty members of high academic quality to (in the words of the DQAB standard) "develop and deliver a quality degree program". The second is whether faculty members would truly have the academic freedom needed to do teaching and research at the high level that prevails in Canadian law schools.

We raised these concerns squarely during the site visit. The responses from the university's representatives were along three lines. The first was that TWU, in the exercise of its freedom of religion, is legally entitled to require faculty members and students to adhere to its religious perspective. That response, as we noted at the time, is beside the point.

S14

S14

S14 Our assessment is based on the assumption that TWU has the full legal right to require every current and prospective faculty member to sign and adhere to the Statement of Faith and the Community Covenant. Our mandate is to assess, from our standpoint as university law teachers and experienced law faculty administrators, whether that requirement is likely to have a significant adverse effect on the academic quality of the proposed TWU law school. We will return to this matter below.

The second response from the university's representatives was that TWU had received a number of inquiries from people who were interested in obtaining teaching positions in the proposed law school. The fact that these expressions of interest exist has some relevance to our concerns, but we can give very little weight to it without having the much more extensive information that would be needed to assess how well-qualified and how promising in other respects those people would be as Canadian university law teachers – information which TWU is understandably not in a position to provide at this time.

The third response was the assertion that TWU faculty members are in fact free to challenge established doctrine and to pursue any line of critical scholarly inquiry they might wish to pursue. On the basis of the material before us, we cannot assess whether this assertion is true in actual practice. However, it is clearly inconsistent with the provisions of the Statement of Faith and Community Covenant set out above. This inconsistency is reinforced by the requirement that each faculty member must explicitly reaffirm annually that he or she agrees with the terms of the Statement of Faith and also agrees “to support that position at all times before the students and friends of Trinity Western University.”

Is the requirement that every faculty member must adhere to the Statement of Faith and the Community Covenant likely to impair the academic quality of the proposed law school by substantially narrowing the pool of potential faculty members? Our sense is that it would very seriously affect the capacity of TWU to acquire faculty members of as high a quality as those in other law schools across the country. As we suggested during the site visit, TWU is in effect proposing to do today what some Canadian law schools did a few generations ago – refuse to accept faculty members whose religious orientation is unacceptable. In those days, it was legal for law schools and other university faculties to impose that barrier, and we assume that it is legal for TWU to do it today. The barrier was, however, taken down at every other Canadian law school several decades ago, not because of any legal requirement or any particular qualms about discriminatory practices, but because it was precluding the hiring of the strongest possible faculty members. The barrier imposed by the requirement of adherence to TWU's Statement of Faith and Community Covenant would in our view have exactly the same effect today. We cannot recommend approval of this application unless that barrier is lowered.

During our site visit, representatives of TWU acknowledged that Canada has no law schools which impose a religious test on current or prospective faculty members. They pointed out, however, that in the United States there are many religiously affiliated universities, some of them with highly respected law schools. There is a long history in that country of reconciling the practices of religiously affiliated law schools with the demands of a high-quality legal education. In this regard it is instructive to note (as we did during the site visit) the requirements for membership in the American Association of Law Schools (AALS), which serves as a nation-wide law school accreditation body. AALS Bylaw Article 6 is headed “Membership Requirements,” and Bylaw Section 6-1 (headed “Core Values”) reads in part as follows (*italics added*):

6-1(b). The Association values and expects its member schools to value:

- (i) a faculty composed primarily of full-time teachers/scholars who constitute a self-governing intellectual community engaged in the creation and dissemination of knowledge about law, legal processes, and legal systems, and who are devoted to fostering justice and public service in the legal community;
- (ii) scholarship, academic freedom, and diversity of viewpoints;
- (iii) a rigorous academic program built upon strong teaching in the context of a dynamic curriculum that is both broad and deep;
- (iv) *a diverse faculty and staff hired, promoted, and retained based on meeting and supporting high standards of teaching and scholarship and in accordance with principles of nondiscrimination;* and
- (v) selection of students based upon intellectual ability and personal potential for success in the study and practice of law, through a fair and nondiscriminatory process designed to produce a diverse student body and a broadly representative legal profession.

Bylaw Section 6-3, headed "Diversity: Nondiscrimination and Affirmative Action" states in part as follows:

6-3(a). A member school shall provide equality of opportunity in legal education for all persons, including faculty and employees with respect to hiring, continuation, promotion and tenure, applicants for admission, enrolled students, and graduates, without discrimination or segregation on the ground of race, color, religion, national origin, sex, age, disability, or sexual orientation.

Most pertinently, the AALS "Executive Committee Regulations Pertaining to Bylaw 6-3" include the following section (*italics added*):

6-3.1 LAW SCHOOLS WITH A RELIGIOUS AFFILIATION OR PURPOSE. It is not inconsistent with Bylaw Section 6-3(a) for a law school with a religious affiliation or purpose to adopt *preferential admissions and employment practices that directly relate to the school's religious affiliation or purpose so long as* (1) notice of the practices is provided to members of the law school community (students, faculty and staff) before their affiliation with the school; (2) the practices do not interfere with the school's provision of satisfactory legal education as provided for in these bylaws and regulations, whether because of lack of a sufficient intellectual diversity or for any other reason; (3) the practices are in compliance with Executive Committee Regulation Chapter 4.3, on Academic Freedom, as well as all other Bylaws and Executive Committee Regulations; (4) the practices do not discriminate on the ground of race, color, national origin, sex, age, disability or sexual orientation; and (5) *the practices contain neither a blanket exclusion nor a limitation on the number of persons admitted or employed on religious grounds.*

Therefore, in the US, a religiously affiliated university like TWU would be allowed to extend a hiring preference to prospective faculty members who adhere to a particular religion, but not to have a blanket exclusion of other faculty members or a religiously based quota system. In this vein, many high-quality American law schools, that at Brigham Young University among them, have historically had faculty members who do not share the school's religious orientation. Some renowned law schools, such as those at Georgetown University and Yeshiva University, have a substantial number of faculty members that share the school's religious orientation and a substantial number that do not. In our view, this aspect of TWU's proposal would be acceptable if it were modified to comply with the principles that would have to be met if accreditation were sought in the United States.

Criteria for Assessing Satisfaction of Faculty Standard

Criteria	Comment
Faculty and instructors are in sufficient numbers, and with the appropriate credential to develop and deliver the degree level being offered and program being proposed. Staff resources must be sufficient to ensure the coverage required within the discipline for the proposed program.	As explained in the Rationale for Determination above, we are concerned that the exclusion of prospective faculty members who do not sign the Statement of Faith and the Community Covenant will make it very hard to attract faculty members of high quality. We are also concerned, as noted above under Learning Methodologies and Program Delivery, that not enough staff resources have been provided for the proposed practice. As noted in Part 6 above, we are concerned that the proposed staffing arrangements for the first-year course on Introduction to Practice Skills and the Practice of Law are not satisfactory.
Evidence that the institution's policies and practices on the type of academic appointment of faculty (e.g. continuing / regular appointments) are appropriate to sustain the degree program.	Satisfactory
The institution has satisfactory policies pertaining to faculty that address issues such as the protection of academic freedom; academic/professional credentials; the regular review of faculty performance; the means of ensuring that faculty knowledge of the field is current; teaching, supervision and student counseling loads; and professional development of faculty.	Re academic freedom - as explained in the Rationale for Determination above, university representatives claimed that faculty members are free to pursue any line of inquiry. We are concerned that this claim is inconsistent with the requirement that every faculty member must sign the Statement of Faith and the Community Covenant. On the other facets of this criterion, TWU's policies appear to be satisfactory.
Faculty have an appropriate level of scholarly output and/or research or creative activity for the baccalaureate or graduate program involved.	Appears to be envisaged.
For degrees with an applied or professional focus, faculty maintain continuing academic and professional competence and accreditation in their discipline or field appropriate to the specific degree program.	Satisfactory
Faculty teaching graduate courses will normally have the terminal academic degree credential in the field in which they are teaching.	Satisfactory
Faculty providing doctoral supervision are expected to have an active research program in their discipline or field of study.	Not applicable
For any proposal involving human research, a statement that a Research Ethics Board is in place.	We did not ask about this. We assume that the university has such a process in place, as granting agencies commonly require it.

Criteria	Comment
For any proposal involving animal research, a statement that an Animal Care Committee is in place.	Not applicable

8. Program Resources

Determination of Quality Assessment Panel

The Applicant:

- ☐ fails to meet this standard
☐ meets or exceeds this standard
☒ meets this standard on the condition that the following requirements are addressed:

a) Physical space

Serious consideration needs to be given to accommodating within the law building additional professional staff, technology services and student/program services (such as admissions and career services) not currently contemplated as being located in that building.

b) Staffing and Student/Learning Resources

i. Although the projected number of teaching faculty (including the Dean) appears to be adequate for the projected number of law students, TWU should make provision for the likelihood (as noted in Part 4 above) that additional professional staffing will be required to manage the delivery of the practica which are proposed as a compulsory part of the curriculum for students in each year of the program.

ii. TWU should reconsider its plan to use existing central university resources for many aspects of the administration of the law program. It should instead make budgetary and staffing provision for having a range of law school administrative services (including law admissions services, career services, the administration of course evaluations and grading policies and appeals, and library IT administration) provided by staff located in the law school.

iii. Consideration should be given to providing a "student services" area within the law building.

c) Law Library and Technology

i. TWU should make clear whether the amount of \$21 which we were told has been budgeted for the Law Library is to be start-up funding or ongoing funding.

ii. Specific budgetary provision should be made for startup costs and future ongoing maintenance costs of the Law Library.

ii. A specific information technology plan is needed for the Law Library's very substantial digital requirements.

Rationale for Determination:

Physical space

Our tour of the TWU campus included a visit to the vacant site on which the proposed 37,867 square foot law building would be constructed. We were provided with architectural drawings/renderings

prepared by Site Lines Architects Inc., reflecting the architectural vision and layout of the building. These drawings appear for the most part to be well thought out with a view to accommodating the needs of the law school as articulated in the proposal. However, as discussed below, some provision would in our view need to be made for accommodating additional professional staff in the law building to provide a range of essential law faculty services (including law admissions services, career services, the administration of course evaluations and grading policies and appeals, and library IT administration) which are not currently contemplated in the architectural drawings or in TWU's proposal.

We note that according to TWU's outgoing President Jonathan Raymond, whose term of office ends in June 2013, the \$15 million needed to fund the building is expected to come from private donor support, but that no donor prospects have as yet been confirmed. TWU may be well advised to contemplate other space options in the event that the building is not completed when needed.

Staffing and Student/Learning Resources

During the site visit, it became evident that the proposal contemplated that student support services and other administrative services for the law program would be provided not by the law faculty on its own premises, but by central university staff located elsewhere on campus. This was confirmed by Emily Greenhalgh, TWU's Associate Registrar, Undergraduate Studies, who attended the site visit at our request. Upon further probing by members of the panel on how the specific needs of a law program for such services could be met by centralized arrangements of that sort, everyone present seemed to realize that it could not be done satisfactorily. Panel members offered examples of a range of functions that have to be provided in a specialized form in a law faculty. These included law course registration, law examinations, law grading, law transcripts, financial aid, and scheduling of law classes. TWU representatives at the site visit acknowledged that this problem, and the heavy burden that law school administrative services would place on the university's central administrative resources, had not been anticipated.

We also learned, during our tour of the proposed law building site and other parts of the campus, that prospective applicants to the law program would be expected to go to the central TWU Admissions/Registrar's office to seek information and advice. Providing a "student services" area within the law school building for prospective law applicants (as well as for students already in the faculty) had not been considered, and no provision was made for it in the architectural drawings. Such a facility is traditionally found in Canadian law schools. Because it encourages prospective applicants to visit the faculty and be introduced to law faculty members, staff and students, it is recognized as essential in recruiting a pool of applicants and building a close link to them. TWU representatives at the site visit conceded that the plans for the building would probably have to be modified in this respect.

TWU's law faculty proposal and faculty budget have been designed to include a practicum in each of the three years of study. Resources to support these practica are not specifically identified in the budget. The panel was advised at the site visit that TWU anticipated that individual faculty members would be responsible for running the practica as part of their teaching obligations. The difficulties with that approach, and the inherent complexities of the proposed practicum experience for students in the program, are referred to in Parts 4 and 5 above. However, it must be noted here that no budgetary provision has been made to deal with the scenario that would arise if (as we believe would likely happen) the substantial burden of arranging and overseeing the practicum experience turned out to be too much for individual faculty members to accommodate as part of their teaching load.

Law Library and Technology

The panel was not provided with a detailed plan for equipping the law building and the Law Library with the extensive technology needed for the delivery of a modern law program. At the site visit, the panel requested resource projections, staffing timelines and a budget in order to better understand the planned resources and the provision for technology. In response, TWU sent the panel a document, dated April 3, 2013, marked as confidential and, entitled "School of Law Financial Information for the Expert Review Panel". This document does not provide any details on provisions for the digital law library or for other necessary technology. In fact, no details pertaining specifically to IT are addressed in the document, nor were they addressed at the site visit.

The Law Library space in the proposed new law school building is generally well thought out. However, our discussion with TWU's Chief Librarian similarly indicated that TWU expected to accommodate the law program within existing library resources. This is a cause for concern, given the very substantial needs of university law libraries for digital and other technological resources. Neither TWU's proposal nor the subsequent April 3 document referred to above specifically addresses the costs that would be associated with the Law Library. The proposal simply refers, at page 3, item 4, to

S21

'There is no explanation of how these funds would be distributed, and no indication of what portion would be earmarked for startup costs.

Criteria for Assessing Satisfaction of Program Resources Standard

Criteria	Comment
Evidence that the physical plant, equipment, technology, and support services adequately support the organization's educational and student activities.	TWU has expressed a commitment to see that the law school program would be a success. However, more attention must be given to creating a plan with milestones and to recruiting personnel with the expertise to carry out such a plan, so that the many administrative issues involved in launching a new law school would be addressed satisfactorily.
Evidence of reasonable student and faculty access to learning and information resources (such as library, databases, computing, classroom equipment and laboratory facilities) sufficient in scope, quality, currency and type to support students and faculty in the program.	At the site visit we explained the special demands of law students and faculty for IT, course management and other forms of support. TWU needs to demonstrate that it has thought sufficiently about these issues, and to provide the assurance that policies to meet those demands would be in place before the program began. This is especially important in regard to the Law Library.
Evidence of commitment to provide and maintain necessary learning and other resources specific to the program and to supplement them as necessary to meet standards applicable to the field.	This was not clearly evident in any of the documentation provided.
Submission of any agreements with other institutions where resources and services are shared.	This was not mentioned in any of the discussions or documentation.

9. Program Consultation

The institution must demonstrate that it has consulted appropriate individuals and organizations in the development of the program proposal.

Determination of Quality Assessment Panel

The Applicant:

☐ fails to meet this standard

☐ meets or exceeds this standard

☒ meets this standard on the condition that the following requirements are addressed:

After TWU has revised the proposal in accordance with the conditions set out in other parts of this report, it should consult with a broad range of organizations and individuals that have a strong stake in university legal education in British Columbia and Canada, including some that have direct practical experience in providing such education.

Rationale for Determination:

Extent of consultation to date

TWU's proposal, and its June 2012 submission to the Federation of Law Societies of Canada, indicate that there had been a certain degree of consultation with a variety of stakeholders, including prospective students, some practicing lawyers, and two legal academics who were asked by TWU to review the proposed curriculum. However, there is no indication in the proposal, or in any other material provided to the panel, that TWU has consulted with key professional entities that have a significant stake in legal education, such as the Law Society of British Columbia, the Canadian Bar Association, the Law Foundation of British Columbia, and the Canadian Association of Law Libraries.

Evidence of consultation with the legal profession is limited to the seven letters of endorsement set out in Appendix Seven to the proposal, five of them from B.C. practitioners and two from Ontario practitioners. One of the two Ontario practitioners (Eugene Meehan) and one of the five B.C. practitioners (Earl Phillips) are on TWU's law advisory committee, and attended the site visit as TWU representatives. The two other letters of endorsement included in Appendix Seven are from Preston Manning, President of the Manning Centre, and Dan Russell, Director of Programs at Union Gospel Mission. These seven letters refer to a number of strengths of the proposed program, but they offer little evidence of widespread consultation or dispassionate assessment.

Two legal academics were asked to act as external reviewers of the proposed curriculum (Albert Oosterhoff, Professor Emeritus of Law at Western University, and Lyman Robinson, Professor Emeritus of Law at the University of Victoria). Their reports are set out in Appendices Four and Five to the proposal, and TWU's responses are in Appendix Six. The extent and results of consultation with prospective students are indicated in the survey report compiled by Concerto Research Inc. and included in the proposal.

During the site visit, Dr. Janet Epp Buckingham and Professor Kevin Sawatsky told us that they had visited a number of law schools in both Canada and the US. However, no details were provided about those visits to Canadian law schools, and in particular about any visits to the three British Columbia schools.

In sum, the extent of consultation to date can only be described as very modest.

Consultation Going Forward

Although we believe it would have been fruitful for TWU to seek broader consultation in the course of developing the existing proposal, we do not think there is much point in sending the proposal as it now stands out for further consultation, given the shortcomings we have noted in it and given the extensive comment on some aspects of it from certain academic and professional organizations and in the media. However, we do strongly recommend that any revised version of the proposal be submitted for comment to a broad range of organizations and individuals with a strong stake in university legal education in British Columbia and Canada, including some with direct practical experience in providing such education. For example, we believe that helpful feedback could be provided by the Law Society of British Columbia, the Canadian Bar Association, the Law Foundation of British Columbia, and the Canadian Association of Law Libraries. Although the Canadian Council of Law Deans has taken a very critical approach to the existing proposal, we are of the view that it should be consulted on any revised version.

Criteria for Assessing Satisfaction of Program Consultation Standard

Criteria	Comment
Evidence that the institution has done due diligence in consulting with employers, students, program advisory committees, other post-secondary institutions, and an external review by academics within British Columbia and other jurisdictions, etc.	As explained in the Rationale for Determination immediately above, we are of the view that there was only a very modest degree of consultation on the existing proposal, and we recommend that considerably broader consultation be sought on any revised version of the proposal.
Evidence of support for the program and in cases where consultation feedback results in negative comments, a clear response addressing those comments.	As explained above, certain expressions of support resulted from consultation on the existing proposal. The only indication we saw of response to negative comments arising from such consultation was with respect to a few criticisms of the proposed curriculum by two academic reviewers.

10. Program Review and Assessment

Standard

In order to ensure the ongoing currency of the program and the quality of its learning outcomes, the institution must show evidence that a program review and assessment procedure is in place.

Determination of Quality Assessment Panel

The Applicant:

- ☐ fails to meet this standard
☒ meets or exceeds this standard
☐ meets this standard on the condition that the following requirements are addressed:

Rationale for Determination:

Criteria for Assessing Satisfaction of Program Review and Assessment Standard

Criteria	Comment
<p>Evidence of a formal, institutionally approved policy and procedure for the periodic review of programs (i.e. formative and ongoing reviews and a summative review normally every five years) against published standards that includes the following characteristics:</p> <ul style="list-style-type: none"> ➤ A self-study undertaken by faculty members and administrators of the program based on evidence relating to program performance, including strengths and weaknesses, desired improvements, and future directions. For example, a self study takes into account: <ul style="list-style-type: none"> ○ the continuing appropriateness of the program's structure, admissions requirements, method of delivery and curriculum for the program's educational goals and standards; ○ the adequacy and effective use of resources (physical, technological, financial and human); ○ faculty performance including the quality of teaching and supervision and demonstrable currency in the field of specialization. ○ that the learning outcomes achieved by students/graduates meet the program's stated goals, the degree level standard, and where appropriate, the standards of any related regulatory, accrediting or professional association; ○ the continuing adequacy of the methods used for evaluating student progress and achievement to ensure that the degree level standards have been achieved; and ○ where appropriate, the graduate employment rates, graduate satisfaction level, employer satisfaction level, advisory board satisfaction level, student satisfaction level, and graduate rate. ➤ An assessment conducted by a panel consisting of experts external to the institution that normally includes a site visit; a report of the expert panel assessing program quality and recommending any changes needed to strengthen that quality; and an institutional response to the recommendations in the report. ➤ A summary of the conclusions of the evaluation made publicly available. 	<p>This matter was not discussed at the site visit. However, at p. 26 of the Executive Summary, the proposal says: "The J.D. program will be subject to the normal academic review procedures of the Academic Division at TWU. It will be assessed regularly to ensure it meets its goals, objectives and expected learning outcomes. In particular the program will be assessed by regular student evaluations, surveys of School of Law graduates, credentials and research of faculty and an overall program review every five years."</p> <p>We would accept these assurances.</p>
<p>The program review ensures that the program remains consistent with the organization's current mission, goals and long-range plan.</p>	<p>See immediately above.</p>

Simmons, Vicki AEIT:EX

From: Anne Pappas [apappas@tru.ca]
Sent: Wednesday, April 17, 2013 7:16 PM
To: Simmons, Vicki AEIT:EX
Cc: Jeffrey Berryman; David Percy; Blom, Joost; Bernard Adell
Subject: Re: TWU - report attached

Hello Vicki

As per Bernie's request below, I am writing to you, indicating my approval of the report that he sent to you in his earlier email (see below).

Many thanks

Anne N. Pappas, J.D.
Founding Assistant Dean of Law

Thompson Rivers University
900 McGill Road,
Kamloops, BC, Canada V2C 0C8
S22

Sent from my iPhone

On 2013-04-17, at 10:03 PM, "Bernard Adell" <bernard.adell@queensu.ca> wrote:

Hello, Vicki:

On behalf of David Percy and the rest of our panel, I'm pleased to attach our report in DQAB Workbook form, with our apologies for the delay. It's unanimous, except for an Addendum in Part 6 from Jeffrey Berryman and me recommending another condition for approval of the proposed program. I expect each member of the panel will email you shortly with her or his approval of the report, but I can assure you that I have emails from each of them expressing such approval.

I'll call your attention to two things. One is that I haven't been able to get all of the page numbers quite right in the Table of Contents - I'm hoping you'll be able to fix that up. Also, there's no Executive Summary. I've asked David about that, and his reply is as follows: "I could not find a section for an Executive Summary when I looked today either here or in our TRU report. It strikes me as more important for the DQAB than TWU and I will be happy to do one if necessary on April 28."

Please acknowledge receipt, and let me know if there's any problem with the report. On behalf of the five of us, let me thank you for asking us to undertake this project and for providing us with such efficient and cheerful support.

Best regards,

Bernie

Bernie Adell
Editor-in-Chief, CLELJ
Professor Emeritus, Faculty of Law
Queen's University
Kingston ON K7L 3N6

Tel. 613 5336000 ext. 74256
Fax 613 5336509

<TWU report - as sent to Vicki Simmons-Apr17 2013.docx>

Simmons, Vicki AEIT:EX

From: Jeffrey Berryman [jberrym@uwindsor.ca]
Sent: Wednesday, April 17, 2013 7:40 PM
To: Simmons, Vicki AEIT:EX
Subject: RE: TWU

Dear Vicki,

This confirms my agreement to the report that Bernie Adell sent you earlier this evening. As the report notes, Bernie and I had a dissenting point of view on one issue in which we would have included another condition on approval regarding the community covenant.

May I thank you for your assistance in organizing our visit and developing our report.

Cheers,

Jeff

Professor Jeff Berryman
Faculty of Law
University of Windsor
Windsor, Ontario
Canada N9B 3P4
519-253-3000 ext. 2965
e-mail jberrym@uwindsor.ca

Simmons, Vicki AEIT:EX

From: Blom, Joost (blom@law.ubc.ca)
Sent: Wednesday, April 17, 2013 7:42 PM
To: Simmons, Vicki AEIT:EX
Cc: 'Jeffrey Berryman'; 'David Percy'; 'Anne Pappas'; 'Bernard Adell'
Subject: RE: TWU - report attached

Hi, Vicki. This is to confirm that I also approve of the Workbook Form that Bernie attached to his message to you, below.

All the best,

Joost

Joost Blom Q.C.

Professor | Faculty of Law at Allard Hall
The University of British Columbia
1822 East Mall | Vancouver, BC Canada V6T 1Z1
Phone (direct line) 604 822 4564 | Fax 604 822 8108
blom@law.ubc.ca | www.law.ubc.ca

From: Bernard Adell [<mailto:bernard.adell@queensu.ca>]
Sent: 17-Apr-13 19:03
To: Simmons, Vicki AEIT:EX
Cc: Jeffrey Berryman; David Percy; Anne Pappas; Blom, Joost
Subject: TWU - report attached

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Bernie

Bernie Adell
Editor-in-Chief, CLEJ
Professor Emeritus, Faculty of Law
Queen's University
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Tel. 613 5336000 ext. 74256
Fax 613 5336509

Simmons, Vicki AEIT:EX

From: Bernard Adell [bernard.adell@queensu.ca]
Sent: Wednesday, April 17, 2013 7:03 PM
To: Simmons, Vicki AEIT:EX
Cc: Jeffrey Berryman; David Percy; Anne Pappas; Blom, Joost
Subject: TWU - report attached
Attachments: TWU report - as sent to Vicki Simmons-Apr17 2013.docx

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Best regards.

Bernie

Bernie Adell
Editor-in-Chief, CLEJ
Professor Emeritus, Faculty of Law
Queen's University
Kingston ON K7L 3N6

Tel. 613 5336000 ext. 74256
Fax 613 5336509

①

Statement of faith - action if student or faculty breach
liberal m^{ts} - not much there

CIVIL - Real estate, Wills, practice m^{ts} - all compulsory
trend in US. overly prof., insufficiently liberal
no sep. legal research course.

3 years of practicum - learning objectives unclear
& how they will be assessed.

Capacity issue - 180/year placed in practice.

Supervision huge issue.

If cannot find a placement, do they not graduate?

One intro 1st year course w/ series of 2 guest lecturers
- destined to fail.

light dusting of Aboriginal law (property, constitutional)

Substantial term paper requirement lacking

Course outlines do not address learning outcomes -
unclear as to what the students will know at the
end of the course.

Willingness at graduation - evidence that grads
will be able to get jobs.

however, that is assuming legal practice is the
only outcome. Public services, etc.

Bar to intellectual diversity if faculty need to sign
Statement of faith

(2)

- Small, rural communities
- Middle class - need for legal advocacy/representation

Family law not required.

Possible specializations:

- Charities & Social Justice
- Small business & Entrepreneurial

Certificate or part of the degree title granted.

Faculty resources may need to be ~~be~~ adjusted due to
practicum resource needs.

appears to be indiv. crafting of learning goals for
each student/practice and assessment of
credit to be granted.

"Centre of excellence" dedicated space in building

Three viewpoints

Statement of Faith - Community Covenant

- Not an issue for your review
- already have prof programs
- Supreme Court decision
- perfectly legal.
- do not see it as an issue
- fully accredited to the point of being exempt.
- Jewish, Muslim, gay students have a welcomed
- not a punitive document

Check whether Statement of Faith is covered in the Act.

(3)

Practical 1st year - observation
2nd year - hands on practice orientation

Some available placements but students may find their own.

Page 476 to/à Page 489

Withheld pursuant to/removed as

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Burnett, Teresa M AEIT:EX

From: Minister, AEIT AEIT:EX
Sent: Monday, February 18, 2013 1:45 PM
To: AEIT Ministerial Correspondence and Research Unit AEIT:EX
Subject: INFO/FILE - FW: Trinity Western University's Proposed Law School
Attachments: WCL Letter to Federation of Law Societies re TWU.pdf

Categories: Info/File, Minister

Info/file

Meghan

From: Yap.MLA, John [<mailto:John.Yap.MLA@leg.bc.ca>]
Sent: Tuesday, February 5, 2013 12:12 PM
To: Minister, AEIT AEIT:EX
Cc: Ng, PoWah LASS:EX
Subject: FW: Trinity Western University's Proposed Law School

From: Laura Track [<mailto:legal@westcoastleaf.org>]
Sent: February-05-13 12:09 PM
To: grtreblay@mccarthy.ca; dwolfe@flsc.ca; jherman@flsc.ca; lpawlitza@torkinmanes.com
Cc: w.flanagan@queensu.ca; Bond.MLA, Shirley; Yap.MLA, John; president@twu.ca
Subject: Trinity Western University's Proposed Law School

Dear Sirs/Mesdames

Please find attached a letter from West Coast LEAF regarding Trinity Western University's proposed law school.

Regards,

Laura Track

Laura Track

Legal Director
West Coast Women's Legal Education & Action Fund

555 - 409 Granville Street, Vancouver, BC V6C 1T2
tel: 604.684.8772 ext.112 fax 604.684.1543 toll free in BC: 1.866.737.7716
www.westcoastleaf.org

West Coast LEAF's mandate is to achieve equality by changing historic patterns of systemic discrimination against women through BC-based equality rights litigation, law reform and public legal education. Please invest in women's equality by making a tax-deductible donation at: www.canadahelps.org

Although we do our best to keep up to date on legal developments, since the law changes so often, West Coast LEAF cannot guarantee the legal accuracy or completeness of the contents of this email. Any information provided is for general knowledge only. It is not meant to be used as legal advice for specific legal problems. If you need legal help, please contact a lawyer or advocate.



Charitable Registration
#119292464RR0001

WEST COAST LEGAL EDUCATION AND ACTION FUND (LEAF)
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FAX: (604) 684-1543
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February 5, 2013

Mr. Gérard R. Tremblay, C.M., O.Q., Q.C.,
Ad. E.
President, Federation of Canadian Law
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grtremblay@mccarthy.ca

Jonathan G. Herman
Chief Executive Officer, Federation of
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Deborah Wolfe, P. Eng.
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Accreditation
Director, Law School Programs, Federation
of Canadian Law Societies
dwolfe@flsc.ca

Laurie H. Pawlitza
Chair, Federation of Canadian Law Societies
Canadian Common Law Program Approval
Committee
lpawlitza@torkinmanes.com

Dear Sirs/Mesdames,

Re: Trinity Western University's Proposed Law School

The Federation of Law Societies of Canada (the Federation) has been asked to approve an application for a law degree program at Trinity Western University (TWU). We write to urge the Federation to reject the application due to TWU's discrimination against gays and lesbians in its hiring and admissions policies. These discriminatory policies make TWU unfit to prepare students for their role in upholding the rule of law and the human rights and equality principles that underlie our legal system in their careers as lawyers.

In the event that the BC government decides to accredit TWU to confer law degrees, it is our position that the Federation should not permit graduates to become licensed to practice law upon completion of their degree, bar exams and articles. At the very least, the Federation should require TWU law graduates to undertake additional study and meet entrance requirements set by the Federation's National Committee on Accreditation, similar to the process for foreign trained lawyers. The study and entrance requirements must be rigorous,

substantive and comprehensive in order to compensate for the shortcomings of a law program offered by an institution that unapologetically discriminates against gays and lesbians.¹

TWU's Discriminatory Policies

TWU is a Christian university and describes itself as "an arm of the church." All students, faculty and staff are required to pledge "acceptance of the Bible as the divinely inspired, authoritative guide for personal and community life." The University's programs are established and implemented on the basis that scripture "must be the final and ultimate standard of truth, the reference point by which every other claim to truthfulness is measured." Academic faculty are required annually to sign a statement of faith, which requires them to "agree with and agree to support at all times the position" that the bible is "the ultimate authority by which every realm of human knowledge and endeavour should be judged."

All TWU students and staff must sign a "community code of conduct" pledging, among other things, not to engage in same-sex sexual intimacy. Applicants who do not make this pledge will not be hired or admitted to the University; breach of the pledge by those who do sign it can result in dismissal from the University.

The requirement that prospective students and staff must agree to abstain from same-sex sexual activity discriminates against gays and lesbians. The Supreme Court of Canada, which considered TWU's policies in a 2001 case challenging the University's ability to set up a teacher's college, found that the policies create "unfavourable differential treatment" on the basis of sexual orientation.² The majority of the Court found that "a homosexual student would not be tempted to apply for admission, and could only sign the so-called student contract at a considerable personal cost."³ While the discriminatory policies were found not to be unlawful because of the religious exemption provided to the University by section 41 of the BC *Human Rights Code*, the Court held that if a public university or government actor adopted TWU's policies, it would violate the equality rights protected by human rights legislation and the *Canadian Charter of Rights and Freedoms*.

The Federation's Role in Promoting the Public Interest, Professionalism and Ethics

The Federation of Law Societies acts as the gatekeeper to the profession of law in Canada. Its mission is to act in the public interest by "promoting the cause of justice and the Rule of Law" in a manner that is "focused on the public interest", "responsible and accountable" and

¹ A comprehensive legal analysis supporting such a decision is provided by Professor Elaine Craig, "The case for the Federation of Law Societies rejecting Trinity Western University's proposed law degree program" (2013) 25(1) C.J.W.L.

² *Trinity Western University v. British Columbia College of Teachers*, [2001] 1 S.C.R. 772.

³ *Ibid.* at para. 25.

"consistent with the highest standards of professionalism, excellence, ethics and good governance."⁴

The Federation is tasked with ensuring that all Canadian law schools comply with a national standard, which specifies the "competencies in basic skills, awareness of appropriate ethical values and core legal knowledge that law students can reasonably be expected to have acquired during the academic component of their education."⁵

In West Coast LEAF's submission, it is not in the public interest to train future lawyers in an institution governed by policies that discriminate on the basis of sexual orientation. To approve a law school with policies that would violate human rights law if implemented by any of Canada's other law schools does not advance the Federation's mission of "promoting the cause of justice and the Rule of Law". In our view, it would be incompatible with the Federation's mandate to act in the public interest and pursue the highest standards of professionalism and ethics for it to approve a TWU law degree.

The Federation's national standard states that "ethics and professionalism lie at the core of the legal profession," and the Federation "places particular emphasis on the need for law school graduates who seek entry to law society admission programs to have an understanding of ethics and professionalism."⁶ As part of its ethics and professionalism requirements, the Federation requires students to demonstrate "an awareness and understanding of the ethical dimensions of the practice of law in Canada and an ability to identify and address ethical dilemmas in a legal context", which includes "an ability to identify and engage in critical thinking about ethical issues in legal practice".⁷

One of the ethical and professional duties of Canadian lawyers is the duty not to discriminate. The Federation's Model Code of Conduct states that "A lawyer must not discriminate against any person," and emphasizes that "A lawyer has a special responsibility to respect the requirements of human rights laws in force in Canada, its provinces and territories and, specifically, to honour the obligations enumerated in human rights laws."⁸ In our submission, a law school with policies that exclude gays and lesbians and, in the words of the Supreme Court of Canada, create "unfavourable differential treatment" on the basis of sexual orientation cannot impart on prospective lawyers a sufficient understanding of the ethical duty not to discriminate and to honour the obligations enumerated in human rights laws.

⁴ Federation of Law Societies of Canada, Mission and Values Statement, online: <<http://www.flsc.ca/en/our-mission/>>.

⁵ Federation of Law Societies of Canada, *Task Force on the Canadian Common Law Degree: Final Report*, (October 2009), online: <http://www.flsc.ca/_documents/Common-Law-Degree-Report-C.pdf>.

⁶ Federation of Law Societies of Canada, *Common Law Degree Implementation Committee: Final Report* (August 2011) at 15, online: <http://www.flsc.ca/_documents/Implementation-Report-ECC-Aug-2011-R.pdf>.

⁷ Ibid.

⁸ Federation of Law Societies of Canada, *Model Code of Professional Conduct* (as amended 12 December 2012), rule 6.3-5 at 100, online: <http://www.flsc.ca/_documents/ModelCodeRevDec2012TDBL.pdf>.

The *Charter*, as well as human rights legislation in every Canadian province, prohibits discrimination on the basis of sexual orientation. Equality, specifically protected by sections 15 and 28 of the *Charter*, underlies all of the *Charter's* rights protections and is a fundamental component of the rule of law. The Federation's decision whether to approve a law degree from TWU must be consistent with *Charter* values. In West Coast LEAF's view, a proper balancing of the right to freedom of religion, the right to equality, and the Federation's mandate to protect the public interest demands that the Federation reject TWU's application and, at the very least, mandate rigorous additional study and entrance requirements for prospective TWU law school graduates.

Thank-you for considering our submission. We would be pleased to discuss this issue further, if that would be helpful.

Yours truly,



Laura Track
Legal Director

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March 18, 2013

Via email: grtremblay@mccarthy.ca

Mr. Gérald R. Tremblay, C.M., O.Q., Q.C., Ad.E.
President
Federation of the Law Societies of Canada
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Ottawa, ON K1P 1A4

Dear Mr. Tremblay:

Re: Trinity Western University School of Law Proposal

national standards for entry to law society licensing programs across Canada. With the increased mobility of lawyers in this country, the development and application of national requirements is critical for cross-border consistency in knowledge, skills, abilities and ethics.

A. SOGIC and the Equality Committee's Concerns

We have reviewed your December 4, 2012 response to a November 20, 2012 letter from the Council of Canadian Law Deans on Trinity Western's application and the university's discriminatory treatment of lesbian, gay, bisexual, transsexual and transgender (LGBT) students. We question the perceived limitations on the Federation's role in enforcing the National Standards and approving new law degrees.

Even on a strict reading of the National Standards, Trinity Western's application raises concerns, in particular for the National Standards' ethical, constitutional and human rights components, as will be explained in greater detail below.

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Moreover, as determined by the Supreme Court of Canada in *Trinity Western University v. College of Teachers*,¹ the Federation's assessment of Trinity Western's application must go beyond "a determination of skills and knowledge" and take into account a broader range of factors.² Indeed, just a year ago, the Supreme Court reiterated in *Doré v. Barreau du Québec*³ that law societies "must act consistently with the values underlying the grant of discretion, including Charter values,"⁴ like other administrative decision-makers exercising delegated authority.

Moreover, as determined by the Supreme Court of Canada in *Trinity Western University v. College of Teachers*,¹ the Federation's assessment of Trinity Western's application must go beyond "a determination of skills and knowledge" and take into account a broader range of factors.² Indeed, just a year ago, the Supreme Court reiterated in *Doré v. Barreau du Québec*³ that law societies "must act consistently with the values underlying the grant of discretion, including Charter values,"⁴ like other administrative decision-makers exercising delegated authority.

Based on the delegations of power from its constituent law societies, the Federation has not only the power, but the duty to go beyond a strict determination of a proposed law school's compliance with the National Standards. It must assess whether the institution and its program complies with Canadian law, including the protections afforded by the *Canadian Charter of Rights and Freedoms* and the human rights legislation in B.C., and in every province and territory where a proposed law degree may be recognized by the law societies for the purpose of admission to the local bar.

We therefore ask the Federation and its members to give due consideration to these concerns when assessing Trinity Western's application.

One word at the outset on the 2001 Supreme Court decision in *TWU*, which Trinity Western appears to rely on to justify discriminatory treatment of LGBT students. Although a majority of the judges in that case found in Trinity Western's favour, their analysis was limited to B.C. law. In the present case, given the national scope of its mandate, the Federation must consider the proposed program's compliance with other provincial and territorial human rights legislation. Further, the B.C. College of Teachers "was not directly applying either the *Charter* or the province's human rights legislation when making its decision."⁵ *Doré* now imposes that obligation on law societies. Finally, recent Supreme Court jurisprudence demonstrates a higher degree of deference to administrative decision-makers when dealing with *Charter* and human rights issues.⁶

As a result, were the Federation to follow the proposals found in our letter's conclusions, its decision would most likely be subject to a lower level of scrutiny than was that of the B.C. College of Teachers at the time. Coupled with the increased recognition of same-sex relationships in Canadian law and society, and the fact that teaching future lawyers may call for the application of different norms in terms of ethics and basic respect for human rights, we submit that a different result could be expected in the present case.

B. Trinity Western's Discriminatory Rules and Practices

As a condition of employment with the university as well as admission into one of its programs, Trinity Western requires students, faculty and staff to sign its Community Covenant Agreement.⁷ The Covenant notably proscribes "sexual intimacy", except between married, opposite-sex spouses,

¹ [2001] 1 S.C.R. 772 (*TWU*). In that case, the Supreme Court weighed in on the B.C. College of Teachers' refusal to recognize Trinity Western's teacher education program.

² *Ibid.*, at para 13. For a detailed legal analysis of this question, see: Professor Elaine Craie, "The Case for the Federation of Law Societies Rejecting Trinity Western University's Application for Approval of a New Law School Program", *Canadian Journal of Women and the Law*, vol. 25(1) (2013).

³ [2012] 1 S.C.R. 395 (*Doré*).

⁴ *Ibid.*, at para 24.

⁵ *TWU*, *supra* note 2, at para 27.

⁶ See in particular *Doré*, *supra* note 4.

⁷ See Trinity Western's Student Handbook, online: <http://twu.ca/studenthandbook/university-policies/community-covenant.html>

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and numerous footnotes to the Covenant's rules on sexual intimacy refer to biblical passages interpreted by some as prohibiting sexual intercourse between members of the same gender.⁸

The Covenant is meant to apply on and off campus and violations may lead to disciplinary sanctions, including dismissal in the case of faculty and staff and removal in the case of students.⁹

The fact that no student may ever be expelled for breaching the Covenant's sexual intimacy rules is not determinative. As acknowledged by the Supreme Court of Canada in *Friend v. Alberta*,¹⁰ the

mere fear of discrimination may in and of itself cause serious psychological harm: "Fear of discrimination will logically lead to concealment of true identity and this must be harmful to personal confidence and self-esteem. [...] The potential harm to the dignity and perceived worth of gay and lesbian individuals constitutes a particularly cruel form of discrimination."¹¹

The same may be said of the fact that the Covenant purportedly targets sexual behaviour as opposed to sexual orientation. As Justice L'Heureux-Dubé wrote in her dissenting opinion in *TWU*, which was just endorsed by a unanimous Court in *Saskatchewan (Human Rights Commission) v. Whatcott*:¹²

I am dismayed that at various points in the history of this case the argument has been made that one can separate condemnation of the "sexual sin" of "homosexual behaviour" from intolerance of those with homosexual or bisexual orientations. This position alleges that one can love the sinner, but condemn the sin. ... The status/conduct or identity/practice distinction for homosexuals and bisexuals should be soundly rejected [...] [Emphasis added]¹³

C. Trinity Western Covenant Incompatible with Human Rights Legislation

As a private institution, Trinity Western is not subject to the *Charter*. Trinity Western's President Dr. Jonathan S. Raymond claimed in a recent interview that the issue of the Covenant's conformity with the B.C. *Human Rights Code*¹⁴ has been resolved since the 2001 Supreme Court of Canada position alleges that one can love the sinner, but condemn the sin. ... The status/conduct or identity/practice distinction for homosexuals and bisexuals should be soundly rejected [...] [Emphasis added]¹⁵

C. Trinity Western Covenant Incompatible with Human Rights Legislation

As a private institution, Trinity Western is not subject to the *Charter*. Trinity Western's President Dr. Jonathan S. Raymond claimed in a recent interview that the issue of the Covenant's conformity with the B.C. *Human Rights Code*¹⁴ has been resolved since the 2001 Supreme Court of Canada decision of *TWU*,¹⁵ based on s. 41(1) of the *BCHRC*. That provision reads as follows:

41 (1) If a charitable, philanthropic, educational, fraternal, religious or social organization or corporation that is not operated for profit has as a primary purpose the promotion of the interests and welfare of an identifiable group or class of persons characterized by a physical or mental disability or by a common race, religion, age, sex, marital status, political belief, colour, ancestry or place of origin, that organization or corporation must not be considered to be contravening this Code because it is granting a preference to members of the identifiable group or class of persons. [Emphasis added]

- ⁸ Community Covenant Agreement, online: <http://twu.ca/studenthandbook/student-handbook-2012-2013.pdf>, pp. 19-23.
- ⁹ *Id.* As outlined in the Student Handbook: "[i]f 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" (p. 23).
- ¹⁰ [1998] 1 S.C.R. 493 (*Friend*).
- ¹¹ *Ibid.*, at para 102 [emphasis added].
- ¹² 2013 SCC 11 (*Whatcott*).
- ¹³ *Ibid.*, at para 123, citing *TWU*, *supra* note 2, para 69.
- ¹⁴ *RSBC*, 1996, c. 210 (*BCHRC*); see *TWU*, *supra* note 2, at paras 13 and 35.
- ¹⁵ See Sarah Boesveld, "Canadian deans accused of 'anti-religious bias' over attempt to block Christian law school", in *National Post*, January 18, 2013 edition, online: <http://jite.nationalpost.com/2013/01/18/canadian-deans-accused-of-anti-religious-bias-over-attempt-to-block-christian-law-school/>.

The legality of Trinity Western's Covenant in light of the *BCHRC*'s prohibition of discrimination based on sexual orientation was not directly at issue in *TWU*, nor was it analyzed at any length by the lower courts and the Supreme Court of Canada. The Covenant's compliance with the *BCHRC* remains an open question, especially in light of evolving notions of human rights and the increased legal and societal recognition afforded to LGBTTT individuals and their relationships.

Given the national scope of the Federation's mandate and the increased mobility of lawyers between Canadian jurisdictions, any analysis of these issues cannot be limited to Trinity Western's compliance with B.C. legislation. Since the Federation's recommendation will be applied in every Canadian common law jurisdiction, consideration must be given to the Covenant's compatibility with other provincial and territorial human rights laws.

Provisions analogous to s. 41(1) of the *BCHRC* are found in 10 of 13 provincial and territorial human rights statutes, with great variations in language and scope.¹⁶ For instance, the religious organization's "exemption" applies, subject to conditions, to all types of services and contracts in four provinces and one territory.¹⁷ It is limited to employment contracts in five other jurisdictions.¹⁸ As such, there appears to be no legal justification for Trinity Western's discriminatory rules and practices in at least eight out of thirteen Canadian jurisdictions.¹⁹

As for the five jurisdictions where human rights laws include a more general exemption for religious organizations, jurisprudence interpreting the clauses is scarce and, in some respects, dated, at least at the Supreme Court of Canada level. The predecessor to s. 41 of the *BCHRC* was considered by the Supreme Court in the 1984 case of *Caldwell v. Stuart*,²⁰ while *Brossard v. Québec (Comm. des droits de la personne)*,²¹ issued in 1988, dealt with s. 20 of the Quebec *Charter of Human Rights and Freedoms*.²²

In both judgments, the last to substantially consider the scope of exemptions for religious organizations at the Supreme Court level, the Court outlined their close connection to the protection of freedom of association. In *Brossard*, the Court held that in order to qualify for the exemption, a non-profit organization "must have, as a primary purpose, the promotion of the interests and welfare of an identifiable group of persons characterized by a common [enumerated] ground...".²³ The Court then added that "the distinction, exclusion or preference practised by the non-profit institution to which the second branch applies must be justified in an objective sense by the particular nature of the institution

- ¹⁶ The relevant provisions of provincial and territorial statutes are reproduced in Schedule A.
- ¹⁷ Namely British Columbia, Ontario, Quebec, Prince Edward Island and Yukon.
- ¹⁸ Namely Saskatchewan, Nova Scotia, Newfoundland and Labrador, Northwest Territories and Nunavut. In the case of Newfoundland and Labrador, the exemption also covers membership in a religious organization; see s. 11(5)(d) of the *Human Rights Act, 2010*, S.N.L. 2010, c. H-13.1.
- ¹⁹ Namely Alberta, Saskatchewan, Manitoba, New Brunswick, Nova Scotia, Newfoundland and Labrador, Northwest Territories and Nunavut.
- ²⁰ [1984] 2 S.C.R. 603 (*Caldwell*).
- ²¹ [1988] 2 S.C.R. 279 (*Brossard*).
- ²² R.S.Q., c. C-12. That provision reads: "A distinction, exclusion or preference based on the aptitudes or qualifications required for an employment, or justified by the charitable, philanthropic, religious, political or educational nature of a non-profit institution or of an institution devoted exclusively to the well-being of an ethnic group, is deemed non-discriminatory, or justified by the charitable, philanthropic, religious, political or educational nature of a non-profit institution or of an institution devoted exclusively to the well-being of an ethnic group, is deemed non-discriminatory."
- ²³ *Supra* note 23, at para 130.

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in question."²⁴ We submit that Trinity Western's ban on sexual intimacy outside of marriage between a man and a woman is not so objectively justified.

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in question."²⁴ We submit that Trinity Western's ban on sexual intimacy outside of marriage between a man and a woman is not so objectively justified.

Pursuant to the *Trinity Western University Act*,²⁵ it is recognized as a Christian institution affiliated with the Evangelical Free Church of Canada. Yet the university does not purport to have "as a primary purpose, the promotion of the interests and welfare of an identifiable group of persons", nor to exclude individuals who do not share its religious beliefs. On the contrary, under its legislative mandate, it must welcome students of all faiths. Subsection 3(2) of the Act, as amended, provides:

(2) The objects of the University shall be to provide for young people of any race, colour, or creed university education in the arts and sciences with an underlying philosophy and viewpoint that is Christian. [Emphasis added]

It appears that the B.C. legislature has not authorized the institution to grant "a preference to members" of any particular church or religion, or to individuals who hold beliefs similar to those of the Evangelical Free Church of Canada, but rather has specified that its public mandate must be exercised to be inclusive of people of all races and creeds. This should include individuals who do not share Trinity Western's views on sexual intimacy, notably members of the LGBTTT communities. One is hard pressed to see how purporting to exclude LGBTTT students, or force them to conceal their true identity, could amount to an objectively justifiable purpose rationally connected to Trinity Western's educative mandate, irrespective of that school's worldview.

D. Following these recommendations would not hamper freedom of religion

Some, including the British Columbia Civil Liberties Association, have argued that denying Trinity Western's application would violate the freedom of religion and freedom of association of the school's community.²⁶ We respectfully disagree.

As recently noted by the Supreme Court of Canada in *Whatcott*, relying on its jurisprudence post-*TWU*, freedom of religion is only infringed where: "(1) the claimant sincerely holds a belief or practice that has a nexus with religion; and (2) the provision at issue interferes with the claimant's ability to act in accordance with his or her religious beliefs."²⁷ The interference must be so serious as to "[threaten] actual religious beliefs or conduct."²⁸

Although we do not question the sincerity of the religious beliefs of those forming the Trinity Western community on sexual mores, removing or modifying the school's Covenant and other rules,

As recently noted by the Supreme Court of Canada in *Whatcott*, relying on its jurisprudence post-*TWU*, freedom of religion is only infringed where: "(1) the claimant sincerely holds a belief or practice that has a nexus with religion; and (2) the provision at issue interferes with the claimant's ability to act in accordance with his or her religious beliefs."²⁷ The interference must be so serious as to "[threaten] actual religious beliefs or conduct."²⁸

Although we do not question the sincerity of the religious beliefs of those forming the Trinity Western community on sexual mores, removing or modifying the school's Covenant and other rules, practices and policies, as we suggest in the conclusion to this letter, would fall short of threatening the beliefs or conduct of these individuals. Trinity Western's Christian character and affiliation to the Evangelical Free Church of Canada could be maintained. Those who share the school's views on sexual intimacy would still be welcomed as faculty and students, the same way they are at every other university in Canada, and they would be free to express their beliefs and to try to convince others to abide by the same moral standards. What would be forbidden is the creation of a "LGBTTT-

²⁴ *Ibid.*, at para 138. According to the B.C. Court of Appeal in *Vancouver Rape Relief Society v. Nixon*, 2005 BCCA 601 (CanLII) (leave application denied, February 1, 2007, S.C.C. No. 31653), at paras 5-2 to 5-3, the *BCHRC* is not so limited. Be that as it may, the Court, based on *Caldwell*, accepted that there had to be a "rational connection" between the discriminatory practice and the institution's objects: "All of this is to say that, in my view, the reviewing judge was correct in following the guidance of *Caldwell* and concluding that a group can prefer a sub-group of those whose interests it was created to serve, given good faith and provided there is a rational connection between the preference and the entity's work or purpose" (para. 58).

²⁵ S.B.C. 1969, c. 44.

²⁶ Letter from BCCLA to the Federation, January 31, 2013, online: <http://bccla.org/wp-content/uploads/2013/01/2013-BCCLA-Letter-to-Herman-Wolk-TWU.pdf>

²⁷ *Whatcott*, *supra* note 13, at para 155.

²⁸ *Ibid.* [emphasis added]

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free" school environment, which is no more of a right guaranteed by freedom of religion than a "women-free" or "Jew-free" campus would be.

Even if a violation of freedom of religion could be demonstrated, s. 1 of the *Charter* would require that it be reconciled with the right to equality accorded to all Canadians.²⁹ One would have to account for the fact that the exercise of freedom of religion by Trinity Western's members denies LGBTTT's faculty and students respect for their dignity and equality, as protected by s. 15(1) of the *Charter*. As the Supreme Court held in *Ross v. New Brunswick School District No. 15*,³⁰ "[w]here the manifestations of an individual's right or freedom are incompatible with the very values sought to be upheld in the process of undertaking a s. 1 analysis, then, an attenuated level of s. 1 justification is appropriate."³¹ For these reasons, we believe that Trinity Western's exclusion of LGBTTT individuals would not meet this test.

To sum up, we believe that freedom of religion does not allow one group of individuals to exclude another group of identifiable individuals from access to a public service, such as a university education, on the ground of race, colour, religion, national origin, gender, sexual orientation, gender identity, age or disability, except of course when academically justified based on admission and eligibility criteria.³² In our view, institutional rules that discriminate against identifiable groups of people, which for too long restricted or denied access to some professions to certain racial and religious minorities,³³ have no place in today's Canada.

E. The U.S. Experience

These issues may be informed by the U.S. experience and approach.

In *Bob Jones University v. United States*,³⁴ the U.S. Supreme Court was called on to determine whether the Internal Revenue Services (IRS) could deny tax-exempt status to two non-profit private schools that prescribed and enforced racially discriminatory admission standards on the basis of religious doctrine.³⁵ The IRS had removed the schools' charitable status on the ground that their admission policies and rules of conduct violated federal anti-discrimination laws.

The Court confirmed the IRS's decision, holding that it was justified under the circumstances. The Chief Justice noted that "racial discrimination in education violates deeply and widely accepted views of elementary justice"³⁶ and the "governmental interest [in eradicating racial discrimination in education] substantially outweighs whatever burden denial of tax benefits places on petitioners' exercise of their religious beliefs."³⁷

²⁹ *Whatcott*, *supra* note 13, at para 161.

³⁰ [1996] 1 S.C.R. 825.

³¹ *Ibid.*, para 94, cited in *Whatcott*, *supra* note 13, at para 162.

³² *University of British Columbia v. Berg*, [1993] 2 S.C.R. 353.

³³ For example, up to the 1960s, McGill University and U of Toronto imposed "quotas" on the admission of Jewish students to medical school and restrictions on hiring Jewish faculty members: see Gerald Tulchinsky, *Canada's Jews: A People's Journey*, Toronto: University of Toronto Press (2008), pp. 132-133, 319-321, 410 and 415.

³⁴ 461 U.S. 574 (1983) ("*Bob Jones University*").

³⁵ Bob Jones University was dedicated to the teaching and propagation of fundamentalist Christian religious beliefs, requiring its teachers to be devout Christians, with all courses being taught according to the Bible. Entering students were screened on their religious beliefs and their public and private conduct was regulated by standards promulgated by university authorities, including a complete ban on interracial dating and marriage, which was genuinely believed to be forbidden by scriptures. Goldboro Christian Schools also gave special emphasis to the Christian religion and the ethics revealed in the Bible. The school maintained a racially discriminatory admission policy based upon its interpretation of scripture. It accepted mostly Caucasians and, on occasion, children from racially mixed marriages in which one of the parents was Caucasian.

³⁶ *Bob Jones University*, *supra* note 42, at p. 592.

³⁷ *Ibid.*, at p. 604.

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prohibited under the *Charter* as well as federal, provincial and territorial human rights laws. That was the question at issue in *Christian Legal Society of University of California, Hastings College of Law v. Martinez*³⁸, where the U.S. Supreme Court had to determine whether a public law school, part of the state government's network of universities, could refuse to officially recognize a student group that denied membership to students who did not share the organization's core beliefs about religion and sexual orientation, but instead require that it open its membership to all students irrespective of their religious beliefs or sexual orientation.³⁹

The same may be said of discrimination on the basis of sexual orientation in Canada, which is prohibited under the *Charter* as well as federal, provincial and territorial human rights laws. That was the question at issue in *Christian Legal Society of University of California, Hastings College of Law v. Martinez*³⁸, where the U.S. Supreme Court had to determine whether a public law school, part of the state government's network of universities, could refuse to officially recognize a student group that denied membership to students who did not share the organization's core beliefs about religion and sexual orientation, but instead require that it open its membership to all students irrespective of their religious beliefs or sexual orientation.³⁹

The Court found that although the group's core beliefs enjoyed protection under the First Amendment of the U.S. Constitution, (which guarantees freedom of speech, association and religion) the university's refusal to recognize organizations that practiced discrimination fulfilled "reasonable educational purposes."⁴⁰ The group had argued that the university held no legitimate interest in urging "religious groups not to favor coreligionists for purposes of their religious activities." The Court's response was:

[...] CLS's analytical error lies in focusing on the benefits it must forgo while ignoring the interests of those it seeks to fence out: Exclusion after all, has two sides. Hastings, caught in the crossfire between a group's desire to exclude and students' demand for equal access, may reasonably draw a line in the sand, permitting all organizations to express what they wish but no group to discriminate in membership. [Footnote omitted] [Emphasis added]⁴¹

In concurring reasons, Stevens J. noted that the constitutional protection afforded to freedom of religion and speech does not impose on a government agency the obligation to officially recognize every religious organization, irrespective of their discriminatory beliefs and conduct:

[...] Other groups may exclude or mistreat Jews, blacks, and women—or those who do not share their contempt for Jews, blacks, and women. A free society must tolerate such groups. It need not subsidize them, give them its official imprimatur, or grant them equal access to law school facilities. [Emphasis added]⁴²

In August 2012, the American Bar Association adopted new *Standards and Rules of Procedure for Approval of Law Schools*.⁴³ Standard 211, "Non-discrimination and Equality of Opportunity", stipulates that "[a] law school shall not use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, gender, sexual orientation, age or disability."⁴⁴ Although law schools may have a religious affiliation or purpose, adopt and apply admission and employment policies that directly relate to their affiliation or purpose, and prefer persons adhering to same, the policies must not interfere with academic freedom and "shall not be applied to use admission policies or take other action to

³⁸ 561 U.S. ____ (2010) ("CLS").

³⁹ Christian Legal Society's chapters had to adopt bylaws that required members and officers to sign a "Statement of Faith" and to conduct their lives in accord with prescribed principles. Among those tenets was the belief that sexual activity should not occur outside of marriage between a man and a woman, thereby excluding LGBTTT students and those who did not share the group's religious views on such issues.

⁴⁰ CLS, *supra* note 46, at p. 2 of the Court's opinion, written by Ginsburg J.

⁴¹ *Ibid.*, at p. 28 of the Court's opinion, written by Ginsburg J.

⁴² *Ibid.*, at p. 6 of Steven J.'s concurring opinion.

⁴³ Available online at:

http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2012_2013_aba_standards_and_rules_authnchecked.pdf

⁴⁴ *Ibid.*, at p. 12.

- 8 -

preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, gender, sexual orientation, age or disability."⁴⁵

F. Conclusions

Lawyers are viewed as leaders in their communities. Lawyers rely on law societies to offer leadership and regulation in the public interest, including on issues relating to equality. SOGIC and the Equality Committee believe that the Federation must consider the educational philosophy and environment of a law school and how that impacts the institution's ability to teach law, to properly perform its function of assessing compliance with the National Standards. As the U.S. Supreme Court held in *Norwood v. Harrison*,⁴⁶ "a private school—even one that discriminates—fulfills an important educational function; however, [...] [that] legitimate educational function cannot be isolated from discriminatory practices. [...] [D]iscriminatory treatment exerts a pervasive influence on the entire educational process."⁴⁷

Our members are your members. They have voiced concerns about Trinity Western's proposal to us, and we agree. We have seen Canadian law societies work to protect and encourage diversity in law and in the practice of law and we view them as allies in this regard. Whether via an Equity Office or Officer, Equity Ombudsman, or a like representative, our law societies have done our members proud. We are asking them, and the Federation, to honour and continue that tradition. We urge you to reconsider your stance in pursuance of the law societies' duty to regulate the legal profession in the public interest.

The Federation must strike a balance between freedom of religion and equality, and give full consideration to its public interest mandate and to the values embodied in our human rights instruments. In that respect, we invite the Federation to seek inspiration from the ABA's August 2012 *Standards and Rules of Procedure for Approval of Law Schools*.

Finally, Trinity Western's application does not necessarily call for an "all or nothing" response. For example, short of rejecting it, the Federation could ask Trinity Western to remove or modify its Covenant and other rules, practices and policies which detract from its ability to meet the National Standards and to comply with human rights laws across the country as well as minimum norms guaranteeing academic freedom. This could be achieved while maintaining the Christian character of the school, yet ensuring that it is truly open to "young people of any race, colour, or creed," in accordance with its statutory mandate.

We hope this letter is the beginning of an open dialogue on this very important issue. SOGIC and the Equality Committee would be pleased to assist in whatever way you believe would be appropriate.

Yours truly,

(signed by Rebecca Bromwich for Amy Sakalauskas, Robert Peterson and Level Chan)

Amy Sakalauskas
Co-chair, CBA Sexual
Orientation and Gender
Identity Conference

Robert Peterson
Co-chair, CBA Sexual
Orientation and Gender
Identity Conference

Level Chan
Chair, CBA Equality
Committee

cc: See Appendix A



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,

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

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



BY E-MAIL

April 26, 2013

Osgoode OUTLaws
Osgoode Hall Law School
York University
4700 Keele Street
Toronto, ON M3J 1P3

Re: Trinity Western University's Proposed School of Law

Dear OUTLaw members,

I write with respect to your March 18, 2013 letter which deals with the proposal by Trinity Western University ("TWU") to establish a school of law.

I wish to inform you that the Council of the Federation has established a Special Advisory Committee on Trinity Western University's Proposed School of Law (the "Special Advisory Committee") to advise the Federation on certain matters related to the TWU proposal. The mandate of the Special Advisory Committee includes a review of the submissions made to the Federation by various organizations and individuals, including SOGIC and the Equality Committee. The Terms of Reference of the Special Advisory Committee are attached.

As you know, Canada's law societies have approved a national requirement that reflects their collective view as to what is required in the public interest to ensure that new members of the profession are competent to practise and understand their ethical obligations. The national requirement does not specify how schools teach those competencies. That is a matter left to the individual law schools within the educational framework of each province.

The Federation established the Canadian Common Law Program Approval Committee (the "Approval Committee") with a specific and limited mandate to determine whether graduates of existing and proposed common law programs will meet the national requirement.

TWU proposes to establish a new school of law and has applied to the Approval Committee for a determination as to whether its proposed law program meets the national requirement. However, certain issues have been raised regarding the proposal, including those referred to in your letter that are outside of the mandate of the Approval Committee. These issues were not anticipated when the national requirement was developed and the Approval Committee established. The Federation believes, nevertheless, that these issues should be addressed.

World Exchange Place • 1810 • 45, rue O'Connell Street • Ottawa • Ontario • Canada • K1P 1A6
Tel: (613) (613) 236-7272 • Fax: (613) 236-7233
www.flsc.ca

2

The Federation has received numerous representations from individuals and groups that deal with issues relating to TWU's Community Covenant Agreement. The Council of the Federation has established the Special Advisory Committee to provide advice to the Council on the question of whether additional considerations ought to be taken into account having regard to the Community Covenant Agreement. The Special Advisory Committee has been directed to coordinate its report to Council with the release of the Approval Committee's report on the TWU proposal. The Federation is committed to ensuring that the work of the Approval Committee and the Special Advisory Committee is completed in a timely fashion and that our process meets the highest standards.

The following individuals have been appointed to the Special Advisory Committee:

- (a) John J. L. Hunter, Q.C., Chair, Past-President of the Federation and of the Law Society of British Columbia;
- (b) Mona T. Duckett, Q.C., former Council member representing the Law Society of Alberta and Past-President of the Law Society of Alberta;
- (c) Derry Millar, former Treasurer of the Law Society of Upper Canada;
- (d) Madame la Bâtonnière Madeleine Lemieux, Ad. E., former Council member representing the Barreau du Québec and former bâtonnière of the Barreau du Québec; and
- (e) Morgan C. Cooper, President of the Law Society of Newfoundland and Labrador.

Should you be interested, additional information on this matter and the Federation's other initiatives is available at www.flsc.ca.

Thank you for providing your views to the Federation.

Yours truly,

Gérald R. Tremblay, C.M., O.Q., Q.C., Ad. E.
President

c.c.: Laurie H. Pawlitz, Chair, Canadian Common Law Program Approval Committee
John J. L. Hunter, Q.C., Chair, Special Advisory Committee on Trinity Western University's Proposed School of Law
Dr. Jonathan S. Raymond, President, Trinity Western University



ESTABLISHMENT OF A SPECIAL ADVISORY COMMITTEE

The Federation of Law Societies of Canada (the "Federation") establishes the Special Advisory Committee on Trinity Western University's Proposed School of Law (the "Special Advisory Committee") to consider certain matters relating to the proposed common law program at Trinity Western University ("TWU").

BACKGROUND

Canada's law societies are charged with regulating the legal profession in the public interest. In doing so, they have approved a national requirement that reflects their collective view as to what is required in the public interest to ensure that new members of the profession are competent to practise and understand their ethical obligations. The national requirement sets out the competencies that all graduates of common law programs in Canada must meet in order to enter law society admission programs. The Federation's Canadian Common Law Program Approval Committee (the "Approval Committee") has been mandated by the law societies to determine whether graduates of existing and proposed common law programs will meet the national requirement.

TWU proposes to establish a new school of law. The decision to approve the establishment of a law school at TWU rests with the government of British Columbia.

TWU has applied to the Approval Committee for a determination as to whether its proposed law program meets the national requirement. However, certain issues have been raised regarding the proposal that are outside of the mandate of the Approval Committee. The Special Advisory Committee is established to consider those issues. In light of the representations made to the Federation to date, the responses to those representations by TWU, and the substantial public record of views about those issues, no formal public consultation is contemplated.

MANDATE

1. The specific mandate of the Special Advisory Committee is to provide advice to the Council of the Federation on the following question:

What additional considerations, if any, should be taken into account in determining whether future graduates of TWU's proposed school of law should be eligible to enroll in the admission program of any of Canada's law societies, given the requirement that all

students and faculty of TWU must agree to abide by TWU's Community Covenant Agreement as a condition of admission and employment, respectively?

2. In its consideration of the question, the Special Advisory Committee shall take into account:
 - (a) all representations received by the Federation to date including any responses to those representations by TWU;
 - (b) applicable law, including the Canadian Charter of Rights and Freedoms, human rights legislation, and the Supreme Court of Canada decision in *Trinity Western University v. British Columbia College of Teachers* (2001 SCC 31); and
 - (c) any other information that the Special Advisory Committee determines is relevant to the question.



By E-Mail

April 3, 2013

David Percy Q.C.
Bernard Adell
Jeffrey Berryman
Joost Blom Q.C.
Anne Pappas
Vicki Simmons

Re: Trinity Western University School of Law Proposal

Many thanks for traveling to Trinity Western University to meet with us on March 26, 2013. We very much enjoyed our day together and appreciate the advice provided by the Expert Review Panel.

Please find attached further financial information and a staffing roll-out plan as requested by the Panel. You may notice a few minor differences in the attached document from the Proposal. As we listened to the advice of the Panel we thought it prudent to make some amendments (such as adding an Associate Dean and having the Dean commence employment earlier).

We trust the attached is of assistance. Please don't hesitate to contact us if further information is required.

Yours truly,

A handwritten signature in blue ink, appearing to read 'K. Sawatsky', written over a horizontal line.

Kevin Sawatsky for

Janet Buckingham
Don Buckingham
Eugene Meehan Q.C.
Earl Phillips
Bob Wood



September 25, 2013

The Honourable Minister of Advanced Education
Box 9041
Station PROV GOVT
Victoria, BC V8W 9E1

Dear Minister Virk:

Re: School of Law at Trinity Western University

This letter is further to our meeting in late June, 2013, and our subsequent correspondence.

As you know in June, 2012 Trinity Western University submitted an application for a Juris Doctor program (a law school) to the Ministry of Advanced Education. You advised us in June that the application had worked its way through all necessary review processes and indicated that a decision could be expected in the reasonably near future. We recognize that there has been an organized political campaign to oppose TWU's proposal and we know letters have now been written to you and a number of other MLAs. We have taken the liberty of writing this letter in order to provide some further information from the University side.

Trinity Western University has been a fully recognized university for 28 years under the oversight of the British Columbia Ministry of Advanced Education. It offers 42 undergraduate and 16 graduate programs, all of which have been approved by the Ministry. It has developed a long history of excellence in teaching, scholarship and research and regularly receives an A+ for quality of education in the annual Globe and Mail University Report Card. This puts Trinity Western at the very top of the list of Canadian advanced educational institutions. Reflective of that excellence, Trinity graduates are among the most sought after by employers in every field.

The law school proposal was developed over a five year period in consultation with many lawyers, judges and legal academics from across the country. It provides an innovative curriculum designed to build legal skills within the context of law as public service. The curriculum is designed to attract and train students for practicing in small firms outside of the major B.C. urban areas, where there is a greater need for additional lawyers. In keeping with the nature of TWU, a specialization will be offered in Charities and Social Justice Law. Students will be required to complete two practica which will include service at a pro bono legal clinic in partnership with a charitable organization such as Union Gospel Mission. It has been our hope that the proposal would simply be assessed on its merits and we are confident if that is the case that approval will follow.

Those opposing TWU have not focused on the merits of the proposal but rather on the religious character of the University. However, under our founding legislation, Trinity Western University is required to "provide university education...from a viewpoint that is Christian." As such, we have policies that are different than public universities. One of these policies is our Community Covenant, which sets out common expectations of staff, faculty and students. The Community Covenant has been developed by the community itself, through a committee comprised of faculty, staff and students. It is reviewed periodically to ensure that it corresponds with the values of the community. The most fundamental aspect of the Community Covenant is an affirmation of respect for every member of the community.

We are aware that those who oppose a law school at TWU make much of the fact that the Community Covenant includes one reference to marriage as being between a man and a woman. That definition of marriage reflects a traditional evangelical Christian understanding of marriage. In the Civil Marriage Act, passed in 2005, the federal government redefined marriage for civil purposes as being between two persons. However, both in that legislation and in the decision of the Supreme Court of Canada on marriage, it was affirmed that a religious institutions' definition of marriage for religious purposes would be respected. The Civil Marriage Act even includes a preamble which states, "it is not against the public interest to hold and publicly express diverse views on marriage."

Those who are urging that the Ministry of Advanced Education not approve the law school proposal are in essence asking that the government of B.C. discriminate against the University based on our religious beliefs about marriage. We find this deeply disturbing in a multicultural country like Canada that respects diversity. Not only is religious freedom protected in Canada's Charter of Rights and Freedoms, but equality on the basis of religion is also protected. These are core values in Canadian society. In the 2001 Supreme Court of Canada decision, *Trinity Western University v. British Columbia College of Teachers*, it was clearly determined that the University has the right to maintain a religiously-based community covenant in the context of a professional program.

As indicated, given the campaign that has been organized against the law school proposal, we thought it might be helpful to provide the above additional comments. I and others at TWU would be more than pleased to discuss this or provide you with further information. We look forward to constructive interaction with your office in relation to this very important matter.

Yours truly,

A handwritten signature in black ink, appearing to read "Bob Kuhn". The signature is fluid and cursive, with the first name "Bob" and last name "Kuhn" clearly distinguishable.

Robert G. Kuhn
President

September 19, 2013

VIA EMAIL educ.minister@gov.bc.ca
AND REGULAR MAIL

The Honourable Peter Fassbender
Minister of Education
P.O. Box 9045
Stn Prov Govt
Victoria, BC
V8W 9E2

Dear Minister Fassbender:

RE: Trinity Western University Law School Accreditation

I write to express concern with Trinity Western University's request for law school accreditation. The British Columbia government should deny the request.

Trinity Western University is governed by the *Trinity Western University Act* (S.B.C. 1969, c. 44). The University is required by statute to welcome students of all faiths. That is legally required. Indeed, under subsection 3(2) of the Act, Trinity Western's very object is "to provide for young people of *any race, color or creed* university education in the arts and sciences with an underlying philosophy and viewpoint that is Christian." [Emphasis added.]

The underlying philosophy and viewpoint is to be Christian, but Trinity Western is not allowed to insist that the recipients of that education be Christian, and still less to be Christian in the very narrow way they currently define it. The British Columbia legislature has not allowed Trinity University to restrict attendance to those who hold beliefs similar to those of the Evangelical Free Church of Canada, but rather has specified that the University must be inclusive of people of all races and creeds. Creed is defined in the Oxford English Dictionary as "a professed system of religious belief" and "a set of opinions on any subject." This must include individuals who do not share Trinity Western's views on sexual intimacy; for example, Christians whose religious beliefs do

Clayton Ruby, C.M.
B.A., LL.B., LL.M., LL.D.
(honoris causa)
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not permit discrimination against queer students. The vast majority of Canada's Christian community is excluded because their beliefs neither require nor permit the exclusion of other Christians who exercise same sex intimacy, particularly when married, pursuant to Trinity Western's Community Covenant that the school requires all students to sign. Equally, the Covenant excludes Muslims and Jewish students who do not wish to become a member of, nor accept the doctrines of, a Christian community, nor accept the authority of the Christian bible as the ultimate governor of behaviour and belief. They are discriminated as well based on their creed.

It is perfectly possible, and appropriate, for Trinity Western to offer a Christian worldview in their curriculum. But it must be open to those of all races and creeds who wish to experience their form of Christian education, including non-Christians and Christians who do not wish to accept or share each and every one of Trinity Western's extreme views.

Trinity Western University must not be permitted to expand to a law school while violating its own Act. It must be brought into compliance with existing legislation before the British Columbia legislature allows the accreditation of its proposed law school and further breaches of the Act.

Yours very truly,

S22

Clayton Ruby & Angela Chaisson





DEGREE QUALITY ASSESSMENT BOARD

October 18, 2013

File #: 60120-20/TWU

Grant McMillan
Registrar, Trinity Western University
7600 Glover Road
Langley BC V2Y 1Y1

Dear Mr. McMillan:

Thank you for your letter of May 10, 2013 regarding TWU's Juris Doctor proposal that unfortunately did not arrive in the Board Secretariat's office until August 23, several months past the date it was written. Please be assured however that your comments regarding the capacity of the Office of the Registrar have been noted.

In order to coordinate the work of the Board, the Board Secretariat and program review panels more effectively, please have all future correspondence sent to the Board come through your institution's Academic Initiatives office.

If you have questions regarding this letter or the degree quality assessment process, please do not hesitate to contact the Secretariat at DQABSecretariat@gov.bc.ca.

Sincerely,

Dr. Nicholas Rubidge
Chair

pc: Ms. Valarie Bakowski, Executive Director
Governance and Quality Assurance Branch

Dr. Elsie Froment
Director of Academic Initiatives
Trinity Western University

Call with Dr. Bob Wood re TWU Proposed School of Law

Speaking Notes:

Juris Doctor (JD) Degree

- The Degree Quality Assessment Board conducts quality assessment activities on behalf of the Ministry to ensure new proposed degree programs at both private and public post-secondary institutions in BC meet consistent and high quality criteria. All applicants must undergo the same rigorous quality assessment process.
- As you know, the Board determined that the proposal would undergo a full quality assessment review by a 5-person panel of experts. The expert panel has submitted its report which has been forwarded to TWU for response prior to review by the Board.
- Since the proposal represents a significant departure from programs historically offered by TWU, the Board's review focused not only on the degree program criteria but also on broader issues regarding the institution's capacity, infrastructure and resources required to develop an entirely new faculty.
- TWU asked for an extension to respond to the expert panel report. I understand that the Board provided a 2 week extension as per their standard practice. As you know, TWU's response is due by May 17, 2013.
- The expert panel report and TWU's response will be considered at the Board's June 10, 2013 meeting for recommendation to the Minister.
- It would not be appropriate for me to comment on the particulars of the expert report or the Board's quality assessment review until the process is complete and the Minister makes a determination.

Not Responsive

Background:

- Trinity Western University (TWU) is a private, not-for-profit, Christian, liberal arts and science university located in Langley, British Columbia that was established in 1962 as Trinity Junior College. Current enrolment at TWU is approximately 3,600.
- TWU is governed by the *Trinity Western University Act* (TWUA). In addition to authorizing TWU to grant theological degrees, since 1979 the TWUA has provided the university with authority to grant academic degrees.
- Since 2002, new non-theological degree programs from TWU require Minister's consent under the *Degree Authorization Act* (DAA).
- Under the DAA, applications for new academic degree must undergo a quality assessment process overseen by the Degree Quality Assessment Board (DQAB) and meet established criteria prior to receiving consent from the Minister.
- TWU obtained Minister's approval for Exempt Status up to and including the Master's in 2004. Therefore, proposals from TWU at or below the Master's level are not normally reviewed by the DQAB and proceed directly to the Minister for decision following the 30-day public/peer review period.
- Under the published Exempt Status Criteria, the Minister reserves the right to require any Exempt institution's degree proposal to be reviewed by the Board.
- TWU submitted a proposal to offer a Juris Doctor (JD) degree on June 30, 2012.
- The proposal completed the 30-day peer/public review process on August 2, 2012. The Ministry did not receive any comments on the proposal during the review period.
- On July 16, 2012, the DQAB noted the submission by TWU and expressed their view of the importance of quality for this type of degree and that TWU does not have any experience in this area. As well, the program had not been approved by the Federation of Law Societies of Canada and had not had any external validation as to the direction and quality of TWU's plans.
- On December 18, 2012 the Minister made the decision to refer the degree proposal to the DQAB to undergo a full quality assessment process review.
- On January 14, 2013, the DQAB determined that the proposal would undergo a full quality assessment review by a 5-person panel of experts. The expert panel has submitted its report which has been forwarded to TWU for response prior to review by the DQAB.
- TWU asked for an extension to respond to the expert panel report due to the extensive suggestions made by the panel. The Board provided a 2 week extension as per their standard practice until May 17, 2013. Should TWU not be able to respond within this timeframe, the application will have to be withdrawn and resubmitted as a new application.
- The expert panel report and TWU's response will be considered at the June 10, 2013 meeting of the DQAB for recommendation to the Minister.

Pages 892 through 974 redacted for the following reasons:

s.21

Proposal Task Checklist

Institution: **Trinity Western University** PSIPS #: **1213TWU0018**
 Proposal: **Juris Doctor (JD)** ☒ Degree ☐ Use of Univ ☐ App for Exempt

Submitted to Secretariat/Peer Review Requested: **June 18/30**

Peer/Public Review (proposal complete and org Self-Study included, if applicable)? ☐ Yes ☒ No

If no, change status to Revisions Required:

June 25

Reason:

If yes, change status to **Peer Review** or **Verified**:

July 3

(FOR PUBLICS)

Ministry Review?

☐ Inst'l Mandate

☐ Health

☐ Applied Min Review

Confirm Ministry Review in progress:

n/a

n/a

n/a

Confirm Ministry Review complete:

n/a

n/a

n/a

If denied, notify applicant and Withdraw:

n/a

n/a

n/a

(Note: if applied Ministry review completed, no confirmation of institutional mandate is needed)

Request sent for suggested experts from institution:

Jan 8

Due:

Jan 11

Received:

End of peer/public review:

August 2

Comments Received?

☐ Yes ☒ No

Applicant's response to peer/public comments:

Comment received from:

n/a

Due:

n/a

Received:

n/a

Is proposal revised? ☐ Yes ☒ No

If yes, if the revised proposal complete? ☐ Yes ☐ No

If no, change status to Revisions Required:

Comment: **Full Review Required J**

Submitted to Secretariat: **June 30/Jan 9**

Application Verified: **July 3/ Jan 24**

Confirm payment received and PSIPS updated by FASB: **Jan 24, 2013**

Is the Institution/Program Exempt? ☒ Yes ☐ No (if yes, does not require DQAB review)

DQAB Review

Confirm DQAB meeting date for determination of experts: **Jan 14, 2013**

Coordinate review panel(s): Complete Contract Request Template for admin staff: **Jan 30, 2013**

☒ Program Review

☐ Org Review

☐ Use of Univ Review

Draft Terms of Reference:

n/a

n/a

n/a

Date of site visit(s):

March 26

n/a

n/a

Report due date(s):

April 16

n/a

n/a

Proposal Task Checklist

.../Page 2

Institution: **Trinity Western University** PSIPS #: **1213TWU0018**
 Proposal: **Juris Doctor (JD)** ☒ Degree ☐ Use of Univ ☐ App for Exempt

DQAB Review continued...

Materials sent to reviewers:	<input type="text" value="Feb 12/13"/>	<input type="text" value="n/a"/>	<input type="text" value="n/a"/>
Contract & Invoice sent to institution:	<input type="text" value="Feb 12/13"/>		
Report sent to institution: (bcc Secretariat for Board package)	<input type="text" value="April 18"/>	<input type="text" value="n/a"/>	<input type="text" value="n/a"/>
Response to report due:	<input type="text" value="May 17"/>	<input type="text" value="n/a"/>	<input type="text" value="n/a"/>
Response sent to Panel: (bcc Secretariat for Board package)	<input type="text" value="May 21"/>	<input type="text" value="n/a"/>	<input type="text" value="n/a"/>

DQAB meeting for decision:

<input type="text" value="June 10, 2013"/>	
Institution confirmed for meeting: <input type="text" value="April 18"/>	Panel Chair confirmed for meeting: <input type="text" value="April 18"/>
DQAB decision: <input type="text" value="Consent"/>	Notified Institution: <input type="text"/>
Drafted DQAB Letter: <input type="text"/>	Sent DQAB letter: <input type="text"/>

(FOR PRIVATES)

Drafted T&C of Consent (standard and/or special):	<input type="text" value="June 19"/>
Sent T&C of Consent (standard/spec):	<input type="text"/>
Received Signed T&C of Consent:	<input type="text"/>

Confirm payment has been received and contract signed by institution for any expert review(s): ☐

Decision note, Synopsis and Minister's Letter: CLIFF#

OIC requested (if required):

To Manager for Approval:

Notified applicant of Minister's decision:

Update "Implemented Transcript" field on PSIPS, if degree name changed: ☐

Confirm final PSIPS update, including expiry date for DAA programs:

Send Panel thank you emails with notification of DQAB recommendation & Minister's decision:

Update New Degree Database (re-consents for privates are not added to the database):

Erase proposal from Status Board: ☐

For DAA institutions: notify CIC (re: off-campus & post-grad work permit programs), CICIC (re: adding the approved program to their website) AND add to Ministry website: ☐

For exempt applications update PSIPS to change exempt status degree level: ☐

Rogers, Dorothy AVED:EX

From: Thiessen-Wale, Katherine AVED:EX
Sent: Wednesday, December 11, 2013 10:00 AM
To: Rogers, Dorothy AVED:EX
Subject: FW: For action: TWU Update

FYI, Minister Coleman is alive to the issues re TWU JD.

From: Bakowski, Valarie AVED:EX
Sent: Wednesday, December 11, 2013 9:57 AM
To: Thiessen-Wale, Katherine AVED:EX
Subject: FW: For action: TWU Update

FYI

From: Meadows, Jennifer L AVED:EX
Sent: Wednesday, December 11, 2013 9:10 AM
To: Bakowski, Valarie AVED:EX
Cc: Shaw, Judy E AVED:EX
Subject: RE: For action: TWU Update

Thanks Val. I'm going to send to MCRU to prepare a response from Minister. The writers will work with Katherine and staff on content.

Jennifer

From: Bakowski, Valarie AVED:EX
Sent: Wednesday, December 11, 2013 8:16 AM
To: Meadows, Jennifer L AVED:EX
Subject: RE: For action: TWU Update

Thank you Jennifer.

Can we help? Would you like Katherine or I to respond?

Val

From: Meadows, Jennifer L AVED:EX
Sent: Wednesday, December 11, 2013 8:12 AM
To: Bakowski, Valarie AVED:EX
Subject: Re: For action: TWU Update

Thanks Val. I had not received the update. We received a request from our MO yesterday asking us to respond to a request from Minister Coleman about this issue and information Minister Coleman had received from Bob Kuhn.

Sent from my iPhone

On Dec 11, 2013, at 8:08 AM, "Bakowski, Valarie AVED:EX" <Valarie.Bakowski@gov.bc.ca> wrote:

Hello Jennifer,

I am not sure if Katherine's email got to you...

A decision has not been reached and in turn they are not responding to DM Sandy's letter yet.

They assured Katherine that they will contact the Ministry as soon as a decision is reached.

Thank you Jennifer,
Val

From: Thiessen-Wale, Katherine AVED:EX
Sent: Tuesday, December 10, 2013 2:03 PM
To: Rogers, Dorothy AVED:EX; Wyllie, Sandra AVED:EX; Bakowski, Valarie AVED:EX
Subject: RE: For action: TWU Update

Hi everyone, I spoke to the contact person for the committee just before the end of the day in Ottawa and she confirmed that the Committee hasn't finalized a decision at this point. They are giving this their utmost attention, and recognize it is a high priority for us, however, they are reliant on volunteer committee members from across the country, and don't have complete control over members' availability. They are coming down to the final few steps in their review, and things are moving fairly quickly at this point. The contact acknowledged that DM Carroll's letter was received and they have not responded as yet as they are optimistic it can be completed soon. However, they were not able to predict if the decision can be finalized before Christmas or whether it will take until the new year.

All we can do is continue to wait, and I am sure that they will be in touch as soon as they are able to release the decision.

Katherine Thiessen-Wale
Director, Legislation and Board Appointments
Governance and Quality Assurance Branch
Ministry of Advanced Education

From: Rogers, Dorothy AVED:EX
Sent: Tuesday, December 10, 2013 1:36 PM
To: Wyllie, Sandra AVED:EX; Bakowski, Valarie AVED:EX
Cc: Thiessen-Wale, Katherine AVED:EX
Subject: FW: For action: TWU Update

Katherine is going to phone.

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Wyllie, Sandra AVED:EX
Sent: Tuesday, December 10, 2013 11:58 AM
To: Rogers, Dorothy AVED:EX
Cc: Bakowski, Valarie AVED:EX; Kisilewich, Nicole AVED:EX
Subject: FW: For action: TWU Update

Knowing the work load, I wanted to ensure you all see this. Thanks so much.
S

From: Meadows, Jennifer L AVED:EX
Sent: Tuesday, December 10, 2013 11:46 AM
To: Bakowski, Valarie AVED:EX
Cc: Avison, Claire AVED:EX; Wyllie, Sandra AVED:EX
Subject: For action: TWU Update

Hi Val,

Can you please ask staff to follow-up with the Federation of Law Societies of Canada on the TWU decision. While we have not received an official response to the DM letter, attached, we have heard unofficially that the society has made a decision.

If you could have staff follow-up and provide me with an update that would be appreciated.

Thank you.

JENNIFER MEADOWS
Director, Executive Operations
Deputy Minister's Office
Ministry of Advanced Education
3rd Floor, 835 Humboldt Street, Victoria BC, V8W 9T6
p: 250.952.6842 | f: 250.356.5468 | m: 250.507.0063

Rogers, Dorothy AVED:EX

From: Patterson, Catherine M AVED:EX
Sent: Monday, December 16, 2013 10:15 AM
To: Rogers, Dorothy AVED:EX; Bakowski, Valarie AVED:EX
Cc: Thiessen-Wale, Katherine AVED:EX
Subject: RE: TWU School of Law Update

Hi Dorothy,

Yes it is, thanks for checking. Claire received a link to this announcement from the FLSC and is working with GCPE on wording regarding a statement on the status of the approval with AVED.

Cheers,

Catherine

From: Rogers, Dorothy AVED:EX
Sent: Monday, December 16, 2013 10:07 AM
To: Bakowski, Valarie AVED:EX
Cc: Patterson, Catherine M AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: FW: TWU School of Law Update

FYI - the DN is, I believe, still in the ADMO. Catherine can you confirm?

Dorothy

From: Elsie Froment [Elsie.Froment@twu.ca]
Sent: December 16, 2013 10:04 AM
To: Rogers, Dorothy AVED:EX
Cc: Simmons, Vicki AVED:EX
Subject: FW: TWU School of Law Update

Dorothy,

Good morning! I just received the exciting announcement below. I would like to confirm that the Ministry is okay with it. There has been some sensitivity in the past with a program being announced before the Minister has consented to it. This application is more complex. However, I want to acknowledge that the program does not exist until it has the Minister's consent.

Elsie

From: President
Sent: December-16-13 9:46 AM
To: President
Subject: TWU School of Law Update

Page 569 to/à Page 570

Withheld pursuant to/removed as

Copyright

Rogers, Dorothy AVED:EX

From: Avison, Claire AVED:EX
Sent: Monday, December 16, 2013 11:40 AM
To: Rogers, Dorothy AVED:EX; Bakowski, Valarie AVED:EX
Subject: FW: Release of Decision on TWU Proposal
Attachments: ST_TWU_Law_Dec16_10am.docx

Claire Avison | Assistant Deputy Minister, Sector Strategy and Quality Assurance | Ministry of Advanced Education | Cell: 250-217-9059 | claire.avison@gov.bc.ca

From: Deborah Wolfe [<mailto:DWolfe@flsc.ca>]
Sent: Monday, December 16, 2013 9:42 AM
To: Avison, Claire AVED:EX
Cc: Patterson, Catherine M AVED:EX
Subject: Release of Decision on TWU Proposal

Dear Claire,

The Federation reports on TWU have been released and posted on our website at <http://www.flsc.ca/en/twu-common-law-program/>. Please do not hesitate to contact me should you have any questions.

Best regards,

Deborah Wolfe, P.Eng.
Managing Director, National Committee on Accreditation /
Directeure de l'exploitation, Comité national sur les équivalences des diplômes de droit

Director, Law School Programs /
Directeure des programmes des facultés de droit

Federation of Law Societies of Canada /
Fédération des ordres professionnels de juristes du Canada
World Exchange Plaza
1810 - 45, rue O'Connor Street
Ottawa, Ontario, Canada K1P 1A4
Phone: (613) 783-7394
Fax: (613) 236-7233
dwolfe@flsc.ca
www.flsc.ca

STATEMENT

For Immediate Release
[release number]
Dec. 16, 2013

Ministry of Advanced Education

Statement on Trinity Western University proposed law degree

VICTORIA – Advanced Education Minister Amrik Virk issued the following statement following the decision by the Federation of Law Societies of Canada to grant preliminary approval to a proposed new law school program at Trinity Western University.

“Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.

“As part of the approval process, Trinity Western University’s proposed law degree has undergone a two-stage assessment review. This includes a review by Federation of Law Societies of Canada as to whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law as well as a program quality assessment by the Degree Quality Assessment Board.

“With the preliminary approval of the Federation of Law Societies of Canada and the review by the Degree Quality Assessment Board on the quality of the program, the Ministry will now review the proposed degree.

“Once the review process is complete, a final determination can be made.”

Media contact:

Catherine Loiacono
Communications Manager
Ministry of Advanced Education
250 952-6400

Rogers, Dorothy AVED:EX

From: Patterson, Catherine M AVED:EX
Sent: Monday, December 16, 2013 11:46 AM
To: Rogers, Dorothy AVED:EX
Cc: Bakowski, Valarie AVED:EX
Subject: DUE TODAY: CLIFF 95189 - TWU - Edits Required
Attachments: 20131216114153.pdf

Importance: High

Hi Dorothy,

Please see attached edits from Claire. As you are working from home, I would appreciate it if you could please update the DN and forward back to me via email.

With thanks,

Catherine

From: Catherine.Patterson@gov.bc.ca [<mailto:Catherine.Patterson@gov.bc.ca>]
Sent: Monday, December 16, 2013 11:42 AM
To: Patterson, Catherine M AVED:EX
Subject:

**MINISTRY OF ADVANCED EDUCATION
DECISION NOTE**

Date: July 23, 2013
Cliff# 95189
X-Ref: 91307
File# 60100-30/TWU/1213TWU0018
Version #3

PREPARED FOR: Honourable Amrik Virk
Minister of Advanced Education

ISSUE: Trinity Western University – Application for Consent to offer a Juris Doctor Degree

BACKGROUND:

Trinity Western University (TWU) is a faith-based, not-for-profit, private university governed by the *Trinity Western University Act*, authorizing it to grant theological and academic degrees. However, all new academic degree programs proposed by TWU require consent under the *Degree Authorization Act* (DAA).

TWU is proposing to offer a Juris Doctor degree; a second-entry bachelor's degree in law. Most Canadian law schools have changed their existing law degrees from a Bachelor of Laws to a title of Juris Doctor over the past four years.

TWU states the proposed program was approved by its Senate and Board of Governors in April 2012. If consent is granted, TWU expects to launch the program in September 2015. TWU has Exempt Status up to and including the Master's level and, therefore, its proposals are not normally reviewed by the Degree Quality Assessment Board (the Board).

The Federation of Law Societies of Canada (the Federation) does not undertake a quality review, but does undertake a review of proposed new law programs on whether the learning outcomes of the program enable graduates to meet the competencies to practice law. This is done on behalf of the provincial regulatory body, the Law Society of BC. Should the Federation take the position of not approving the program, graduates would not be able to write the bar exam.

DISCUSSION:

Although the Juris Doctor degree falls within TWU's Exempt Status level, the Minister reserves the right to require any degree proposal to be reviewed by the Board if the proposal represents a significant departure from programs historically offered by the institution. On December 18, 2012, the former Minister referred the application to the Board to undergo a full quality assessment review (see Attachment 1).

The Board appointed a five-person expert review panel, made up of four members of the expert panel that reviewed the Juris Doctor degree proposal submitted by Thompson Rivers University in 2011. The expert panel's report highlighted several areas specific to curriculum, learning methodologies and program resources, where TWU's proposal would be strengthened. In its response, TWU agreed to revise certain elements of its proposal based on the expert panel's suggestions. The Board reviewed the expert panel's report and TWU's response and was satisfied that the revisions TWU committed to would meet the established criteria.

The Board recommended the Minister grant consent for the Juris Doctor degree on condition that TWU implement the agreed to conditions of the review panel's report, that the institution hire qualified faculty and that the institution confirm the Law Society of BC's approval of the proposal prior to admitting students. The Board also advised that there continues to be concerns regarding TWU's statement of faith which may have detrimental effects of the ability to hire qualified faculty.

update today's

The Federation has recently established a Special Advisory Committee to consider TWU's application including the requirements for students and faculty of TWU to abide by TWU's Statement of Faith and Community Covenant agreement in relation to the *Canadian Charter of Rights and Freedoms*, and human rights legislation and the 2001 Supreme Court of Canada decision in *Trinity Western University v. British Columbia College of Teachers* (see Attachment 2).

OPTIONS:

Option 1: Grant consent for Trinity Western University's application for a Juris Doctor.

Implications:

- The institution has undergone the Board's quality assessment process, including review by an external panel of experts and was found to meet the published criteria;
- The Board recommended approval and there is an expectation that the institution has met the test and government policy as currently established;

s.13

- May generate heightened media as various organizations have expressed concerns publicly regarding TWU's statement of faith.

S13

RECOMMENDATION:

Option 1: Grant consent for Trinity Western University's application for a Juris Doctor. If the Minister agrees, a letter is attached for signature.

Approved / Not Approved

Honourable Amrik Virk

Date: _____

- Attachments:**
1. Decision Note #91307
 2. Federation of Law Societies Special Advisory Committee
 3. Synopsis of Quality Assessment Review
 4. Letter for Minister's signature and Terms and Conditions of Consent

Prepared by:	Dorothy Rogers, Director	Reviewed by:	Executive Director
	Governance and Quality Assurance Branch		Assistant Deputy Minister
Phone #:	(250) 356-2067		Deputy Minister
			

Kilpatrick, Rosalyn AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Monday, December 16, 2013 2:25 PM
To: Simmons, Vicki AVED:EX; Kilpatrick, Rosalyn AVED:EX; Luu, Dao AVED:EX; House, Dawn M AVED:EX; Mayer, Craig W AVED:EX; Jothan, Janet M AVED:EX
Cc: Philips, Kathy AVED:EX
Subject: FW: TWU news release

The decision note has been revised and is now moving through approvals – It is currently with the ADMO.

Thanks,

Dorothy

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Porter, Rodney GCPE:EX
Sent: Monday, December 16, 2013 2:22 PM
To: Facey, Nick AVED:EX; Robson, William AVED:EX; Gill, Manjit AVED:EX; Avison, Claire AVED:EX; Carroll, Sandra AVED:EX
Cc: Loiacono, Catherine GCPE:EX; Gleeson, Kelly T GCPE:EX; Heiman, Carolyn GCPE:EX; Bakowski, Valarie AVED:EX; Rogers, Dorothy AVED:EX
Subject: TWU news release

Federation of Law Societies of Canada approves TWU School of Law

Trinity Western University is pleased to announce that the Federation of Law Societies of Canada has approved its proposal for a School of Law.

“We are very pleased with this news,” said TWU President Bob Kuhn, also a lawyer. “The School of Law at TWU will provide increased access to legal education in Canada without placing a greater demand on public funds. TWU will develop legal professionals who respond to 21st century needs—professionals deeply rooted in an understanding of the law and equipped to be the highly skilled and compassionate practitioners of the future.”

“We recognize,” said President Kuhn, “that there has been considerable debate with respect to the fact that TWU is a faith based university. Now that the Federation has approved the program, we can move on from that debate and build an excellent law school to serve the Canadian public.” President Kuhn noted that “while the University does have strong religious roots it is committed to fully and comprehensively teaching all aspects of law including human rights, ethics and professionalism.”

While offering a range of law courses comparable to other Canadian law schools, the TWU School of Law will offer unique courses in two distinctive areas of specialization: charities/not-for-profit law and entrepreneurial law. A specialty in the non-profit sector will address a niche market in legal education. TWU graduates are challenged to care about the well-being of others and committed to understanding how to address the world's deepest needs. The law school will establish strategic partnerships with agencies that serve the under-assisted and the oppressed, giving each student hands-on opportunities to provide services to those who suffer injustice because they cannot access the legal system.

In addition to the non-profit specialization, an entrepreneurial track will equip graduates to serve the many growing entrepreneurial enterprises throughout Canada.

While TWU's approach to the education of law will be practical, it will be well grounded in the standard academic legal principles. Typically, law firms have to invest significant resources in order to transform newly minted law graduates into practicing lawyers. The School of Law at TWU will aspire to produce law graduates ready to enter the marketplace as practicing professionals.

The School of Law will prepare graduates ready to excel in the practice of law. By delivering a legal education within a framework of servant leadership, the TWU Law program will encourage its graduates to be lawyers with a focus on community service. The School will incorporate leadership and character development into all aspects of its programming. Students will be encouraged to see the profession of law as a high calling of service, including volunteerism with local, national and global NGO's that serve under-developed nations, and the vulnerable whenever they are found.

"A School of Law at TWU will help meet the growing need for practical and affordable legal services in Canada," said Earl Phillips, Vancouver lawyer and Co-Chair of the Law School Advisory Council. "I also am confident that its graduates will benefit from a culture of ethics, professionalism and service informed by the ideals of the Christian faith."

As Eugene Meehan, Q.C. of Supreme Advocacy LLP in Ottawa says: "Mandela's recent passing taught us the historic value of freedom -- this future Law School encompasses and encourages freedom of enquiry, freedom of discussion, freedom of religion, while being open to all—to speak plainly ... that's big."

TWU recognizes with appreciation Janet Epp Buckingham, LL.D., and Kevin Sawatsky, J.D., who have led the research and development of the TWU School of Law proposal over the past five years. They will continue to lead the development of the School in preparation for opening its doors in 2016 to 60 first year students. TWU would also like to acknowledge having received significant assistance from the Law School Advisory Council and the many other lawyers, judges and professors who supported the School of Law proposal.

The BC Ministry of Advanced Education has not communicated its decision on the TWU proposal submitted in June, 2012.

To inquire about enrolment or development of the TWU School of Law please contact:

Janet Epp Buckingham, LL.D.
Associate Professor and Director, Laurentian Leadership Centre
Janet.Epp-Buckingham@twu.ca
613-569-7511 (5010)

Kevin Sawatsky J.D.
Vice Provost and University Legal Counsel
sawatsky@twu.ca

604-513-2121 (3337)

Media inquiries:

Jennifer Watton
Associate Director, PR and Content
Jennifer.watton@twu.ca
604-513-2121 (3341)

For more information please see the [Proposed School of Law website.](#) ^[2]

Rodney Porter | Communications Director
Government Communications & Public Engagement
B.C. Ministry of Advanced Education

Mobile: 250.889.7494 | email: rodney.porter@gov.bc.ca

STATEMENT

For Immediate Release
2013AVED0047-001903
Dec. 16, 2013

Ministry of Advanced Education

Statement on Trinity Western University proposed law degree

VICTORIA – Advanced Education Minister Amrik Virk issued the following statement following the decision by the Federation of Law Societies of Canada to grant preliminary approval to a proposed new law school program at Trinity Western University.

“Trinity Western University is a private post-secondary institution.

“As part of the approval process, Trinity Western University’s proposed law degree has undergone a two-stage assessment review. This includes a review by the Federation of Law Societies of Canada as to whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law, as well as a program quality assessment by the Degree Quality Assessment Board.

“With the preliminary approval of the Federation of Law Societies of Canada and the review by the Degree Quality Assessment Board on the quality of the program, the Ministry will now review the proposed degree.

“As the Minister of Advanced Education, once I have studied both reviews, I will be able to make a final determination.”

Media Catherine Loiacono
Contact: Communications Manager
Ministry of Advanced Education
250 952-6400

Connect with the Province of B.C. at: www.gov.bc.ca/connect

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry: Advanced Education

Date: Oct. 29, 2013

Update: Dec. 16, 2013

Minister Responsible: Amrik Virk

Trinity Western University – proposed law degree

ADVICE AND RECOMMENDED RESPONSE:

- Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.
- The Trinity Western University law degree proposal has undergone a two-stage review by the Ministry.
- The Federation of Law Societies of Canada has granted preliminary approval and the Degree Quality Assessment Board has also provided the recommendation to approve.
- The Federation of Law Societies' review looked at whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law. This is relevant to the Ministry as it speaks to whether graduates may be eligible to practice law after graduation and relevant in a final decision whether to provide consent under the *Degree Authorization Act*.
- The recommendation from the Degree Quality Assessment Board was based on the educational quality of the program, within the confines of the *Degree Authorization Act*.
- An update will be provided once a final determination is made.

BACKGROUND REGARDING THE ISSUE:

- TWU, a faith-based private university located in Langley, is proposing to offer a Juris Doctor degree, which is a professional degree and first professional degree in law. It hopes to launch the program in September 2015.
- On Dec. 16, 2013, the Federation of Law Societies of Canada granted preliminary approval to a proposed new law school program at TWU. The approval committee identified three concerns and made one comment on aspects of the proposed program that it will monitor in subsequent reviews. A Special Advisory Committee concluded that there is no public interest reason to exclude future graduates of the program from law society bar admission programs as long as the program meets the national requirement.
- The Federation of Law Societies does not undertake a quality review but does undertake a review of proposed new law programs on whether the learning outcomes of the program enable graduates to meet the competencies to practice law. This is done on behalf of the provincial regulatory body, the Law Society of BC. If the Federation had not approved the program, graduates would not have been able to write the bar exam.
- The Degree Quality Assessment Board undertook a review and made a number of recommendations to ensure the quality of the proposed law degree. Concerns were

noted about the institutions statement of faith and community covenant that all staff and students are required to sign. TWU addressed this by agreeing that temporary and adjunct faculty members would not be required to sign the covenant.

- The community covenant defines marriage as being between one man and one woman. This has created controversy due to same-sex marriage being recognized by the Canadian court since 2005 under the equality clause of the Canadian Charter of Rights and Freedoms.
- In 2001, the Supreme Court of Canada ruled in Trinity Western University v. British Columbia College of Teachers following a similar issue.
- The Federation convened a Special Advisory Committee to review issues raised with respect to TWU's Community Covenant. The Committee recommended that as long as the National Requirement is met, there is not public interest reason to exclude graduates of the program. The Committee also recommended that consideration be given to adding a non-discriminatory provision into the National Requirement.

DISCUSSION/ADVICE:

- Provincial government authorities decide whether universities can offer specific degree programs. In this case, TWU will require the consent of the British Columbia Ministry of Advanced Education before it can offer a new law degree program.
- A decision either way by the ministry will generate criticism and media coverage.

Communications Contact: Rodney Porter
Program Area Contact: Dorothy Rogers
File Created: Oct. 29, 2013
File Updated: Dec. 16, 2013

File Location:

Minister's Office	Program Area	Deputy	Communications Director / Manager
	Claire Avison Val Bakowski	Sandra Carroll	Rodney Porter

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QUESTIONS AND ANSWERS

Trinity Western University law degree proposal

Ministry of Advanced Education

Key messages:

- Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.
- The Trinity Western University law degree proposal has undergone a two-stage review by the Ministry.
- The Federation of Law Societies of Canada has granted preliminary approval and the Degree Quality Assessment Board has also provided the recommendation for the minister to approve.
- The Federation of Law Societies' review looked at whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law. This is relevant to the Ministry as it speaks to whether graduates may be eligible to practice law after graduation and relevant in a final decision whether to provide consent under the Degree Authorization Act.
- The recommendation from the Degree Quality Assessment Board was based on the educational quality of the program, within the confines of the Degree Authorization Act.
- An update will be provided once a final determination is made.

1. How can you approve a law degree at a post-secondary institution that does not recognize same-sex marriage and even goes as far as to require staff and students to sign a covenant that say marriage is only "between one man and one woman"?

- Trinity Western University is a faith-based, private university in British Columbia, which receives no operating or capital funding from government.
- The Ministry of Advanced Education and the Degree Quality Assessment Board based their review solely on an assessment of the quality of the program, within the confines of the Degree Authorization Act.
- The covenant applies to all staff and students, and is not just applicable to the proposed law degree.

2. Shouldn't future lawyers be educated at an institution that is aligned with the equality clause of the Canadian Charter of Rights and Freedoms, especially given that same-sex marriage has been legal in Canada since July 2005?

- Trinity Western University is a faith-based, private university in British Columbia, which receives no operating or capital funding from government.
- The Ministry of Advanced Education and the Degree Quality Assessment Board based their review solely on an assessment of the quality of the program, within the confines of the Degree Authorization Act.

3. Isn't it illegal to require staff and students to sign such a document?

- As a private post-secondary institution the covenant is within the purview of TWU.

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QUESTIONS AND ANSWERS

4. Was the requirement for staff and students at TWU to sign a community covenant requirement a concern for the board or the ministry?

- This requirement did come up as a concern for the board that it could have a detrimental effect on the quality of faculty and be an obstacle to the establishment of a credible law school.
- However, while TWU has the right to exercise its freedom of religion it is legally entitled to require faculty members and student to adhere to its religious perspective.
- TWU has agreed to waive this requirement for sessional and adjunct faculty but permanent faculty are still required to sign the statement of faith.

5. When did TWU apply to have its proposed law degree approved by the ministry?

- TWU board and senate approved the proposed law degree in April 2012 and subsequently sent its proposal to the ministry for approval.

6. Why was ministry approval required despite the fact that TWU already has exempt status?

- Although the Juris Doctor degree falls within TWU's exempt status level, the Ministry reserves the right to require any degree proposal to be reviewed by the Board if the proposal represents a significant departure from programs historically offered by the institution. On December 18, 2012, the application was referred to the Board to undergo a full quality assessment review.

7. How much money does TWU receive from government?

- Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.

8. Didn't TWU receive a number of grants from both provincial and federal government?

- Over time, eligible institutions – both public and private – may have received one-time academic grants to support research topics deemed to be a priority.

9. What was the outcome of the quality assessment board?

- After discussion between TWU and the Degree Quality Assessment Board, the quality of the proposed law degree at TWU was deemed to meet consistent and high-quality criteria.
- The board recommended that the ministry grant consent for the law degree on condition that TWU implement the agreed to conditions of the review panel's report: that the institution hire qualified faculty and that the institution confirm the Law Society of B.C.'s approval of the proposal before any students are admitted to the program.
- The Degree Quality Assessment Board focused solely on the quality of the proposed law degree.

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QUESTIONS AND ANSWERS

10. Why are you deferring to the Federation of Law Societies of Canada?

- The outcome of the Federation of Law Societies of Canada review as to whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law.
- This is a clearly relevant issue for the Ministry as it speaks to ensuring students are able to benefit from the education they receive, a matter of relevance in deciding whether to provide consent under the Degree Authorization Act.

11. What was the outcome of the review by the Federation of Law Societies of Canada?

- On Dec. 16, 2013, the Federation of Law Societies of Canada granted preliminary approval to a proposed new law school program at TWU.
- The approval committee identified three concerns and made one comment on aspects of the proposed program that it will monitor in subsequent reviews.
- A Special Advisory Committee concluded that there is no public interest reason to exclude future graduates of the program from law society bar admission programs as long as the program meets the national requirement.

12. When Thompson Rivers University received provincial approval to offer a law degree did the ministry also wait for the review from the Federation of Law Societies prior to making a decision?

- The Federation of Law Societies is the national coordinating body for Canada's 14 provincial and territorial law societies.
- The Federation does not undertake a quality review but does undertake a review of proposed new law programs on whether the learning outcomes of the program enable graduates to meet the competencies to practice law. This is done on behalf of the provincial regulatory body, the Law Society of BC. Should the Federation take the position of not approving the program, graduates would not be able to write the bar exam.
- The Federation made its decision regarding the Thompson Rivers University program prior to the completion of the Degree Quality Assessment Board process and Minister's approval.

13. Are you treating TWU different from TRU because of their Community Covenant Agreement?

- The Community Covenant did arise as a concern and TWU took steps necessary to meet the quality requirements of the board were met.
- A full program review is also undertaken when the degree represents a significant departure from programs historically offered by the institution.

14. What are the next steps? Does this mean the Province will approve the proposed law school program at TWU?

- Provincial government authorities decide whether universities can offer specific degree

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QUESTIONS AND ANSWERS

programs. In this case, TWU still requires the consent under the Degree Authorization Act before it can offer a new law degree program.

- The Minister will make the final decision.

Rogers, Dorothy AVED:EX

From: Porter, Rodney GCPE:EX
Sent: Monday, December 16, 2013 2:33 PM
To: Bakowski, Valarie AVED:EX; Rogers, Dorothy AVED:EX
Subject: RE: Updated TWU materials

Hi Val; Yes, Claire has seen the statement as we discussed it late Friday and over the weekend. Sorry for not looping you in much sooner.

I will send the updated IN and QA noting that you both have reviewed.

Rodney Porter | Communications Director
Government Communications & Public Engagement
B.C. Ministry of Advanced Education

Mobile: 250.889.7494 | email: rodney.porter@gov.bc.ca

From: Bakowski, Valarie AVED:EX
Sent: December-16-13 1:47 PM
To: Porter, Rodney GCPE:EX; Rogers, Dorothy AVED:EX
Subject: RE: Updated TWU materials

Have you looped Claire in – if not I am happy to forward it to her.
Thanks,
Val

From: Porter, Rodney GCPE:EX
Sent: Monday, December 16, 2013 1:26 PM
To: Rogers, Dorothy AVED:EX
Cc: Bakowski, Valarie AVED:EX
Subject: RE: Updated TWU materials

Thanks Dorothy. All changes made.

Rodney Porter | Communications Director
Government Communications & Public Engagement
B.C. Ministry of Advanced Education

Mobile: 250.889.7494 | email: rodney.porter@gov.bc.ca

From: Rogers, Dorothy AVED:EX
Sent: December-16-13 12:58 PM
To: Porter, Rodney GCPE:EX
Cc: Bakowski, Valarie AVED:EX
Subject: FW: Updated TWU materials

Hi Rodney,

Here are my edits.

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6298

From: Porter, Rodney GCPE:EX
Sent: Monday, December 16, 2013 11:29 AM
To: Rogers, Dorothy AVED:EX
Subject: Updated TWU materials

Dorothy; Updated TWU materials. Claire approved the statement already. Let me know if you think we need any other changes.

Rodney Porter | Communications Director
Government Communications & Public Engagement
B.C. Ministry of Advanced Education

Mobile: 250.889.7494 | **email:** rodney.porter@gov.bc.ca

Mayer, Craig W AVED:EX

From: Mayer, Craig W AVED:EX
Sent: Wednesday, December 18, 2013 3:11 PM
To: Bakowski, Valarie AVED:EX
Cc: Philips, Kathy AVED:EX
Subject: TWU
Attachments: Meeting Notes 2013 06 10.pdf

Attached are the minutes from the June meeting which included the TWU Juris Doctor proposal for consideration:

MOVED John Stubbs/ SECONDED Richard Tees

THAT the Board recommend that the Minister grant consent to Trinity Western University's Juris Doctor degree proposal with the condition that the institution implement the agreed to conditions of the review panel's report, that the institution hire qualified faculty and that the institution confirm the Law Society of BC's approval of the proposal prior to admitting students.

CARRIED

S22

Here are Nick and John's phone numbers:

Nick Rubidge, DQAB Chair: S22

John Stubbs: S22

thanks, Craig

Craig Mayer
Governance and Quality Assurance
Ministry of Advanced Education
250-387-1138
Craig.Mayer@gov.bc.ca

Jothen, Janet M AVED:EX

From: Bakowski, Valarie AVED:EX
Sent: Thursday, December 19, 2013 7:36 AM
To: Philps, Kathy AVED:EX; Mayer, Craig W AVED:EX; Simmons, Vicki AVED:EX
Subject: Fw: Fwd: TWU news release: TWU School of Law receives final approval

FYI - news release

In addition, the highlighted area indicates that the start date is 2016 and our BN indicates 2015.

From: Avison, Claire AVED:EX
Sent: Thursday, December 19, 2013 07:08 AM Pacific Standard Time
To: Bakowski, Valarie AVED:EX
Subject: Fwd: TWU news release: TWU School of Law receives final approval

Sent from my iPhone

Begin forwarded message:

From: "Loiacono, Catherine GCPE:EX" <Catherine.Loiacono@gov.bc.ca>
Date: December 18, 2013 at 3:57:59 PM PST
To: "Avison, Claire AVED:EX" <Claire.Avison@gov.bc.ca>, "Carroll, Sandra AVED:EX" <Sandra.Carroll@gov.bc.ca>
Cc: "Porter, Rodney GCPE:EX" <Rodney.Porter@gov.bc.ca>
Subject: FW: TWU news release: TWU School of Law receives final approval

Hi all,

Here is the TWU NR. They note that they will move forward with development of the School of Law with the planned first class to commence in 2016.

Catherine

From: Jennifer Watton
Sent: Wednesday, December 18, 2013 3:22 PM
To: Jennifer Watton
Subject: TWU news release: TWU School of Law receives final approval

Good afternoon,

Trinity Western University's School of Law has received approval from the BC Ministry of Advanced Education.

Please find the news release [online](#) and pasted in plain text below

High resolution photo download: <http://www.twu.ca/news/2013/071-school-of-law-approved-full.jpg>
Photo caption: Concept drawing of TWU School of Law building.

Please contact me at 604-513-2027 ext. 3341 if you have any questions.

Best regards,
Jennifer

JENNIFER WATTON

Associate Director, PR and Content | University Communications
Trinity Western University | t: 604.513.2027 (3341) | c: 604.897.2740

twu.ca

For Immediate Release: December 18, 2013

TWU School of Law receives final approval

BC Ministry of Advanced Education approves TWU Law School

Copyright

Page 591

Withheld pursuant to/removed as

Copyright

Pages 1004 through 1006 redacted for the following reasons:

S22

From: Mayer, Craig W AVED:EX
Sent: December-19-13 6:52 AM
To: Bakowski, Valarie AVED:EX
Cc: Porter, Rodney GCPE:EX
Subject: RE: DQAB membership

DQAB member list attached. thanks, Craig

From: Bakowski, Valarie AVED:EX
Sent: Wednesday, December 18, 2013 4:44 PM
To: Mayer, Craig W AVED:EX
Cc: Porter, Rodney GCPE:EX
Subject: FW: DQAB membership

Craig could you please forward the list to Rodney.
Thank you,
Val

From: Porter, Rodney GCPE:EX
Sent: Wednesday, December 18, 2013 1:58 PM
To: Avison, Claire AVED:EX; Loiacono, Catherine GCPE:EX; Bakowski, Valarie AVED:EX
Subject: DQAB membership

Can we get a list of members?

Rodney Porter
Advanced Education
259 889-7494

Mayer, Craig W AVED:EX

From: Philps, Kathy AVED:EX
Sent: Thursday, December 19, 2013 1:27 PM
To: Mayer, Craig W AVED:EX; Bakowski, Valarie AVED:EX
Subject: RE: Clarification

Hello all. Following the email chain - Craig, thanks for responding to this one.

As an aside, the TC has published the announcement in good light today.

-----Original Message-----

From: Mayer, Craig W AVED:EX
Sent: Thursday, December 19, 2013 9:26 AM
To: Bakowski, Valarie AVED:EX
Cc: Philps, Kathy AVED:EX
Subject: RE: Clarification

none that we can find. Conflict of Interest is embedded in policy and guidelines.

-----Original Message-----

From: Bakowski, Valarie AVED:EX
Sent: Thursday, December 19, 2013 8:40 AM
To: Mayer, Craig W AVED:EX
Subject: Re: Clarification

Thanks Craig.
Are there any regs?

----- Original Message -----

From: Mayer, Craig W AVED:EX
Sent: Thursday, December 19, 2013 07:58 AM Pacific Standard Time
To: Bakowski, Valarie AVED:EX
Cc: Philps, Kathy AVED:EX
Subject: RE: Clarification

just confirmed with Vicki that this is not a reg. It is a guideline.

-----Original Message-----

From: Bakowski, Valarie AVED:EX
Sent: Thursday, December 19, 2013 7:38 AM
To: Mayer, Craig W AVED:EX
Cc: Philps, Kathy AVED:EX
Subject: Re: Clarification

Thanks Craig - thanks for looking into this.

Claire asked the question yesterday.

----- Original Message -----

From: Mayer, Craig W AVED:EX
Sent: Thursday, December 19, 2013 07:34 AM Pacific Standard Time
To: Bakowski, Valarie AVED:EX
Subject: RE: Clarification

Val., I'll check into this. All I see so far are references to guidelines and principles.
Craig

-----Original Message-----

From: Bakowski, Valarie AVED:EX
Sent: Wednesday, December 18, 2013 6:52 PM
To: Mayer, Craig W AVED:EX
Cc: Philips, Kathy AVED:EX
Subject: Clarification

Hello Craig,

Could you please let me know if the DQAB criteria are set in regs?

Thanks so much,
Val

Minister Amrik Virk

Established criteria by DQAB
private and Public - recommended approvalment

TWU is private and faith based - solely on DQAB broad legal challenges - discrimination Is it
in the public interest Choose - private institution criteria set out in regs - what are they
Any law school seats All debates fall out of the scope of AVED

Jothen, Janet M AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Sunday, December 22, 2013 8:46 PM
To: Simmons, Vicki AVED:EX; Thiessen-Wale, Katherine AVED:EX; Dunsdon, Kelly AVED:EX; Bakowski, Valarie AVED:EX
Subject: RE: Urgent Request re DM Enquiry - Proposed Law School

My understanding was that the BC Law Society deferred to Federation with regard to the review of proposed programs.

* * * * *

Dorothy Rogers
Director
Quality Assurance Unit, DQAB Secretariat Governance and Quality Assurance Branch Ministry of Advanced Education
250-387-6298

-----Original Message-----

From: Simmons, Vicki AVED:EX
Sent: Saturday, December 21, 2013 10:33 AM
To: Thiessen-Wale, Katherine AVED:EX; Dunsdon, Kelly AVED:EX; Bakowski, Valarie AVED:EX
Cc: Rogers, Dorothy AVED:EX
Subject: RE: Urgent Request re DM Enquiry - Proposed Law School

I'm surprised the Minister signed off on the decision already as well. I was pulled off this file when I was redeployed upstairs. I don't think we have even received the signed decision note or the letter advising TWU. The Law Society of BC does have a right to consider this and agree/disagree with the Federation and given my inside connections, I hazard a guess they will.

Vicki Simmons
Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: Thiessen-Wale, Katherine AVED:EX
Sent: Friday, December 20, 2013 3:39 PM
To: Dunsdon, Kelly AVED:EX; Bakowski, Valarie AVED:EX
Cc: Rogers, Dorothy AVED:EX; Simmons, Vicki AVED:EX
Subject: RE: Urgent Request re DM Enquiry - Proposed Law School

Hi Kelly and Val, I am sorry I missed your call earlier today. I was surprised to see the media report yesterday that the Minister approved the degree already. I thought that would have required updated briefing materials in light of the Federation's decision, and

understood from e-mails earlier in the week that we were advised a legal opinion from LSB was recommended before anything further happened.

I have not been a contact with the Law Society at any point on this matter; this was Dorothy and Vicki's file, and my involvement was to request legal advice, and then later I offered to assist Dorothy (who was swamped) in sending correspondence addressed to the Federation from the DM. Finally, last week I offered to contact Deborah Wolfe at the Federation in order to answer the DMO's question about when the Federation's decision could be expected.

S13

Katherine

From: Dunsdon, Kelly AVED:EX
Sent: Friday, December 20, 2013 11:04 AM
To: Bakowski, Valarie AVED:EX
Cc: Thiessen-Wale, Katherine AVED:EX
Subject: RE: Urgent Request re DM Enquiry - Proposed Law School

I called Katherine's home but got voicemail.

It looks like Jennifer's question relates to whether the Law Society of BC's approval is required, in addition to the Federation of Law Societies of Canada's approval.

I agree that it is likely the approval of both bodies is required. Although usually provincial law societies will rely on the Federation's approval in determining if a law program meets the provincial law society's academic requirements for admission to the bar, it seems that in BC the law society has some discretion whether or not to accept the Federation's approval for its purposes.

I see that the letter from the LSBC cites provisions from the Legal Profession Act. Section 2-27(4.1) of that Act indicates that, even if the Federation of Law Societies of Canada approves a common law program, the LSBC still has discretion to adopt a resolution declaring that the program is not an approved faculty of law for the purposes of the LSBC's requirements for academic qualification. It appears from the LSBC's letter that they are choosing to exercise their discretion and consider whether or not to adopt such a resolution at their next meeting.

When the Federation's decision came out on Monday, the news release stated that "The reports of the Approval Committee and of the Special Advisory Committee have been provided by the Federation to Canada's law societies. The law societies have the statutory authority to set policies for admission to the legal profession in their jurisdictions." [emphasis added]. Please see the link to the news release.

<http://www.flsc.ca/en/federation-news/>

Val, we've looked through CLIFF, the DQAB and correspondence folders on the system, and Katherine's hard copy folders (and she usually prints off her e-mails), and have turned up no other correspondence to the Federation of Law Societies of Canada or the Law Society of BC other than the Oct 2013 letter to the Federation that I e-mailed earlier (and am attaching for you again). The DM's letter to the Federation does not indicate in any way that there is no Law Society of BC approval required. The DM's letter just says TWU has applied for

Minister's approval of the JD as required under the DAA, and sets out the DM's understanding of the Federation's role (to determine whether graduates of existing and proposed common law programs will meet the National Requirement to practice). The DM's letter does not comment or question whether any further approvals would be required (e.g., Law Society of BC).

Would you like me to pass this along to Jennifer Meadows along with the DM's letter?

Thanks,
Kelly

From: Bakowski, Valarie AVED:EX
Sent: Friday, December 20, 2013 10:40 AM
To: Dunsdon, Kelly AVED:EX
Subject: Re: Urgent Request re DM Enquiry - Proposed Law School

May we should call her?
Do you have the original question from Jennifer- I will send it to you?

From: Dunsdon, Kelly AVED:EX
Sent: Friday, December 20, 2013 10:32 AM Pacific Standard Time
To: Bakowski, Valarie AVED:EX
Subject: RE: Urgent Request re DM Enquiry - Proposed Law School

I've been looking through her folders but do not see anything. I will phone her at home perhaps?

From: Bakowski, Valarie AVED:EX
Sent: Friday, December 20, 2013 10:32 AM
To: Dunsdon, Kelly AVED:EX
Subject: Re: Urgent Request re DM Enquiry - Proposed Law School

Thank you Kelly.
Would you have access to any communication that Katherine would have had with them?
Thanks so much,
Val

From: Dunsdon, Kelly AVED:EX
Sent: Friday, December 20, 2013 10:24 AM Pacific Standard Time
To: Bakowski, Valarie AVED:EX
Subject: RE: Urgent Request re DM Enquiry - Proposed Law School

I have found a letter from Oct. 2013 from our DM to the Federation of Law Societies - please see attached. It is the only correspondence I've located so far from the Ministry to the Federation. There appears to be no correspondence to the BC law society.

I will now check the DQAB folders.
From: Bakowski, Valarie AVED:EX
Sent: Friday, December 20, 2013 9:54 AM
To: Dunsdon, Kelly AVED:EX
Subject: Re: Urgent Request re DM Enquiry - Proposed Law School

I believe that Katherine was the conduit to the Law Society.
Have you been able to find anything?

From: Dunsdon, Kelly AVED:EX
Sent: Friday, December 20, 2013 09:29 AM Pacific Standard Time
To: Bakowski, Valarie AVED:EX

Cc: Thiessen-Wale, Katherine AVED:EX; Kisilewich, Nicole AVED:EX
Subject: RE: Urgent Request re DM Enquiry - Proposed Law School

Val,

I will try my best to locate any documentation. However, since the people who primarily worked on the TWU-JD file (Dorothy, Vicky) are away right now it may be a real challenge.

Thanks,
Kelly

From: Bakowski, Valarie AVED:EX
Sent: Thursday, December 19, 2013 6:56 PM
To: Dunsdon, Kelly AVED:EX
Cc: Thiessen-Wale, Katherine AVED:EX; Kisilewich, Nicole AVED:EX
Subject: Urgent Request re DM Enquiry - Proposed Law School

Hello Kelly,

Could you please locate all documentation sent to the BC Law Society and Federations of Law Societies. Sandy is requesting the information and in light of the Minister's announcement and the possible concerns identified yesterday, we need to respond quickly.

Please see Jennifer's question below and prepare a response that we can return tomorrow morning.

Call if you need anything -
Val

S22

Begin forwarded message:

From: "Meadows, Jennifer L AVED:EX"
<Jennifer.Meadows@gov.bc.ca<mailto:Jennifer.Meadows@gov.bc.ca>>
To: "Bakowski, Valarie AVED:EX"
<Valarie.Bakowski@gov.bc.ca<mailto:Valarie.Bakowski@gov.bc.ca>>
Cc: "Avison, Claire AVED:EX" <Claire.Avison@gov.bc.ca<mailto:Claire.Avison@gov.bc.ca>>,
"Kisilewich, Nicole AVED:EX"
<Nicole.Kisilewich@gov.bc.ca<mailto:Nicole.Kisilewich@gov.bc.ca>>
Subject: For action: Proposed Law School Hi Val,

Sandy has asked if we can provide her with any documentation sent to the BC Law Society and Federations of Law Societies. The letter implies their approval is required as well. We were under the understanding that the BC Law Society passed that decision to their Federation of Law Societies of Canada.

Thanks
Jennifer

From: jclark@lsbc.org<mailto:jclark@lsbc.org> [mailto:jclark@lsbc.org]
Sent: Thursday, December 19, 2013 2:11 PM
To: president@twu.ca<mailto:president@twu.ca>
Cc: Minister, AVED AVED:EX
Subject: Proposed Law School

This email is sent on behalf of President Art Vertlieb, QC, President, The Law Society of British Columbia:

Dear President Kuhn,

Please see the attached letter from President Vertlieb, QC. The original follows by courier.

Regards,

Justine A. Clark | Senior Executive Assistant Office of the Chief Executive Officer Law
Society of British Columbia
845 Cambie Street, Vancouver, BC V6B 4Z9 t 604.443-5725 | BC toll-free 1.800.903.5300

Regulating in the public interest | www.lawsociety.bc.ca<<http://www.lawsociety.bc.ca>>

This email transmission and any accompanying attachments may be subject to solicitor/client privilege or may contain confidential or privileged information. Any use of the information by unintended recipients is prohibited. If you have received this transmission in error, please delete it and the attachments immediately and contact me by telephone or email. Thank you.

Pages 1015 through 1017 redacted for the following reasons:

S14

**MINISTRY OF ADVANCED EDUCATION
DECISION NOTE**

Date: Dec 16, 2013
Cliff# 95189
X-Ref: 91307
File# 60100-30/TWU/1213TWU0018
Version #4

PREPARED FOR: Honourable Amrik Virk
Minister of Advanced Education

ISSUE: Trinity Western University – Application for Consent to offer a Juris Doctor Degree

BACKGROUND:

Trinity Western University (TWU) is a faith-based, not-for-profit, private university governed by the *Trinity Western University Act*, authorizing it to grant theological and academic degrees. All new academic degree programs proposed require consent under the *Degree Authorization Act* (DAA) unless exempt.

TWU is proposing to offer a Juris Doctor degree; the first level professional degree necessary to practice law. TWU states the proposed program was approved by its Senate and Board of Governors in April 2012. If consent is granted, TWU expects to launch the program in September 2015.

Although the Juris Doctor degree falls within TWU's Exempt Status level, the Minister reserves the right to require any degree proposal to be reviewed by the Board if the proposal represents a significant departure from programs historically offered by the institution. On December 18, 2012, the proposal was referred to the Degree Quality Assessment Board (the Board) to undergo a full quality assessment review (see Attachment 1).

The Federation of Law Societies of Canada (the Federation) does not undertake a quality review, but does undertake a review of proposed new law programs on whether the learning outcomes of the program enable graduates to meet the competencies to practice law. This is done on behalf of the provincial regulatory body, the Law Society of BC. Should the Federation take the position of not approving the program, graduates would not be able to write the bar exam.

DISCUSSION:

The Board appointed a five-person expert review panel, made up of four members of the expert panel that reviewed the Juris Doctor degree proposal submitted by Thompson Rivers University in 2011. The expert panel's report highlighted several areas specific to curriculum, learning methodologies and program resources, where TWU's proposal would be strengthened. In its response, TWU agreed to revise certain elements of its proposal based on the expert panel's suggestions. The Board reviewed the expert panel's report and TWU's response and was satisfied that the revisions TWU committed to would meet the established criteria.

The Board recommended the Minister grant consent for the Juris Doctor degree on condition that TWU implement the agreed to conditions of the review panel's report, that the institution hire qualified faculty and that the institution confirm the Law Society of BC's approval of the proposal prior to admitting students. The Board also advised that there continues to be concerns regarding TWU's statement of faith which may have detrimental effects of the ability to hire qualified faculty.

On December 16, 2013 the Approval Committee of the Federation granted preliminary approval of TWU's proposed law school program. The Approval Committee identified three concerns that it will monitor in subsequent reviews. The Special Advisory Committee of the Federation looked at the TWU Community Covenant issue and concluded that, as long as the national requirement was met,

there is no public interest reason to exclude future graduates of the TWU program from law society bar admission programs (see Attachment 2).

OPTIONS:

Option 1: Grant consent for Trinity Western University's application for a Juris Doctor.

Implications:

- The institution has undergone the Board's quality assessment process, including review by an external panel of experts and was found to meet the published criteria;
- The Board recommended approval and there is an expectation that the institution has met the test and government policy as currently established;

s.13

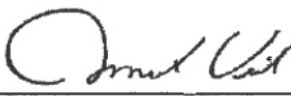
- May generate heightened media as various organizations have expressed concerns publicly regarding TWU's statement of faith.

S13

RECOMMENDATION:

Option 1: Grant consent for Trinity Western University's application for a Juris Doctor. If the Minister agrees, a letter is attached for signature.

Approved / Not Approved


Honourable Amrik Virk

Date: December 17, 2013

- Attachments:**
1. Decision Note #91307
 2. Federation of Law Societies of Canada news release on TWU
 3. Synopsis of Quality Assessment Review
 4. Letter for Minister's signature and Terms and Conditions of Consent

Prepared by: Dorothy Rogers, Director
Governance and Quality Assurance Branch
Phone #: (250) 356-2067

Reviewed by:	
Executive Director	VB
Assistant Deputy Minister	CA
Deputy Minister	



Our Ref. 95189
XRef: 91307
File: 60100-30/TWU/1213TWU0018

Mr. Robert G. Kuhn, President (Interim)
Trinity Western University
7600 Glover Rd
Langley BC V2Y 1Y1

Dear Mr. Kuhn:

The proposal submitted by Trinity Western University (TWU) for consent to offer and grant a Juris Doctor degree has now completed all stages in the degree quality assessment process established under the *Degree Authorization Act* (DAA).

The Degree Quality Assessment Board (the Board) reviewed the proposal at its meeting on June 10, 2013, and found that it met the degree program quality assessment criteria for private and out-of-province public institutions. The Board recommended several *Special Terms and Conditions of Consent* with which I agree.

As a result, I am pleased to advise that a five-year term of consent is given to TWU to provide, advertise and grant a Juris Doctor degree under section 3(1) of the DAA with the attached *Special Terms and Conditions of Consent* and *Standard Terms and Conditions of Consent* (attached for signature) which applies to all institutions receiving consent.

Please note that although the Ministry supports TWU's efforts to increase education in this area, the Province is unable to commit financial support to TWU for this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Amrik Virk".

Amrik Virk
Minister

Attachments

pc: Dr. Elsie Froment, Dean of Research
Trinity Western University

Degree Quality Assessment Board

Jothan, Janet M AVED:EX

From: Simmons, Vicki AVED:EX
Sent: Monday, January 20, 2014 12:55 PM
To: Jothan, Janet M AVED:EX; Mayer, Craig W AVED:EX
Cc: Rogers, Dorothy AVED:EX
Subject: RE: FYI

There are standard and special T&C.

Vicki Simmons

Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8
(T) 250-356-2067 | (F) 250-356-8851 | (E) vicki.simmons@gov.bc.ca

From: Simmons, Vicki AVED:EX
Sent: Monday, January 20, 2014 12:54 PM
To: Jothan, Janet M AVED:EX; Mayer, Craig W AVED:EX
Subject: RE: FYI

Yes. I don't see that she scanned those. We should email them to Elsie and request them to be sent back asap.

Vicki Simmons

Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8
(T) 250-356-2067 | (F) 250-356-8851 | (E) vicki.simmons@gov.bc.ca

From: Jothan, Janet M AVED:EX
Sent: Monday, January 20, 2014 12:53 PM
To: Simmons, Vicki AVED:EX; Mayer, Craig W AVED:EX
Subject: RE: FYI

Hi Vicki,
Just to confirm, we need to get the T&Cs back signed before we post?

Janet

From: Simmons, Vicki AVED:EX
Sent: Monday, January 20, 2014 12:52 PM
To: Mayer, Craig W AVED:EX; Jothan, Janet M AVED:EX
Subject: FW: FYI

FYI – just to make sure you received copies for posting to PSIPS and the DQAB package.

Vicki Simmons

Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9177 Stn Prov Govt
Victoria BC V8W 9H8

(T) 250-356-2067 | (F) 250-356-8851 | (E) vicki.simmons@gov.bc.ca

From: Kisilewich, Nicole AVED:EX
Sent: Monday, January 20, 2014 12:33 PM
To: Simmons, Vicki AVED:EX
Cc: Rogers, Dorothy AVED:EX
Subject: FYI

For your records

Nicole Kisilewich

Administrative Assistant
Governance and Quality Assurance Branch
Ministry of Advanced Education
Phone: 250 356-9734
Fax: 250 387-3750
Email: Nicole.Kisilewich@gov.bc.ca

SPECIAL TERMS AND CONDITIONS OF MINISTERIAL CONSENT

Name of Institution: Trinity Western University

Consent for: Juris Doctor

The following special terms and conditions are attached to the consent from the Minister of Advanced Education under section 4(3) of the *Degree Authorization Act*.

- 1) **Consent period:** The consent period will be five years.
- 2) **Prior Commitments:** The institution must implement the agreed to conditions made in its response of May 17, 2013 to the expert panel's report.
- 3) **Faculty:** The institution must hire qualified faculty with the necessary qualifications for the degree being offered.
- 4) **Regulatory Body Approval:** The institution will not admit students until the program receives approval from the Law Society of British Columbia.
- 5) **Reporting:** The institution must provide a report to the Board on the status of faculty recruitment and regulatory body approval prior to launching the program.
- 6) **Misrepresentation or malfeasance:** The minister may deny, suspend, or revoke consent, where the following has taken place, or was taking place, at any time during or after the consent process until such time as the minister is satisfied that the situation has been remedied:
 - information provided for reviews was not truthful and complete; and/or,
 - misrepresentations, falsehood, fraud, abuse, or charges pending against the institution or its staff members for violations of law had occurred, or was occurring.

I acknowledge that I understand the terms and conditions attached to consent, that all information provided in the application is true, and that I agree to comply with all representations made during the course of the application, and with the terms and conditions of consent.

Name of authorized representative

Position at the Institution

Signature

Date

TERMS AND CONDITIONS OF MINISTERIAL CONSENT

Name of Institution: Trinity Western University

Consent for: Juris Doctor

The following standard terms and conditions are attached to the consent from the Minister of Advanced Education under section 4(3) of the *Degree Authorization Act*.

- 1) **Consent period:** The consent period will normally be five years.
- 2) **Scope of consent:** Consent will be specific to the activity, program (major and minor, if specified) and site described in the submitted application.

The consent holder must inform the minister before implementation of any material change in circumstance (i.e., ownership change, location change, material change in learning outcomes, the minimum qualifications of faculty), or of substantive changes (i.e., termination or suspension of programs that have consent), which may change the scope of consent.

- 3) **Consent not transferable:** A consent is not transferable.
- 4) **Notice for students and public:** The following must appear in the consent holder's current calendar, and in the student's enrolment contract:

This program is offered under the written consent of the Minister of Advanced Education effective (consent date) having undergone a quality assessment process and been found to meet the criteria established by the minister. Nevertheless, prospective students are responsible for satisfying themselves that the program and the degree will be appropriate to their needs (for example, acceptable to potential employers, professional licensing bodies, or other educational institutions).

- 5) **Advertising:** A consent holder must not use any term or phrase in advertising that refers to approval of the minister or the Government of British Columbia other than that the program is offered under the written consent of the minister.
- 6) **Program Implementation:** The consent holder must enroll students in the degree program within three years from the date of consent. If the degree program is not offered within the three-year time period, consent is automatically revoked.
- 7) **Reporting:** A consent holder must provide the following information to the minister when requested:
 - if accredited in another jurisdiction, proof of continuing legal and accreditation status, and any variation in status;
 - A report on the current academic standards for each degree program for which consent has been granted, including but not limited to:
 - number and percentage of teaching staff/faculty by level of education, professional designations and experience;

TERMS AND CONDITIONS OF MINISTERIAL CONSENT

- number of full time equivalent (FTE) degree students per full time equivalent (FTE) teaching staff/faculty;
 - the institution's annual report (including audited financial statement);
 - the institution's most recent calendar;
 - tuition and related fees for the degree programs for which consent has been granted;
 - student full time equivalent (FTE) enrolment in programs by year, for which consent has been granted;
 - number of degrees granted in the previous year for programs for which consent has been granted;
 - student attrition and retention rates;
 - job placement rates (both direct and indirect);
 - employer satisfaction;
 - student satisfaction;
 - number and nature of transfer agreements entered into the previous year regarding programs for which consent has been granted; and
 - other performance measures requested by the minister.
- 8) **Entitlement of consent holder to government funding:** Ministerial consent does not entitle the consent holder to funding from the government of British Columbia.
- 9) **Revocation and suspension of consent:**
A consent holder's failure to comply with any terms and conditions or any legislative obligation may lead the minister to amend, suspend or revoke consent. The Degree Quality Assessment Board may also recommend that the minister amend, suspend or revoke consent as a result of a comprehensive review which determined that the quality of the degree program had not been maintained.
- 10) **Financial security:** The consent holder must meet conditions established regarding the security of tuition fees. These are outlined in the Degree Authorization Regulations established pursuant to Section 9(1) of the *Degree Authorization Act*.
- 11) **Access to and security of student transcripts:** The consent holder must meet the requirements regarding the access to and security of student transcripts established under Section 4(4) of the *Degree Authorization Act*.
- 12) **Student contracts:** A consent holder must have an enrolment contract for students enrolling in degree programs. The student's obligation under the contract must not exceed a period of 12 consecutive months. The contract must include the following:
- the title of the program and name of degree;
 - the start date and end date;
 - policies on student withdrawal and refund of fees and charges; and
 - the statement required under term and condition #4.

TERMS AND CONDITIONS OF MINISTERIAL CONSENT

- 13) **Awareness of policies affecting students:** A consent holder must have a calendar or other comparable publication available to students and the public setting forth the following:
- admissions requirements and procedures;
 - programs and courses with indication of when they are offered;
 - rules and regulations for student, faculty and employee conduct;
 - degree completion requirements;
 - method of course delivery;
 - tuition and other fees;
 - transfer arrangements currently in place. If the consent holder has no credit transfer arrangements in place, the consent holder must indicate that no such arrangements exist.
- 14) **Misrepresentation or malfeasance:** The minister may deny, suspend, or revoke consent, where the following has taken place, or was taking place, at any time during or after the consent process until such time as the minister is satisfied that the situation has been remedied:
- information provided for reviews was not truthful and complete; and/or,
 - misrepresentations, falsehood, fraud, abuse, or charges pending against the institution or its staff members for violations of law had occurred, or was occurring.

I acknowledge that I understand the terms and conditions attached to consent, that all information provided in the application is true, and that I agree to comply with all representations made during the course of the application, and with the terms and conditions of consent.

Name of authorized representative

Position at the Institution

Signature

Date

Pages 1027 through 1028 redacted for the following reasons:

S14

Jothen, Janet M AVED:EX

From: Simmons, Vicki AVED:EX
Sent: Tuesday, February 4, 2014 8:41 AM
To: Rogers, Dorothy AVED:EX
Subject: RE: TWU law school

I checked and the Special T&C has the following bullet:

- 1) **Regulatory Body Approval:** The institution will not admit students until the program receives approval from the Law Society of British Columbia.

Vicki Simmons

Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: Rogers, Dorothy AVED:EX
Sent: Tuesday, February 4, 2014 8:31 AM
To: Simmons, Vicki AVED:EX
Subject: FW: TWU law school

Speak of the devil (so to speak). See if you have any issues with it.

Dorothy Rogers
Director, Quality Assurance
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-0713
Cell 250-217-0689

From: Porter, Rodney GCPE:EX
Sent: Tuesday, February 4, 2014 8:11 AM
To: Thiessen-Wale, Katherine AVED:EX
Cc: Bakowski, Valarie AVED:EX; Rogers, Dorothy AVED:EX; Wyllie, Sandra AVED:EX
Subject: RE: TWU law school

Hi Katherine – Thank you for the updates. Issues note updated. Let me know if any concerns or changes required before I send to Claire.

Rodney Porter | Communications Director
Government Communications & Public Engagement

From: Thiessen-Wale, Katherine AVED:EX
Sent: Monday, February 3, 2014 1:49 PM
To: Porter, Rodney GCPE:EX
Cc: Bakowski, Valarie AVED:EX; Rogers, Dorothy AVED:EX
Subject: RE: TWU law school

Hi Rodney,

I don't readily find the information on vote dates, legal opinions and briefs, etc. that is reported on below but am operating on the assumption that the facts in the article are correct. (I am checking with our own legal counsel to see what they have been provided with on the issue as members of the Law Society.)

In the meantime, I have seen a copy of the most recent **IN** on this (dated January 21) and suggest that the following is the new information to add:

Advice and Recommended Response section:

- *Add a bullet before the last bullet:* The Law Society of British Columbia is considering the recommendation of the Federation of Law Societies, and will determine through a vote whether the degree of TWU will be accepted as meeting the academic qualification requirement of the BC bar admission process.

Background section:

- *Amend the yellow-highlighted bullet:* The Law Society of BC has authority to review the proposal independently of the Federation of Law Societies, and has indicated that it will take the time necessary to properly review and reflect on the issue, stressing that the decision requires procedural fairness.
- *After the yellow-highlighted bullet add the following:* On January 24, 2014 the Law Society of BC invited input from lawyers and the general public on whether the TWU faculty of law should be approved for the purpose of meeting the academic qualification requirement of the Law Society's admission process. The Law Society will vote on February 28, 2014 whether to adopt a motion to reject approval of TWU's law school; if the motion is adopted, TWU will be able to make a submission on April 11, 2014, when there will be another vote.
- *Add to the bullet about the community covenant (third to last bullet):* It is likely that the Law Society will consider the matter of TWU's community covenant.
- *Add to the second last bullet:* It is possible that irrespective of the decision of the Law Society of BC, persons seeking to challenge the community covenant will commence a legal action in an effort to have it struck down.

Katherine Thiessen-Wale

Director, Legislation and Board Appointments
Governance and Quality Assurance Branch
Ministry of Advanced Education

From: Bakowski, Valarie AVED:EX
Sent: Sunday, February 2, 2014 12:05 PM
To: Thiessen-Wale, Katherine AVED:EX

Cc: Porter, Rodney GCPE:EX
Subject: RE: TWU law school

Katherine,

From: Avison, Claire AVED:EX
Sent: Sunday, February 2, 2014 11:43 AM
To: Bakowski, Valarie AVED:EX; Thiessen-Wale, Katherine AVED:EX; Porter, Rodney GCPE:EX
Subject: TWU law school

We will need an updated IN.

Hello Katherine,
Could you please provide some updated bullets for Rodney.
Thank you,
Val

Law school debate a matter of degrees
Vancouver Sun
Friday, January 31, 2014
Page A06
By Daphne Bramham
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dbramham@vancouver.sun.com

Claire Avison | Assistant Deputy Minister, Sector Strategy and Quality Assurance | Ministry of Advanced Education | Cell: 250-217-9059 | claire.avison@gov.bc.ca

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry: Advanced Education

Date: Oct. 29, 2013

Update: Dec. 18, 2013, Jan. 21, 2014; Feb. 4, 2014

Minister Responsible: Amrik Virk

Trinity Western University – proposed law degree

ADVICE AND RECOMMENDED RESPONSE:

- As Advanced Education Minister, I have had the opportunity to consider the Degree Quality Assessment Board's recommendation and findings, as well as the Federation of Law Societies of Canada reports.
- As a result, I have given consent for a new law school program at Trinity Western University.
- Trinity Western University is a private university in British Columbia, which receives no operating or capital funding from government.
- The Trinity Western University law degree proposal has undergone a two-stage external review.
- The Federation of Law Societies of Canada has granted preliminary approval and the Degree Quality Assessment Board has also recommended program approval.
- The Federation of Law Societies' review looked at whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law. This is relevant to the Ministry as it speaks to whether graduates may be eligible to practice law after graduation and relevant in a final decision whether to provide consent under the *Degree Authorization Act*.
- The Law Society of British Columbia is considering the recommendation of the Federation of Law Societies and will determine through a vote whether TWU's proposed law degree will be accepted as meeting the academic qualification requirement of the B.C. bar admission process.
- The recommendation from the Degree Quality Assessment Board was based on the educational quality of the program, within the confines of the *Degree Authorization Act*.

BACKGROUND REGARDING THE ISSUE:

- TWU, a faith-based private university located in Langley, wants to offer a Juris Doctor degree, a professional degree required to practice law in Canada. It hopes to launch the program in September 2015.
- On Dec. 16, 2013, the Federation of Law Societies of Canada granted preliminary approval to a proposed new law school program at TWU. The approval committee identified three concerns and made one comment on aspects of the proposed program that it will monitor in subsequent reviews. A Special Advisory Committee concluded that there is no public interest reason to exclude future graduates of the program from law society bar admission programs as long as the program meets the national requirement.

- The Federation of Law Societies does not undertake a quality review but does undertake a review of proposed new law programs on whether the learning outcomes of the program enable graduates to meet the competencies to practice law. This is done on behalf of the provincial regulatory body, the Law Society of BC. If the Federation had not approved the program, graduates would not have been able to write the bar exam.
- The Law Society of BC has authority to review the proposal independently of the Federation of Law Societies, and has indicated that it will take the time necessary to properly review and reflect on the issue, stressing that the decision requires procedural fairness.
- On Jan. 24, 2014 the Law Society of BC invited input from lawyers and the general public on whether the TWU faculty of law should be approved for the purpose of meeting the academic qualification requirement of the Law Society's admission process. The Law Society of BC will vote on Feb. 28, 2014 whether to adopt a motion to reject approval of TWU's law school; if the motion is adopted, TWU will be able to make a submission on April 11, 2014, when there will be another vote.
- The Degree Quality Assessment Board undertook a review and made a number of recommendations to ensure the quality of the proposed law degree. Concerns were noted about the institutions statement of faith and community covenant that all staff and students are required to sign. TWU addressed this by agreeing that temporary and adjunct faculty members would not be required to sign the covenant.
- It is likely that the Law Society of BC will consider the matter of TWU's community covenant.
- The community covenant defines marriage as being between one man and one woman. This has created controversy given that Canada has recognized same-sex marriages since 2005.
- In 2001, the Supreme Court of Canada ruled in Trinity Western University v. British Columbia College of Teachers following a similar issue. It is possible that irrespective of the decision of the Law Society of BC, persons seeking to challenge the community covenant will commence a legal action in an effort to have it struck down.
- The Federation convened a Special Advisory Committee to review issues raised with respect to TWU's Community Covenant. The Committee recommended that as long as the National Requirement is met, there is not public interest reason to exclude graduates of the program. The Committee also recommended that consideration be given to adding a non-discriminatory provision into the National Requirement.

Communications Contact: Rodney Porter
 Program Area Contact: Dorothy Rogers / Katherine Thiessen-Wale
 File Created: Oct. 29, 2013
 File Updated: Dec. 18, 2013, Jan. 21, 2014; Feb. 4, 2014
 File Location:

Minister's Office	Program Area	Deputy	Communications Director / Manager
	Claire Avison Val Bakowski	Sandra Carroll	Rodney Porter

Pages 1035 through 1039 redacted for the following reasons:

S14

Jothen, Janet M AVED:EX

From: Elsie Froment [Elsie.Froment@twu.ca]
Sent: Thursday, February 6, 2014 6:44 PM
To: Mayer, Craig W AVED:EX
Cc: Simmons, Vicki AVED:EX
Subject: FW: Juris Doctor forms

Craig,

President Kuhn wants to meet with Minister Virk to discuss the terms and conditions. Ann Coats will be in touch with the Minister's office shortly.

I will drop back until that conversation has taken place.

Elsie

From: Elsie Froment
Sent: February-05-14 9:46 AM
To: 'AVED Degree Quality Assessment Board Secretariat AVED:EX'
Subject: RE: Juris Doctor forms

Craig,

Thanks for your note. When I asked for the signature, I was told that the president was considering the terms and conditions. I will ask for an update and get back to you.

Elsie

From: AVED Degree Quality Assessment Board Secretariat AVED:EX [<mailto:DQABsecretariat@gov.bc.ca>]
Sent: February-05-14 8:54 AM
To: Elsie Froment
Cc: Simmons, Vicki AVED:EX
Subject: RE: Juris Doctor forms

Elsie,
To follow up, we have not yet received the signed documents. Do you have an estimate on when we should expect to receive them?
Thank you very much, Craig

Craig Mayer
Governance and Quality Assurance
Ministry of Advanced Education
250-387-1138
Craig.Mayer@gov.bc.ca

From: Elsie Froment [<mailto:Elsie.Froment@twu.ca>]
Sent: Tuesday, January 28, 2014 12:34 PM
To: AVED Degree Quality Assessment Board Secretariat AVED:EX

Cc: Simmons, Vicki AVED:EX
Subject: RE: Juris Doctor forms

Dear Craig,

Thank you for your quick reply to my request. I will return the signed documents to you as soon as possible.

Elsie

From: AVED Degree Quality Assessment Board Secretariat AVED:EX [<mailto:DQABsecretariat@gov.bc.ca>]
Sent: January-28-14 12:28 PM
To: Elsie Froment
Subject: Juris Doctor forms

Hi Elsie - in response to your inquiry to Vicki Simmons, please find attached the two documents that require your institution's signature as referenced in the Minister's letter (Special Terms and Conditions of Consent and Standard Terms and Conditions of Consent). Once we receive these signed forms we can then move the JD submission from Under Review to Ministerial Consent.

If you wish to fax these, our number is 250-387-3750 (attention myself or Vicki).

Thank you, Craig

Craig Mayer
Governance and Quality Assurance
Ministry of Advanced Education
250-387-1138
Craig.Mayer@gov.bc.ca

Jothen, Janet M AVED:EX

From: Simmons, Vicki AVED:EX
Sent: Tuesday, February 11, 2014 9:19 AM
To: Jothen, Janet M AVED:EX; Mayer, Craig W AVED:EX; Kilpatrick, Rosalyn AVED:EX; House, Dawn M AVED:EX
Subject: FW: Important: Prayer needed for TWU's challenge with approved School of Law

I see TWU is sending out mass emails to alumni for prayers over the JD issues...

Vicki Simmons

Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: Rogers, Dorothy AVED:EX
Sent: Tuesday, February 11, 2014 9:16 AM
To: Simmons, Vicki AVED:EX
Subject: FW: Important: Prayer needed for TWU's challenge with approved School of Law

fyi

Dorothy Rogers
Director, Quality Assurance
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6160
Cell 250-217-0689

From: S22
Sent: Saturday, February 8, 2014 10:56 AM
To: Rogers, Dorothy AVED:EX
Subject: Fwd: Important: Prayer needed for TWU's challenge with approved School of Law

From: "<Scott Campbell>", VP Alumni & Executive Director | Alumni Association <info@twualumni.org>
Subject: Important: Prayer needed for TWU's challenge with approved School of Law

Email not displaying correctly? View it in your browser.

Page 622 to/à Page 625

Withheld pursuant to/removed as

Copyright

Jothen, Janet M AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Wednesday, February 12, 2014 7:51 AM
To: Simmons, Vicki AVED:EX
Subject: FW: TWU updated letter VERY URGENT
Attachments: 95189 - TWU JD - Standard Terms and Conditions.pdf

fyi

Dorothy Rogers
Director, Quality Assurance
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6160
Cell 250-217-0689

From: Rogers, Dorothy AVED:EX
Sent: Wednesday, February 12, 2014 7:51 AM
To: Bakowski, Valarie AVED:EX
Cc: Azaransky, Debbie L AVED:EX; Thiessen-Wale, Katherine AVED:EX; Wyllie, Sandra AVED:EX
Subject: FW: TWU updated letter VERY URGENT

Here is the document (Terms and Conditions of Consent).

S13

It was the Federation of Law Societies that reviewed, but the BC Law Society has determined that they will do their own review. Should the condition be removed, then there is no guarantee that the graduates will be able to practice law in BC once they graduate. TWU needs to deal with the BC Law Society's concerns.

s.13

Please let me know if you still wish it to be removed or if Claire will update the DM.

Dorothy

Dorothy Rogers
Director, Quality Assurance
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6160
Cell 250-217-0689

From: Bakowski, Valarie AVED:EX
Sent: Tuesday, February 11, 2014 6:05 PM

To: Rogers, Dorothy AVED:EX
Subject: FW: TWU updated letter VERY URGENT

S13

I am happy to do the revision and to get it to Claire tonight – the ADM's office would like it done. I just don't know where to find the document.

Thanks,
Val

From: Wyllie, Sandra AVED:EX
Sent: Tuesday, February 11, 2014 4:52 PM
To: Bakowski, Valarie AVED:EX; Thiessen-Wale, Katherine AVED:EX; Azaransky, Debbie L AVED:EX
Cc: Meadows, Jennifer L AVED:EX
Subject: TWU updated letter VERY URGENT

Hi, this update has to be in the DMO by 9:00 am tomorrow and with it being approved by Claire beforehand. Thanks
Sands



Sandra Wyllie
Manager, Division Operations
Sector Strategy and Quality Assurance Division
Ministry of Advanced Education
☎ 250 356-2498 (business) 250 514-9885 (cellular) ✉ Sandra.Wyllie@gov.bc.ca

Jothen, Janet M AVED:EX

From: Wyllie, Sandra AVED:EX
Sent: Wednesday, February 12, 2014 8:01 AM
To: Simmons, Vicki AVED:EX
Subject: RE: TWU JD Bullets re: Terms of Consent

Thank you honey!

From: Simmons, Vicki AVED:EX
Sent: Wednesday, February 12, 2014 7:58 AM
To: Wyllie, Sandra AVED:EX
Subject: FW: TWU JD Bullets re: Terms of Consent
Importance: High

FYI, I should have copied you on this note.

Vicki Simmons
Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: Simmons, Vicki AVED:EX
Sent: Wednesday, February 12, 2014 7:57 AM
To: Bakowski, Valarie AVED:EX
Cc: Rogers, Dorothy AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: TWU JD Bullets re: Terms of Consent
Importance: High

Hi Val,

As requested, please find my bullets regarding this issue below. I have copied Dorothy and Katherine as well since they may have additional comments.

- The Federation of Law Societies of Canada (the Federation) undertook a review of TWU's proposed new law program to recommend to its members whether the learning outcomes of the program enable graduates meet the competencies to practice law.
- On December 16, 2013 the Approval Committee of the Federation granted preliminary approval of TWU's proposed law program.

- However, the Law Society of BC has authority to review the proposal independently of the Federation, and has the final say in whether any faculty of law is approved for the purpose of meeting the requirement for graduates to practice law.
- The Law Society of BC is currently considering the recommendation of the Federation, and will determine through a vote whether the degree of TWU will be accepted for bar admission.
- Nova Scotia and Ontario are also undertaking a review to determine if they will accept TWU's graduates for bar admission which could threaten national mobility agreements that allow lawyers licensed in one province to practise across Canada.
- On January 24, 2014 the Law Society of BC invited input from lawyers and the general public on whether the TWU faculty of law should be approved.
- The Law Society of BC will vote on February 28, 2014 whether to adopt a motion to reject approval of TWU's law school; if the motion is adopted, TWU will be able to make a submission on April 11, 2014, when there will be another vote.
- It is likely that the Law Society will consider the matter of TWU's community covenant.
- It is possible that irrespective of the decision of the Law Society of BC, persons seeking to challenge the community covenant will commence a legal action in an effort to have it struck down.

s.13

Vicki

Vicki Simmons
 Senior Policy Analyst
 Governance and Quality Assurance Branch
 BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
 PO Box 9883 Stn Prov Govt
 Victoria BC V8W 9T6
 (T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

Pages 1051 through 1055 redacted for the following reasons:

S14

Jothen, Janet M AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Wednesday, February 12, 2014 10:04 AM
To: Wyllie, Sandra AVED:EX; Azaransky, Debbie L AVED:EX
Cc: Thiessen-Wale, Katherine AVED:EX; Simmons, Vicki AVED:EX
Subject: RE: Change in wording: TWU JD Bullets re: Terms of Consent

The Federation is not the regulatory body

Dorothy Rogers
Director, Quality Assurance
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6160
Cell 250-217-0689

From: Wyllie, Sandra AVED:EX
Sent: Wednesday, February 12, 2014 10:02 AM
To: Rogers, Dorothy AVED:EX; Azaransky, Debbie L AVED:EX
Subject: FW: Change in wording: TWU JD Bullets re: Terms of Consent
Importance: High

From: Meadows, Jennifer L AVED:EX
Sent: Wednesday, February 12, 2014 9:55 AM
To: Bakowski, Valarie AVED:EX
Cc: Avison, Claire AVED:EX; Wyllie, Sandra AVED:EX
Subject: Change in wording: TWU JD Bullets re: Terms of Consent
Importance: High

Sandy just spoke with MO. Please change wording in Terms of Consent to read:

Regulatory Body Approval: The institution will be able to admit students into the program based on approval received from the Federation of Law Societies of Canada in November 2013.

Jennifer

From: Meadows, Jennifer L AVED:EX
Sent: Wednesday, February 12, 2014 9:45 AM
To: Bakowski, Valarie AVED:EX
Cc: Wyllie, Sandra AVED:EX; Avison, Claire AVED:EX

Subject: RE: TWU JD Bullets re: Terms of Consent
Importance: High

Hi Val,

I had a discussion with DM and reiterated what we had discussed. Please proceed with having a revised letter and Special Terms of Consent prepared. The Terms of Consent should be changed to read something along the lines of:

S13

Please submit to DMO today by noon.

Thank you.
Jennifer

From: Bakowski, Valarie AVED:EX
Sent: Wednesday, February 12, 2014 8:44 AM
To: Avison, Claire AVED:EX
Cc: Wyllie, Sandra AVED:EX; Meadows, Jennifer L AVED:EX
Subject: FW: TWU JD Bullets re: Terms of Consent
Importance: High

Hello Claire,

S14

The BC Law Society is not recognizing the Federation's decision as of yet and has assigned Benchers to conduct consultations that are open for public comment until March.

The Benchers have the final say in whether any faculty of law is an approved faculty of law for the purpose of meeting the academic qualification requirement of the Law Society's admission process

The Law Society of BC will vote on February 28, 2014 whether to adopt a motion to reject approval of TWU's law school; if the motion is adopted, TWU will be able to make a submission on April 11, 2014, when there will be another vote.

- The Federation of Law Societies of Canada (the Federation) undertook a review of TWU's proposed new law program to recommend to its members whether the learning outcomes of the program enable graduates meet the competencies to practice law.
- On December 16, 2013 the Approval Committee of the Federation granted preliminary approval of TWU's proposed law program.

- However, the Law Society of BC has authority to review the proposal independently of the Federation, and has the final say in whether any faculty of law is approved for the purpose of meeting the requirement for graduates to practice law.
- The Law Society of BC is currently considering the recommendation of the Federation, and will determine through a vote whether the degree of TWU will be accepted for bar admission.
- Nova Scotia and Ontario are also undertaking a review to determine if they will accept TWU's graduates for bar admission which could threaten national mobility agreements that allow lawyers licensed in one province to practise across Canada.
- On January 24, 2014 the Law Society of BC invited input from lawyers and the general public on whether the TWU faculty of law should be approved.
- It is likely that the Law Society will consider the matter of TWU's community covenant.
- It is possible that irrespective of the decision of the Law Society of BC, persons seeking to challenge the community covenant will commence a legal action in an effort to have it struck down.

s.13

Jothen, Janet M AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Wednesday, February 12, 2014 1:15 PM
To: Bakowski, Valarie AVED:EX
Cc: Mayer, Craig W AVED:EX; Simmons, Vicki AVED:EX
Subject: FW: Change in wording: TWU JD Bullets re: Terms of Consent

Importance: High

As requested, here is the signed JD letter. TWU already has been provided with the letter.



5. c) Min Letter -
TWU Juris D...

Dorothy Rogers
Director, Quality Assurance
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-8160
Cell 250-217-0689

From: Rogers, Dorothy AVED:EX
Sent: Wednesday, February 12, 2014 12:53 PM
To: Bakowski, Valarie AVED:EX
Cc: Kisilewich, Nicole AVED:EX; Thiessen-Wale, Katherine AVED:EX; Simmons, Vicki AVED:EX
Subject: RE: Change in wording: TWU JD Bullets re: Terms of Consent
Importance: High

Hi Val,

I've provided three different options with regard to the direction below.

As indicated, the suggested change is not accurate given that the regulatory body for law in BC is the BC Law Society.

For your information, the special terms and conditions will be posted publicly with the Minister's letter on the AVED website.

Here are the concerns:

- The BC Law Society has the ultimate decision for if graduates will be accepted to practice law they may not agree with the Federation's findings;
- Until the Society makes their decision, the students who enrol may be unaware of the situation;
-

s.13

Option 1 – Remove the reference to the regulatory approval altogether

- The identity of the professional regulator is not highlighted



95189 - TWU JD -
Special Terms...

Option 2 – Remove the term– “regulatory body” – Federation of Law Societies is not a regulatory body – that is the responsibility of BC Law Society.

- The reference would then be correct to just refer to approval – the date has been changed from November to December as that is when the Federation made its decision.



95189 - TWU JD -
Special Terms...

Option 3 – Provided the Special terms and conditions as requested – the date has been changed from November to December given that was when the Federation reviewed and made the decision in December.



95189 - TWU JD -
Special Terms...

Dorothy Rogers
Director, Quality Assurance
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6160
Cell 250-217-0689

From: Bakowski, Valarie AVED:EX
Sent: Wednesday, February 12, 2014 12:10 PM
To: Simmons, Vicki AVED:EX; Rogers, Dorothy AVED:EX
Cc: Kisilewich, Nicole AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: FW: Change in wording: TWU JD Bullets re: Terms of Consent
Importance: High

Could we please update if you have not already done so.
Thank you,
Val

From: Meadows, Jennifer L AVED:EX
Sent: Wednesday, February 12, 2014 9:55 AM
To: Bakowski, Valarie AVED:EX
Cc: Avison, Claire AVED:EX; Wyllie, Sandra AVED:EX
Subject: Change in wording: TWU JD Bullets re: Terms of Consent
Importance: High

Sandy just spoke with MO. Please change wording in Terms of Consent to read:

Regulatory Body Approval: The institution will be able to admit students into the program based on approval received from the Federation of Law Societies of Canada in November 2013.

Jennifer

From: Meadows, Jennifer L AVED:EX
Sent: Wednesday, February 12, 2014 9:45 AM
To: Bakowski, Valarie AVED:EX
Cc: Wyllie, Sandra AVED:EX; Avison, Claire AVED:EX
Subject: RE: TWU JD Bullets re: Terms of Consent
Importance: High

Hi Val,

I had a discussion with DM and reiterated what we had discussed. Please proceed with having a revised letter and Special Terms of Consent prepared. The Terms of Consent should be changed to read something along the lines of:

S13

Please submit to DMO today by noon.

Thank you.
Jennifer

From: Bakowski, Valarie AVED:EX
Sent: Wednesday, February 12, 2014 8:44 AM
To: Avison, Claire AVED:EX
Cc: Wyllie, Sandra AVED:EX; Meadows, Jennifer L AVED:EX
Subject: FW: TWU JD Bullets re: Terms of Consent
Importance: High

Hello Claire,

S14

The BC Law Society is not recognizing the Federation's decision as of yet and has assigned Benchers to conduct consultations that are open for public comment until March.

The Benchers have the final say in whether any faculty of law is an approved faculty of law for the purpose of meeting the academic qualification requirement of the Law Society's admission process

The Law Society of BC will vote on February 28, 2014 whether to adopt a motion to reject approval of TWU's law school; if the motion is adopted, TWU will be able to make a submission on April 11, 2014, when there will be another vote.

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- On December 16, 2013 the Approval Committee of the Federation granted preliminary approval of TWU's proposed law program.
- However, the Law Society of BC has authority to review the proposal independently of the Federation, and has the final say in whether any faculty of law is approved for the purpose of meeting the requirement for graduates to practice law.
- The Law Society of BC is currently considering the recommendation of the Federation, and will determine through a vote whether the degree of TWU will be accepted for bar admission.
- Nova Scotia and Ontario are also undertaking a review to determine if they will accept TWU's graduates for bar admission which could threaten national mobility agreements that allow lawyers licensed in one province to practise across Canada.
- On January 24, 2014 the Law Society of BC invited input from lawyers and the general public on whether the TWU faculty of law should be approved.
- It is likely that the Law Society will consider the matter of TWU's community covenant.
- It is possible that irrespective of the decision of the Law Society of BC, persons seeking to challenge the community covenant will commence a legal action in an effort to have it struck down.

•

s.13

•



DEC 17 2013

Our Ref. 95189

XRef: 91307

File: 60100-30/TWU/1213TWU0018

Mr. Robert G. Kuhn, President (Interim)
Trinity Western University
7600 Glover Rd
Langley BC V2Y 1Y1

Dear Mr. Kuhn:

The proposal submitted by Trinity Western University (TWU) for consent to offer and grant a Juris Doctor degree has now completed all stages in the degree quality assessment process established under the *Degree Authorization Act* (DAA).

The Degree Quality Assessment Board (the Board) reviewed the proposal at its meeting on June 10, 2013, and found that it met the degree program quality assessment criteria for private and out-of-province public institutions. The Board recommended several *Special Terms and Conditions of Consent* with which I agree.

As a result, I am pleased to advise that a five-year term of consent is given to TWU to provide, advertise and grant a Juris Doctor degree under section 3(1) of the DAA with the attached *Special Terms and Conditions of Consent* and *Standard Terms and Conditions of Consent* (attached for signature) which applies to all institutions receiving consent.

Please note that although the Ministry supports TWU's efforts to increase education in this area, the Province is unable to commit financial support to TWU for this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amrik Virk'.

Amrik Virk
Minister

Attachments

pc: Dr. Elsie Froment, Dean of Research
Trinity Western University

Degree Quality Assessment Board

SPECIAL TERMS AND CONDITIONS OF MINISTERIAL CONSENT

Name of Institution: Trinity Western University

Consent for: Juris Doctor

The following special terms and conditions are attached to the consent from the Minister of Advanced Education under section 4(3) of the *Degree Authorization Act*.

- 1) **Consent period:** The consent period will be five years.
- 2) **Prior Commitments:** The institution must implement the agreed to conditions made in its response of May 17, 2013 to the expert panel's report.
- 3) **Faculty:** The institution must hire qualified faculty with the necessary qualifications for the degree being offered.
- 4) **Reporting:** The institution must provide a report to the Board on the status of faculty recruitment and regulatory body approval prior to launching the program.
- 5) **Misrepresentation or malfeasance:** The minister may deny, suspend, or revoke consent, where the following has taken place, or was taking place, at any time during or after the consent process until such time as the minister is satisfied that the situation has been remedied:
 - information provided for reviews was not truthful and complete; and/or,
 - misrepresentations, falsehood, fraud, abuse, or charges pending against the institution or its staff members for violations of law had occurred, or was occurring.

I acknowledge that I understand the terms and conditions attached to consent, that all information provided in the application is true, and that I agree to comply with all representations made during the course of the application, and with the terms and conditions of consent.

Name of authorized representative

Position at the Institution

Signature

Date

SPECIAL TERMS AND CONDITIONS OF MINISTERIAL CONSENT

Name of Institution: Trinity Western University

Consent for: Juris Doctor

The following special terms and conditions are attached to the consent from the Minister of Advanced Education under section 4(3) of the *Degree Authorization Act*.

- 1) **Consent period:** The consent period will be five years.
- 2) **Prior Commitments:** The institution must implement the agreed to conditions made in its response of May 17, 2013 to the expert panel's report.
- 3) **Faculty:** The institution must hire qualified faculty with the necessary qualifications for the degree being offered.
- 4) **Approval:** The institution will be able to admit students into the program based on approval received from the Federation of Law Societies of Canada in December 2013.
- 5) **Reporting:** The institution must provide a report to the Board on the status of faculty recruitment and regulatory body approval prior to launching the program.
- 6) **Misrepresentation or malfeasance:** The minister may deny, suspend, or revoke consent, where the following has taken place, or was taking place, at any time during or after the consent process until such time as the minister is satisfied that the situation has been remedied:
 - information provided for reviews was not truthful and complete; and/or,
 - misrepresentations, falsehood, fraud, abuse, or charges pending against the institution or its staff members for violations of law had occurred, or was occurring.

I acknowledge that I understand the terms and conditions attached to consent, that all information provided in the application is true, and that I agree to comply with all representations made during the course of the application, and with the terms and conditions of consent.

Name of authorized representative

Position at the Institution

Signature

Date

SPECIAL TERMS AND CONDITIONS OF MINISTERIAL CONSENT

Name of Institution: Trinity Western University

Consent for: Juris Doctor

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- 1) **Consent period:** The consent period will be five years.
- 2) **Prior Commitments:** The institution must implement the agreed to conditions made in its response of May 17, 2013 to the expert panel's report.
- 3) **Faculty:** The institution must hire qualified faculty with the necessary qualifications for the degree being offered.
- 4) **Regulatory Body Approval:** The institution will be able to admit students into the program based on approval received from the Federation of Law Societies of Canada in December 2013
- 5) **Reporting:** The institution must provide a report to the Board on the status of faculty recruitment and regulatory body approval prior to launching the program.
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I acknowledge that I understand the terms and conditions attached to consent, that all information provided in the application is true, and that I agree to comply with all representations made during the course of the application, and with the terms and conditions of consent.

Name of authorized representative

Position at the Institution

Signature

Date

Rogers, Dorothy AVED:EX

From: Rogers, Dorothy AVED:EX
Sent: Wednesday, February 12, 2014 2:35 PM
To: Meadows, Jennifer L AVED:EX; Wyllie, Sandra AVED:EX
Cc: Thiessen-Wale, Katherine AVED:EX; Bakowski, Valarie AVED:EX
Subject: RE: Change in wording: TWU JD Bullets re: Terms of Consent

As requested here is a supplemental letter and the new special terms and conditions of consent. Hopefully this is what you need.



95189 - TWU JD - 95189 - TWU JD -
supplemental ... Special Terms...

Dorothy Rogers
Director, Quality Assurance
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6160
Cell 250-217-0689

From: Bakowski, Valarie AVED:EX
Sent: Wednesday, February 12, 2014 1:21 PM
To: Meadows, Jennifer L AVED:EX
Cc: Wyllie, Sandra AVED:EX; Avison, Claire AVED:EX; Rogers, Dorothy AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: FW: Change in wording: TWU JD Bullets re: Terms of Consent
Importance: High

<< File: 95189 - TWU JD - Special Terms and Conditions1.doc.docx >> << File: 5. c) Min Letter - TWU Juris Doctor.pdf >>
Based on our discussion and the discussion earlier today with Claire, please see the revised condition in the attachment:

Approval: The institution will be able to admit students into the program based on approval received from the Federation of Law Societies of Canada in December 2013.

Thank you Jennifer,
Val

SPECIAL TERMS AND CONDITIONS OF MINISTERIAL CONSENT

Name of Institution: Trinity Western University

Consent for: Juris Doctor

The following special terms and conditions are attached to the consent from the Minister of Advanced Education under section 4(3) of the *Degree Authorization Act*.

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- 3) **Faculty:** The institution must hire qualified faculty with the necessary qualifications for the degree being offered.

s.13

- 5) **Reporting:** The institution must provide a report to the Board on the status of faculty recruitment and regulatory body approval prior to launching the program.
- 6) **Misrepresentation or malfeasance:** The minister may deny, suspend, or revoke consent, where the following has taken place, or was taking place, at any time during or after the consent process until such time as the minister is satisfied that the situation has been remedied:
 - information provided for reviews was not truthful and complete; and/or,
 - misrepresentations, falsehood, fraud, abuse, or charges pending against the institution or its staff members for violations of law had occurred, or was occurring.

I acknowledge that I understand the terms and conditions attached to consent, that all information provided in the application is true, and that I agree to comply with all representations made during the course of the application, and with the terms and conditions of consent.

Name of authorized representative

Position at the Institution

Signature

Date



Our Ref. 95189
XRef: 91307
File: 60100-30/TWU/1213TWU0018

Mr. Robert G. Kuhn, President (Interim)
Trinity Western University
7600 Glover Rd
Langley BC V2Y 1Y1

Dear Mr. Kuhn:

Please find attached revised *Special Terms and Conditions of Consent* with regards to Trinity Western University's consent under the *Degree Authorization Act* to offer and grant a Juris Doctor degree.

Sincerely,

Amrik Virk
Minister

Attachment

pc: Dr. Elsie Froment, Dean of Research
Trinity Western University

Degree Quality Assessment Board

Jothen, Janet M AVED:EX

From: Simmons, Vicki AVED:EX
Sent: Wednesday, February 12, 2014 2:43 PM
To: Rogers, Dorothy AVED:EX
Subject: RE: Change in wording: TWU JD Bullets re: Terms of Consent

The Special T&C in the attached is the same except for the title:

s.13

Vicki Simmons

Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: Rogers, Dorothy AVED:EX
Sent: Wednesday, February 12, 2014 2:35 PM
To: Simmons, Vicki AVED:EX
Subject: FW: Change in wording: TWU JD Bullets re: Terms of Consent

Dorothy Rogers
Director, Quality Assurance
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6160
Cell 250-217-0689

From: Rogers, Dorothy AVED:EX
Sent: Wednesday, February 12, 2014 2:35 PM
To: Meadows, Jennifer L AVED:EX; Wyllie, Sandra AVED:EX
Cc: Thiessen-Wale, Katherine AVED:EX; Bakowski, Valarie AVED:EX
Subject: RE: Change in wording: TWU JD Bullets re: Terms of Consent

As requested here is a supplemental letter and the new special terms and conditions of consent. Hopefully this is what you need.

<< File: 95189 - TWU JD - supplemental Letter to TWU.docx >> << File: 95189 - TWU JD - Special Terms and Conditions2.doc.docx >>

Dorothy Rogers
Director, Quality Assurance
Governance and Quality Assurance Branch
Ministry of Advanced Education
250-387-6160
Cell 250-217-0689

From: Bakowski, Valarie AVED:EX
Sent: Wednesday, February 12, 2014 1:21 PM
To: Meadows, Jennifer L AVED:EX
Cc: Wyllie, Sandra AVED:EX; Avison, Claire AVED:EX; Rogers, Dorothy AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: FW: Change in wording: TWU JD Bullets re: Terms of Consent
Importance: High

<< File: 95189 - TWU JD - Special Terms and Conditions1.doc.docx >> << File: S. c) Min Letter - TWU Juris Doctor.pdf >>
Based on our discussion and the discussion earlier today with Claire, please see the revised condition in the attachment:

Approval: The institution will be able to admit students into the program based on approval received from the Federation of Law Societies of Canada in December 2013.

Thank you Jennifer,
Val

Rogers, Dorothy AVED:EX

From: Bakowski, Valarie AVED:EX
Sent: Wednesday, February 12, 2014 3:10 PM
To: Rogers, Dorothy AVED:EX
Subject: RE: Change in wording: TWU JD Bullets re: Terms of Consent

Just wanted to let you know - I guess you knew -- you redid the work.

Thanks Dorothy.

S22

From: Rogers, Dorothy AVED:EX
Sent: Wednesday, February 12, 2014 3:09 PM
To: Bakowski, Valarie AVED:EX
Subject: Re: Change in wording: TWU JD Bullets re: Terms of Consent

Yes I made a mistake it is now corrected

From: Bakowski, Valarie AVED:EX
Sent: Wednesday, February 12, 2014 02:55 PM Pacific Standard Time
To: Rogers, Dorothy AVED:EX
Cc: Wyllie, Sandra AVED:EX
Subject: RE: Change in wording: TWU JD Bullets re: Terms of Consent

Hello Dorothy,

I understand that they wanted the letter retyped and not just sent to the DM.

<<95189 - TWU JD - Special Terms and Conditions2.doc.docx>>

I attached the wrong document -- thanks for resending.

Val

From: Bakowski, Valarie AVED:EX
Sent: Wednesday, February 12, 2014 1:21 PM
To: Meadows, Jennifer L AVED:EX
Cc: Wyllie, Sandra AVED:EX; Avison, Claire AVED:EX; Rogers, Dorothy AVED:EX; Thiessen-Wale, Katherine AVED:EX
Subject: FW: Change in wording: TWU JD Bullets re: Terms of Consent
Importance: High

<< File: 95189 - TWU JD - Special Terms and Conditions1.doc.docx >> << File: 5. c) Min Letter - TWU Juris Doctor.pdf >>

Based on our discussion and the discussion earlier today with Claire, please see the revised condition in the attachment:

Approval: The institution will be able to admit students into the program based on approval received from the Federation of Law Societies of Canada in December 2013.

Thank you Jennifer,

Val

Pages 1074 through 1075 redacted for the following reasons:

S14



Our Ref. 95189
XRef: 91307

February 12, 2014

Mr. Robert G. Kuhn, President (Interim)
Trinity Western University
7600 Glover Rd
Langley BC V2Y 1Y1

Dear Mr. Kuhn:

Please find attached replacement *Special Terms and Conditions of Consent* with regards to Trinity Western University's consent under the *Degree Authorization Act* to offer and grant a Juris Doctor degree.

Sincerely,

A handwritten signature in black ink, appearing to read "Amrik Virk".

Amrik Virk
Minister

Attachment

pc: Dr. Elsie Froment, Dean of Research
Trinity Western University

Degree Quality Assessment Board

SPECIAL TERMS AND CONDITIONS OF MINISTERIAL CONSENT

Name of Institution: Trinity Western University

Consent for: Juris Doctor

The following special terms and conditions are attached to the consent from the Minister of Advanced Education under section 4(3) of the *Degree Authorization Act*.

- 1) **Consent period:** The consent period will be five years.
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- 3) **Faculty:** The institution must hire qualified faculty with the necessary qualifications for the degree being offered.
- 4) **Approval:** The institution will be able to admit students into the program based on approval received from the Federation of Law Societies of Canada in December 2013.
- 5) **Reporting:** The institution must provide a report to the Board on the status of faculty recruitment and regulatory body approval prior to launching the program.
- 6) **Misrepresentation or malfeasance:** The minister may deny, suspend, or revoke consent, where the following has taken place, or was taking place, at any time during or after the consent process until such time as the minister is satisfied that the situation has been remedied:
 - information provided for reviews was not truthful and complete; and/or,
 - misrepresentations, falsehood, fraud, abuse, or charges pending against the institution or its staff members for violations of law had occurred, or was occurring.

I acknowledge that I understand the terms and conditions attached to consent, that all information provided in the application is true, and that I agree to comply with all representations made during the course of the application, and with the terms and conditions of consent.

Name of authorized representative

Position at the Institution

Signature

Date

Jothern, Janet M AVED:EX

From: Jothern, Janet M AVED:EX
Sent: Thursday, February 20, 2014 7:46 AM
To: Simmons, Vicki AVED:EX
Subject: RE: Juris Doctor forms

Yes, will do.

From: Simmons, Vicki AVED:EX
Sent: Thursday, February 20, 2014 7:45 AM
To: Jothern, Janet M AVED:EX
Cc: Mayer, Craig W AVED:EX; Rogers, Dorothy AVED:EX
Subject: FW: Juris Doctor forms

Hi Janet,

Can you please post the letter and the T&C to PSIPS?

Thanks,
Vicki

Vicki Simmons

Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: AVED Degree Quality Assessment Board Secretariat AVED:EX
Sent: Thursday, February 20, 2014 7:28 AM
To: Rogers, Dorothy AVED:EX; Simmons, Vicki AVED:EX
Subject: FW: Juris Doctor forms

fyi

From: Elsie Froment [<mailto:Elsie.Froment@twu.ca>]
Sent: Wednesday, February 19, 2014 2:59 PM
To: AVED Degree Quality Assessment Board Secretariat AVED:EX
Subject: RE: Juris Doctor forms

Craig,

The Juris Doctor signed Terms and Conditions are attached. We are sending the originals to you by courier.

Thank you for your help with this process.

Elsie

From: AVED Degree Quality Assessment Board Secretariat AVED:EX [<mailto:DQABsecretariat@gov.bc.ca>]
Sent: January-28-14 12:28 PM
To: Elsie Froment
Subject: Juris Doctor forms

Hi Elsie - in response to your inquiry to Vicki Simmons, please find attached the two documents that require your institution's signature as referenced in the Minister's letter (Special Terms and Conditions of Consent and Standard Terms and Conditions of Consent). Once we receive these signed forms we can then move the JD submission from Under Review to Ministerial Consent.

If you wish to fax these, our number is 250-387-3750 (attention myself or Vicki).

Thank you, Craig

Craig Mayer
Governance and Quality Assurance
Ministry of Advanced Education
250-387-1138
Craig.Mayer@gov.bc.ca

SPECIAL TERMS AND CONDITIONS OF MINISTERIAL CONSENT

Name of Institution: Trinity Western University

Consent for: Juris Doctor

The following special terms and conditions are attached to the consent from the Minister of Advanced Education under section 4(3) of the *Degree Authorization Act*.

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 - information provided for reviews was not truthful and complete; and/or,
 - misrepresentations, falsehood, fraud, abuse, or charges pending against the institution or its staff members for violations of law had occurred, or was occurring.

I acknowledge that I understand the terms and conditions attached to consent, that all information provided in the application is true, and that I agree to comply with all representations made during the course of the application, and with the terms and conditions of consent.

W. Robert Wood

Name of authorized representative

Provost

Position at the Institution

[Signature]

Signature

Feb 17 / 14

Date

TERMS AND CONDITIONS OF MINISTERIAL CONSENT

Name of Institution: Trinity Western University

Consent for: Juris Doctor

The following standard terms and conditions are attached to the consent from the Minister of Advanced Education under section 4(3) of the *Degree Authorization Act*.

- 1) **Consent period:** The consent period will normally be five years.
- 2) **Scope of consent:** Consent will be specific to the activity, program (major and minor, if specified) and site described in the submitted application.

The consent holder must inform the minister before implementation of any material change in circumstance (i.e., ownership change, location change, material change in learning outcomes, the minimum qualifications of faculty), or of substantive changes (i.e., termination or suspension of programs that have consent), which may change the scope of consent.

- 3) **Consent not transferable:** A consent is not transferable.
- 4) **Notice for students and public:** The following must appear in the consent holder's current calendar, and in the student's enrolment contract:

This program is offered under the written consent of the Minister of Advanced Education effective (consent date) having undergone a quality assessment process and been found to meet the criteria established by the minister. Nevertheless, prospective students are responsible for satisfying themselves that the program and the degree will be appropriate to their needs (for example, acceptable to potential employers, professional licensing bodies, or other educational institutions).

- 5) **Advertising:** A consent holder must not use any term or phrase in advertising that refers to approval of the minister or the Government of British Columbia other than that the program is offered under the written consent of the minister.
- 6) **Program Implementation:** The consent holder must enroll students in the degree program within three years from the date of consent. If the degree program is not offered within the three-year time period, consent is automatically revoked.
- 7) **Reporting:** A consent holder must provide the following information to the minister when requested:
 - if accredited in another jurisdiction, proof of continuing legal and accreditation status, and any variation in status;
 - A report on the current academic standards for each degree program for which consent has been granted, including but not limited to:
 - number and percentage of teaching staff/faculty by level of education, professional designations and experience;

TERMS AND CONDITIONS OF MINISTERIAL CONSENT

- number of full time equivalent (FTE) degree students per full time equivalent (FTE) teaching staff/faculty;
 - the institution's annual report (including audited financial statement);
 - the institution's most recent calendar;
 - tuition and related fees for the degree programs for which consent has been granted;
 - student full time equivalent (FTE) enrolment in programs by year, for which consent has been granted;
 - number of degrees granted in the previous year for programs for which consent has been granted;
 - student attrition and retention rates;
 - job placement rates (both direct and indirect);
 - employer satisfaction;
 - student satisfaction;
 - number and nature of transfer agreements entered into the previous year regarding programs for which consent has been granted; and
 - other performance measures requested by the minister.
- 8) **Entitlement of consent holder to government funding:** Ministerial consent does not entitle the consent holder to funding from the government of British Columbia.
- 9) **Revocation and suspension of consent:**
A consent holder's failure to comply with any terms and conditions or any legislative obligation may lead the minister to amend, suspend or revoke consent. The Degree Quality Assessment Board may also recommend that the minister amend, suspend or revoke consent as a result of a comprehensive review which determined that the quality of the degree program had not been maintained.
- 10) **Financial security:** The consent holder must meet conditions established regarding the security of tuition fees. These are outlined in the Degree Authorization Regulations established pursuant to Section 9(1) of the *Degree Authorization Act*.
- 11) **Access to and security of student transcripts:** The consent holder must meet the requirements regarding the access to and security of student transcripts established under Section 4(4) of the *Degree Authorization Act*.
- 12) **Student contracts:** A consent holder must have an enrolment contract for students enrolling in degree programs. The student's obligation under the contract must not exceed a period of 12 consecutive months. The contract must include the following:
- the title of the program and name of degree;
 - the start date and end date;
 - policies on student withdrawal and refund of fees and charges; and
 - the statement required under term and condition #4.

TERMS AND CONDITIONS OF MINISTERIAL CONSENT

13) **Awareness of policies affecting students:** A consent holder must have a calendar or other comparable publication available to students and the public setting forth the following:

- admissions requirements and procedures;
- programs and courses with indication of when they are offered;
- rules and regulations for student, faculty and employee conduct;
- degree completion requirements;
- method of course delivery;
- tuition and other fees;
- transfer arrangements currently in place. If the consent holder has no credit transfer arrangements in place, the consent holder must indicate that no such arrangements exist.

14) **Misrepresentation or malfeasance:** The minister may deny, suspend, or revoke consent, where the following has taken place, or was taking place, at any time during or after the consent process until such time as the minister is satisfied that the situation has been remedied:

- information provided for reviews was not truthful and complete; and/or,
- misrepresentations, falsehood, fraud, abuse, or charges pending against the institution or its staff members for violations of law had occurred, or was occurring.

I acknowledge that I understand the terms and conditions attached to consent, that all information provided in the application is true, and that I agree to comply with all representations made during the course of the application, and with the terms and conditions of consent.

W. Robert Wool
Name of authorized representative

Provost
Position at the Institution

W
Signature

Feb 19/14
Date

Jothen, Janet M AVED:EX

From: Jothen, Janet M AVED:EX
Sent: Thursday, February 20, 2014 8:09 AM
To: Simmons, Vicki AVED:EX
Subject: RE: Juris Doctor forms

The letter on the drive isn't date stamped....I'll have to ask Nicole to date stamp a copy and re-scan it.

Thanks,
Janet

From: Simmons, Vicki AVED:EX
Sent: Thursday, February 20, 2014 7:45 AM
To: Jothen, Janet M AVED:EX
Cc: Mayer, Craig W AVED:EX; Rogers, Dorothy AVED:EX
Subject: FW: Juris Doctor forms

Hi Janet,

Can you please post the letter and the T&C to PSIPS?

Thanks,
Vicki

Vicki Simmons
Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: AVED Degree Quality Assessment Board Secretariat AVED:EX
Sent: Thursday, February 20, 2014 7:28 AM
To: Rogers, Dorothy AVED:EX; Simmons, Vicki AVED:EX
Subject: FW: Juris Doctor forms

fyi

From: Elsie Froment [<mailto:Elsie.Froment@twu.ca>]
Sent: Wednesday, February 19, 2014 2:59 PM
To: AVED Degree Quality Assessment Board Secretariat AVED:EX
Subject: RE: Juris Doctor forms

Craig,

The Juris Doctor signed Terms and Conditions are attached. We are sending the originals to you by courier.

Thank you for your help with this process.

Elsie

From: AVED Degree Quality Assessment Board Secretariat AVED:EX [<mailto:DQABsecretariat@gov.bc.ca>]
Sent: January-28-14 12:28 PM
To: Elsie Froment
Subject: Juris Doctor forms

Hi Elsie - in response to your inquiry to Vicki Simmons, please find attached the two documents that require your institution's signature as referenced in the Minister's letter (Special Terms and Conditions of Consent and Standard Terms and Conditions of Consent). Once we receive these signed forms we can then move the JD submission from Under Review to Ministerial Consent.

If you wish to fax these, our number is 250-387-3750 (attention myself or Vicki).

Thank you, Craig

Craig Mayer
Governance and Quality Assurance
Ministry of Advanced Education
250-387-1138
Craig.Mayer@gov.bc.ca

Jothen, Janet M AVED:EX

From: Simmons, Vicki AVED:EX
Sent: Thursday, February 20, 2014 9:32 AM
To: Jothen, Janet M AVED:EX; Mayer, Craig W AVED:EX
Cc: Rogers, Dorothy AVED:EX
Subject: RE: Juris Doctor forms

Good catch. Although TWU has exempt status to the Master's level, this proposal was moved to "Full Review Required" which should behave like any non-exempt proposal. Therefore, the recommendation of the Board should appear in the Approval report.

Craig – can you please put in a request to fix this ASAP?

Status History
Proposal # 1213TWU0018
Trinity Western University
Transcript to be Awarded: Juris Doctor

Statuses

Status	Status Change Date
Initial Entry	2012-06-18
Submitted to Secretariat	2012-06-18
Revisions Required	2012-06-25
Submitted to Secretariat	2012-06-29
Exempt Verification	2012-07-03
Full Review Required	2012-12-18
Submitted to Secretariat	2013-01-09
Verified	2013-01-24
Under Review	2013-01-24
DQAB Recommend Approval	2013-06-10
Terms Sent	2013-12-06
Applicant Signed T&C	2013-12-13
Ministerial Consent	2013-12-17

Vicki Simmons

Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: Jothen, Janet M AVED:EX
Sent: Thursday, February 20, 2014 9:23 AM
To: Simmons, Vicki AVED:EX
Subject: RE: Juris Doctor forms

OK. Posted now. Did you know when you check TWU on the reports for decisions/approvals, it shows they are exempt from board review? It shouldn't show up that way, should it?

Thanks,
Janet

From: Simmons, Vicki AVED:EX
Sent: Thursday, February 20, 2014 9:09 AM
To: Jothan, Janet M AVED:EX
Subject: RE: Juris Doctor forms

Looks good. This is the only option we have with the change in procedure.

Vicki Simmons
Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: Jothan, Janet M AVED:EX
Sent: Thursday, February 20, 2014 9:08 AM
To: Simmons, Vicki AVED:EX
Subject: RE: Juris Doctor forms

Hi Vicki,

As in the past, I am going to have to fudge the dates for the T&Cs being signed to make PSIPS accept.

Here are the dates I propose:

June 10, 2013 – board recommends Minister grant consent
December 6, 2013 – T&Cs sent (I always use a date one week prior to signature date, as I never know the exact date they are sent)
December 13, 2013 – T&Cs signed (actually signed on Feb 19, 2014)
December 17, 2013 – Minister grants consent.

Do you agree??

Thanks,
Janet

From: Simmons, Vicki AVED:EX
Sent: Thursday, February 20, 2014 7:45 AM
To: Jothan, Janet M AVED:EX
Cc: Mayer, Craig W AVED:EX; Rogers, Dorothy AVED:EX
Subject: FW: Juris Doctor forms

Hi Janet,

Can you please post the letter and the T&C to PSIPS?

Thanks,
Vicki

Vicki Simmons

Senior Policy Analyst
Governance and Quality Assurance Branch
BC Ministry of Advanced Education

3rd Floor, 835 Humboldt St
PO Box 9883 Stn Prov Govt
Victoria BC V8W 9T6
(T) 250-356-2067 | (F) 250-387-3750 | (E) vicki.simmons@gov.bc.ca

From: AVED Degree Quality Assessment Board Secretariat AVED:EX
Sent: Thursday, February 20, 2014 7:28 AM
To: Rogers, Dorothy AVED:EX; Simmons, Vicki AVED:EX
Subject: FW: Juris Doctor forms

fyi

From: Elsie Froment [<mailto:Elsie.Froment@twu.ca>]
Sent: Wednesday, February 19, 2014 2:59 PM
To: AVED Degree Quality Assessment Board Secretariat AVED:EX
Subject: RE: Juris Doctor forms

Craig,

The Juris Doctor signed Terms and Conditions are attached. We are sending the originals to you by courier.

Thank you for your help with this process.

Elsie

From: AVED Degree Quality Assessment Board Secretariat AVED:EX [<mailto:DQABsecretariat@gov.bc.ca>]
Sent: January-28-14 12:28 PM
To: Elsie Froment
Subject: Juris Doctor forms

Hi Elsie - in response to your inquiry to Vicki Simmons, please find attached the two documents that require your institution's signature as referenced in the Minister's letter (Special Terms and Conditions of Consent and Standard Terms and Conditions of Consent). Once we receive these signed forms we can then move the JD submission from Under Review to Ministerial Consent.

If you wish to fax these, our number is 250-387-3750 (attention myself or Vicki).

Thank you, Craig

Craig Mayer
Governance and Quality Assurance

Ministry of Advanced Education
250-387-1138
Craig.Mayer@gov.bc.ca

Rogers, Dorothy AVED:EX

From: AVED Degree Quality Assessment Board Secretariat AVED:EX
Sent: Thursday, February 20, 2014 2:49 PM
To: 'Elsie Froment'
Subject: RE: Juris Doctor forms

Thank you Elsie. The consent is now listed in the proposal system.
Craig

From: Elsie Froment [<mailto:Elsie.Froment@twu.ca>]
Sent: Wednesday, February 19, 2014 2:59 PM
To: AVED Degree Quality Assessment Board Secretariat AVED:EX
Subject: RE: Juris Doctor forms

Craig,

The Juris Doctor signed Terms and Conditions are attached. We are sending the originals to you by courier.

Thank you for your help with this process.

Elsie

From: AVED Degree Quality Assessment Board Secretariat AVED:EX [<mailto:DQABsecretariat@gov.bc.ca>]
Sent: January-28-14 12:28 PM
To: Elsie Froment
Subject: Juris Doctor forms

Hi Elsie - in response to your inquiry to Vicki Simmons, please find attached the two documents that require your institution's signature as referenced in the Minister's letter (Special Terms and Conditions of Consent and Standard Terms and Conditions of Consent). Once we receive these signed forms we can then move the JD submission from Under Review to Ministerial Consent.

If you wish to fax these, our number is 250-387-3750 (attention myself or Vicki).

Thank you, Craig

Craig Mayer
Governance and Quality Assurance
Ministry of Advanced Education
250-387-1138
Craig.Mayer@gov.bc.ca

Jothen, Janet M AVED:EX

From: BC Gov. - PSIPS [sam_dev@dean.educ.gov.bc.ca]
Sent: Thursday, February 20, 2014 7:15 PM
Subject: PSIPS# 1213TWU0018: Juris Doctor - Ministerial Consent

This is an unofficial notice that the Juris Doctor has been granted consent by the Minister.

This is an automatic e-mail notification from the BC Post-Secondary Institution Proposal System (PSIPS). Please do not reply to this address.

Meadows, Jennifer L AVED:EX

From: Meadows, Jennifer L AVED:EX
Sent: February 12, 2014 4:32 PM
To: Hansen, Erin AVED:EX
Cc: Wyllie, Sandra AVED:EX
Subject: For actioning
Attachments: 95189 - TWU JD - supplemental Letter to TWU.docx; 95189 - TWU JD - Special Terms and Conditions2.doc.docx

Hi Erin,

Can you please apply Minister e-signature and work with Branch to have letter and attached Terms of Consent sent out asap.

Jennifer

From: Facey, Nick AVED:EX
Sent: Wednesday, February 12, 2014 3:54 PM
To: Meadows, Jennifer L AVED:EX
Subject: RE: For approval

Approved for e-signature.

From: Meadows, Jennifer L AVED:EX
Sent: Wednesday, February 12, 2014 2:54 PM
To: Facey, Nick AVED:EX
Subject: For approval

Hi Nick,

For Minister's approval to apply e-signature.

Thanks

JENNIFER MEADOWS
Director, Executive Operations
Deputy Minister's Office
Ministry of Advanced Education
3rd Floor, 835 Humboldt Street, Victoria BC, V8W 9T6
p: 250.952.6842 | f: 250.356.5468 | m: 250.507.0063

Meadows, Jennifer L AVED:EX

From: Minister, AVED AVED:EX
Sent: Thursday, December 19, 2013 2:49 PM
To: Robson, William AVED:EX; Facey, Nick AVED:EX
Cc: Meadows, Jennifer L AVED:EX
Subject: FW: Proposed Law School
Attachments: 446723 - Ltr Vertlieb to TWU re Proposed Law School 2013-12-19.PDF

FYI

Judy Shaw
Manager, Business Services & Ministerial Correspondence
and Research Unit
Office of the Deputy Minister
Ministry of Advanced Education
Telephone: 250 356-6284
Fax: 250 356-5468

This message may contain information that is privileged and confidential. If you have received this message in error, please notify me immediately and delete the original transmission without making a copy.

From: jclark@lsbc.org [<mailto:jclark@lsbc.org>]
Sent: Thursday, December 19, 2013 2:11 PM
To: president@twu.ca
Cc: Minister, AVED AVED:EX
Subject: Proposed Law School

This email is sent on behalf of President Art Vertlieb, QC, President, The Law Society of British Columbia:

Dear President Kuhn,

Please see the attached letter from President Vertlieb, QC. The original follows by courier.

Regards,

Justine A. Clark | Senior Executive Assistant
Office of the Chief Executive Officer
Law Society of British Columbia
845 Cambie Street, Vancouver, BC V6B 4Z9
t 604.443-5725 | BC toll-free 1.800.903.5300

Regulating in the public interest | www.lawsociety.bc.ca

This email transmission and any accompanying attachments may be subject to solicitor/client privilege or may contain confidential or privileged information. Any use of the information by unintended recipients is prohibited. If you have received this transmission in error, please delete it and the attachments immediately and contact me by telephone or email. Thank you.

The Law Society of British Columbia



December 19, 2013

Sent via email and courier

Bob Kuhn, J.D.
President
Trinity Western University
7600 Glover Road
Langley, BC. V2Y 1Y1

Dear President Kuhn:

Re: TWU – Preliminary Approval of Proposed Law School

Art Vertlieb, QC
President

I am writing in regard to the above noted matter and to ensure that you are aware of the next steps which will be followed by the Benchers of the Law Society in accordance with its rules and processes.

We are in receipt of the report of the Canadian Common Law Program Approval Committee of the Federation of Law Societies of Canada and of the report of the Special Advisory Committee of the Federation relating to TWU.

As you will be aware from the communications of the Federation, various law societies will now consider the reports in accordance with their respective statutory authorities to set and administer policies relating to bar admission.

Under the *Legal Profession Act*, the Law Society of British Columbia is responsible to establish requirements, including academic requirements for admission to the practice of law. Under its rules, the Law Society will consider the preliminary approval of the Federation on this matter as proof of academic qualification, unless the Benchers adopt a resolution declaring that TWU's degree program is not approved. For ease of reference the applicable Law Society Rule 2-27 is set out below:

2-27 (1) An applicant for enrolment in the admission program may apply for enrolment at any time.

(2) [rescinded]

(3) An applicant may make an application under subrule (1) by delivering to the Executive Director the following:

(a) a completed application for enrolment in a form approved by the Credentials Committee, including a written consent for the release of relevant information to the Society;

(b) proof of academic qualification under subrule (4);

(c) an articling agreement stating a proposed enrolment start date not less than 30 days from the date that the application is received by the Executive Director;

(d) other documents or information that the Credentials Committee may reasonably require;

(e) the application fee specified in Schedule 1.

(4) Each of the following constitutes academic qualification under this Rule:

(a) successful completion of the requirements for a bachelor of laws or the equivalent degree from an approved common law faculty of law in a Canadian university;

(b) a Certificate of Qualification issued under the authority of the Federation of Law Societies of Canada;

(c) approval by the Credentials Committee of the qualifications of a full-time lecturer at the faculty of law of a university in British Columbia.

(4.1) For the purposes of this Rule, a common law faculty of law is approved if it has been approved by the Federation of Law Societies of Canada unless the Benchers adopt a resolution declaring that it is not or has ceased to be an approved faculty of law.

(5) An official transcript of the applicant's grades at each faculty of law at which the applicant studied is proof of academic qualification under subrule (4)(a).

(6) The Credentials Committee may approve academic qualifications under subrule (4)(c) if the applicant

(a) has been a full-time lecturer at a common law faculty of law in a Canadian university for at least 5 of the last 8 years, and

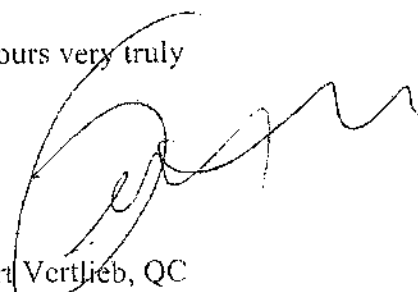
(b) has been found by the Credentials Committee to have an adequate knowledge of the common law.

The Benchers will be meeting in the new year to consider the reports and determine what, if any, additional action is required.

We want this to be clear because some of the stories appearing in the media from various sources including TWU would suggest that there is no further approval required. We want to ensure you are aware of the process and rules which the Law Society of BC is following in this regard.

Thank you.

Yours very truly



Art Vertlieb, QC
President

jac

cc: Honourable Anrik Virk
Minister of Advanced Education

Shaw, Judy E AVED:EX

From: Robson, William AVED:EX
Sent: Monday, December 16, 2013 12:01 PM
To: Strongitharm, Sheryl L LASS:EX
Subject: RE: Trinity Western University – Law School Proposal

Hi Sheryl,

This is not an official statement, but this is where the Law Degree is currently at as of this morning.

As part of the approval process, Trinity Western University's proposed law degree has undergone a two-stage assessment review. This includes a review by Federation of Law Societies of Canada as to whether the degree would be considered sufficient to enable graduates to be admitted to the bar and practice law as well as a program quality assessment by the Degree Quality Assessment Board.

With the preliminary approval of the Federation of Law Societies of Canada and the review by the Degree Quality Assessment Board on the quality of the program, the Ministry will now review the proposed degree.

Once the review process is complete, a final determination can be made.

From: Strongitharm, Sheryl [mailto:Sheryl.Strongitharm@leg.bc.ca]
Sent: December-12-13 2:10 PM
To: Robson, William AVED:EX
Subject: FW: Trinity Western University – Law School Proposal

Hi Will;

Do you have anything on this yet?

Thank you

Sheryl Strongitharm

Sheryl Strongitharm, CA
For Rich Coleman, MLA
For Fort Langley-Aldergrove
#130-7888 200 St.
Langley, B.C. V2Y 3J4
Phone 604-882-3151

From: Coleman.MLA, Rich
Sent: December 6, 2013 2:15 PM
To: Robson, William AVED:EX
Subject: FW: Trinity Western University – Law School Proposal

Dear Will;

Can you please put into writing confirmation of the Law School at Trinity Western University will be going through as they are suggesting?

This would only be to Rich in writing for his confirmation.

Thank you

Sheryl Strongitharm

Sheryl Strongitharm, CA
For Rich Coleman, MLA
For Fort Langley-Aldergrove
#130-7888 200 St.
Langley, B.C. V2Y 3J4
Phone 604-882-3151

From: Bob Kuhn [<mailto:bkuhn@kuhnco.net>]
Sent: December 2, 2013 12:22 AM
To: Coleman.MLA, Rich
Subject: RE: Trinity Western University – Law School Proposal

Please pass along my thanks to the Deputy Premier for his assistance throughout. I truly appreciate men and women of principle that do not bow to the weight of local interest groups. Unfortunately, recent months have been a frustrating experience resulting in costly delays. I would've hoped for better response from Minister Virk, reflecting the long and cordial relationship we have enjoyed with your government. However, we will celebrate the news, once it becomes public, and put this chapter behind us in the hopes that future relations will improve.

Thanks again for your interest and willingness to assist.

Bob

From: Coleman.MLA, Rich [<mailto:Rich.Coleman.MLA@leg.bc.ca>]
Sent: Thursday, November 28, 2013 8:32 PM
To: Bob Kuhn
Subject: RE: Trinity Western University – Law School Proposal

That's wonderful news.

Rich has spoken with Minister Virk regarding this issue on several occasions.

Yours sincerely

Sheryl Strongitharm

Sheryl Strongitharm, CA
For Rich Coleman, MLA
For Fort Langley-Aldergrove
#130-7888 200 St.
Langley, B.C. V2Y 3J4

Phone 604-882-3151

From: Bob Kuhn [mailto:bkuhn@kuhnco.net]
Sent: November 28, 2013 3:30 PM
To: Coleman.MLA, Rich
Subject: RE: Trinity Western University – Law School Proposal

Deputy Premier;

Her request further information comes at an ideal time. Discussions took place yesterday between our office and that of the Federation of Law Societies regarding its approval of our Law School proposal. It is anticipated that an announcement will be forthcoming in the first two weeks of January, 2014. Further, we had a telephone conversation with Minister Virk, who confirmed that his decision would be communicated very quickly after receipt of the Federation decision.

We are satisfied with these responses and thank you for your ready assistance in the past in respect to these matters.

Yours truly,

Bob Kuhn

From: Coleman.MLA, Rich [mailto:Rich.Coleman.MLA@leg.bc.ca]
Sent: Wednesday, November 27, 2013 4:50 PM
To: Bob Kuhn
Subject: RE: Trinity Western University – Law School Proposal

Dear Mr. Kuhn;

Can you please advise me of the status of this proposal?

Thank you

Sheryl Strongitharm

Sheryl Strongitharm, CA
For Rich Coleman, MLA
For Fort Langley-Aldergrove
#130-7888 200 St.
Langley, B.C. V2Y 3J4
Phone 604-882-3151

From: Bob Kuhn [mailto:bkuhn@kuhnco.net]
Sent: November 10, 2013 3:59 PM
To: Coleman.MLA, Rich
Subject: Trinity Western University – Law School Proposal

Minister Coleman;

I had been hoping to speak with you on Thursday evening at the Teresa Wat fundraiser in Richmond. I enjoyed meeting a number of people, including having time to talk with Minister Virk.

I have just now sent to an email to the Minister confirming our conversation, and requesting that a communication of the final decision regarding the TWU law school proposal be made as soon as possible. The following is a paragraph from that email.

"While I fully appreciate your desire to maintain consistency with the Federation, both in approach and conclusion, I would respectfully request your decision in the very near future. As you know, our proposal has been outstanding for approximately 16 months, which required us to maintain a readiness to proceed immediately upon notice being given as to approval. This "state of readiness" has now become a prolonged status, restricting our ability to either proceed with the law school, or move in other directions. In order to maximize our potential to be successful in the startup phase, we would very much appreciate receipt of your approval in the very near term. I do not mean to be presumptuous, but it would be extremely beneficial, both to TWU and its supporting constituencies, to have a conclusion communicated to us by no later than November 21. On that date we are holding our Christmas in the City Gala at the Vancouver Hotel. In attendance will be several hundred of our major business and high net worth supporters. We've also invited a number of our local Liberal MLAs. This might be an ideal opportunity for you, or one of the other ministers (Fassbender, Coleman or Polak) local to the campus area, to make an announcement."

I believe that invitations were sent out to you, Mary and Peter for the Christmas in the City Gala. I think it would be great for our constituency have the law school announcement made at that event, if possible.

If you have any ideas or suggestions, please let me know by calling my cell or sending me an email. My cell number is s.22

As always, respectfully yours,

Bob

Robert G. Kuhn
President
T: 604.513.2186
F: 604.513.2145

s.22



EDUCATION. TRANSFORMATION. IMPACT.



Our Ref. 95942

October 31, 2013

Laurie Pawlitza, Chair
Canadian Common Law Program Approval Committee
Federation of Law Societies of Canada
World Exchange Plaza
1810-45 O'Connor Street
Ottawa, ON K1P 1A4

Dear Ms. Pawlitza:

As you are aware, Trinity Western University (TWU) in British Columbia has submitted a proposal to the Minister of Advanced Education for consent to offer a Juris Doctor degree as a second-entry undergraduate degree. TWU is a faith-based, not-for-profit private university governed under the *Trinity Western University Act*, which authorizes it to grant theological and academic degrees. All new academic degree programs proposed by TWU require consent of the Minister of Advanced Education under the *Degree Authorization Act (DAA)*. The *DAA* requires institutions to undergo a quality assessment process and meet published criteria. Should consent be granted, TWU expects to launch the program in September 2015.

I understand that the Federation of Law Societies of Canada's Canadian Common Law Program Approval Committee has a mandate to determine whether graduates of existing and proposed common law programs will meet the national requirement to practise. Further, I understand that the Federation of Law Societies of Canada has established a Special Advisory Committee on TWU's Proposed School of Law to advise on certain matters related to the TWU.

I would appreciate if you are able to advise on the expected timeline for a decision by the Special Advisory Committee on TWU's proposed degree.

In the meantime, TWU has been advised that its Juris Doctor degree proposal remains under review by the Ministry.

Sincerely,

Sandra Carroll
Deputy Minister

Distribution list follows

.../2

Ministry of
Advanced Education

Office of the
Deputy Minister

Mailing Address:
PO Box 9884 Stn Prov Govt
Victoria BC V8W 9T6

Telephone: 250 356-5170
Facsimile: 250 356-5468

pc: Ms Deborah Wolfe, Managing Director
National Committee on Accreditation
Federation of Law Societies of Canada

**MINISTRY OF ADVANCED EDUCATION,
INNOVATION AND TECHNOLOGY
DECISION NOTE**

PREPARED FOR: Honourable John Yap
Minister of Advanced Education, Innovation and Technology
and Minister Responsible for Multiculturalism

ISSUE: Trinity Western University – Proposal for a Juris Doctor degree program

BACKGROUND:

The *Degree Authorization Act* (DAA) requires that private and out-of-province public institutions undergo a quality assessment process and meet the published criteria before they can receive consent from the Minister to offer, advertise or grant degrees in British Columbia. Trinity Western University (TWU) is a faith-based, not-for-profit, private university governed by the *Trinity Western University Act*, authorizing it to grant theological and academic degrees. However, all new academic degree programs proposed by TWU require consent under the DAA.

TWU is proposing to offer a Juris Doctor degree (see Attachment 1 for the program proposal). The Juris Doctor is a second-entry bachelor's degree in law. Admission to a second-entry bachelor's degree program requires the completion of at least two years undergraduate study. Most Canadian law schools have changed their existing law degrees from a Bachelor of Laws to a Juris Doctor over the past four years, including the other three law degree programs offered in British Columbia. TWU states the proposed program was approved by its Senate and its Board of Governors in April 2012. If consent is granted, TWU expects to launch the program in September 2015.

DISCUSSION:

TWU has Exempt Status up to and including the Master's level and, therefore, its proposals are not normally reviewed by the Degree Quality Assessment Board (the Board). When an institution has been granted Exempt Status at a certain degree level, proposals submitted for new degree programs at that level would go directly to the Minister for approval following the 30-day peer/public review period on the Ministry's website. The proposal completed the 30-day peer/public review process on August 2, 2012, no peer/public comments were received.

However, under the published Exempt Status Criteria, the Minister reserves the right to require any Exempt institution's degree proposal to be reviewed by the Board if the Minister believes a review is necessary or if the request represents a significant departure from programs historically offered by the institution, or is inconsistent with the institution's mission, the quality of the institution's degree offerings has fallen into disrepute; or the financial stability of the institution is in doubt.

Government Priorities

Educating more lawyers is not a current government priority. TWU does not receive any direct funding from government. However, this program may attract students from across Canada and the United States who wish to study law with a focus on the Christian faith, giving British Columbia a competitive advantage.

Labour Market Demand

According to WorkBC, the Lower Mainland region is experiencing a significant over-supply of lawyers. Most job openings are expected to arise from the need to replace experienced lawyers as they retire. Therefore, there is no identified labour market demand for educating more lawyers.

In order to meet the regulatory requirements to practice law in Canada, law graduates must complete a post-law school articling placement. In 2011, the Law Society of Upper Canada formed an Articling Task Force to address the increasing shortage of articling placements available versus the number of law graduates in Canada. Although there are no statistics specific to British Columbia, nearly 12 percent of Ontario law school graduates were unable to find articling placements in 2011. Therefore, graduates may not be able to meet the requirements of the regulatory to practice law.

System Coordination/Duplication

There are currently three Juris Doctor programs in British Columbia, all of which are offered at public institutions. TWU claims that the addition of its Juris Doctor program will increase the number of students trained for the profession of law without the need for public funding.

Student Demand

Applicants for existing undergraduate law programs in British Columbia and across Canada far exceed the number of available spaces. According to the Law School Admission Council, only 8 percent of the applicant pool for law programs in British Columbia were ultimately admitted in 2011.

Institutional Mission/Fit/Mandate/Goals

TWU indicates that the degree is designed to build skills within the context of law as public service based on a similar curriculum to other Canadian law schools, but will integrate a Christian worldview and faith-based education that will be unique in Canada. TWU states that its strategic partnerships with agencies that serve the poor and the oppressed will give students unique opportunities to provide legal services to the less privileged, in keeping with its institutional mission.

TWU currently is primarily an undergraduate Christian school with three professional schools: Nursing, Education and Business.

Under the DAA, the Minister must establish and publish criteria that will apply for the purposes of giving or refusing consent, and ^{may} only grant consent if satisfied that the applicant has undergone a quality assessment process and been found to meet the criteria established. This legislation is more prescriptive than the legislation governing British Columbia's public institutions. The current published criteria established by the Minister does not include any of the factors (i.e. government priorities, labour market demand, etc.) Ministry staff have identified above.

OPTIONS:

Option 1: Refer Trinity Western University's Juris Doctor degree proposal to the Degree Quality Assessment Board to undergo a full quality assessment process review

Implications:

- TWU has Exempt Status up to and including the Masters level and the degree proposal has already gone through the internal review processes and been approved by TWU's Senate;

s.13

- This would be the first time a proposal from an institution that has Exempt Status would be referred to the Board to undergo a full quality assessment review; and

S13

RECOMMENDATION:

Option 1: Refer Trinity Western University's Juris Doctor degree proposal to the Degree Quality Assessment Board to undergo a full quality assessment process review. If the Minister agrees, a letter to Trinity Western University is attached for signature.

Approved / Not Approved

Honourable John Yap

Date: Dec. 18, 2012

- Attachments:** 1. Juris Doctor Program Proposal
2. Letter to President of Trinity Western University for signature

Prepared by:	Vicki Simmons, Policy Analyst	Reviewed by:	
	Governance and Quality Assurance	Director	DR
Phone #:	250-356-2067	Executive Director	VB
		Assistant Deputy Minister	IR
		Deputy Minister	CWY



DEGREE QUALITY ASSESSMENT BOARD

Degree Quality Assessment Board Synopsis of Recommendation to the Minister

Trinity Western University:

Application for consent to offer a Juris Doctor degree under the *Degree Authorization Act*

The *Degree Authorization Act* (DAA) requires private and out-of-province public institutions to undergo a quality assessment process and meet the established criteria before the institution can receive consent from the Minister to offer, advertise or grant degrees or use the word "university" to indicate that an educational program is available in British Columbia.

In June 2012, Trinity Western University (TWU) applied for consent to offer a Juris Doctor degree in British Columbia.

The proposal was posted on the Ministry's Degree Authorization website for peer/public comment for 30 days. There were no peer/public comments submitted to the Ministry on the proposal.

TWU has Exempt Status up to and including the Master's level and, therefore, its proposals are not normally reviewed by the Degree Quality Assessment Board (the Board). When an institution has been granted Exempt Status at a certain degree level, proposals submitted for new degree programs at that level would go directly to the Minister for approval following the 30-day peer/public comment period.

Under the published Exempt Status Criteria, the Minister reserves the right to require any Exempt institution's degree proposal to be reviewed by the Board if the Minister believes a review is necessary or if the request represents a significant departure from programs historically offered by the institution. On December 18, 2012, the Minister referred the proposal to the Board to undergo a full quality assessment review.

As is standard practice, the Board appointed a panel of academic legal experts to review the proposal. At its meeting on June 10, 2013, the Board reviewed the proposal, the expert panel's report and TWU's response to the report and determined that the Juris Doctor program met the established quality assurance criteria. The Board recommended the Minister grant TWU consent under the DAA to offer the Juris Doctor program for the usual five-year term, subject to the *Standard Terms and Conditions of Consent*.



DEC 18 2012

Our Ref: 91307

File #: 60100-30/TWU/1213TWU0018

Dr. Jonathan S. Raymond, President
Trinity Western University
7600 Glover Rd
Langley BC V2Y 1Y1

Dear Dr. Raymond:

This letter is in regards to Trinity Western University's proposal for a Juris Doctor degree.

As Trinity Western University has exempt status to the masters level, this proposal would not normally be reviewed by the Degree Quality Assessment Board. However, under the Exempt Status Criteria, the Minister reserves the right to require any exempt institution's degree proposal to be reviewed by the Board if the Minister believes a review is necessary.

The proposal was also reviewed by the Ministry of Advanced Education, Innovation and Technology (the Ministry). After discussion with the Board, the Ministry determined that this degree would benefit from the advice and expertise provided through a Board review.

Therefore, I am referring the Trinity Western University proposal for a Juris Doctor degree to the next meeting of the Degree Quality Assessment Board on November 26, 2012 for review.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Yap', is written over a horizontal line.

John Yap
Minister

pc: Dr. Elsie Froment, Dean of Research
Trinity Western University

Degree Quality Assessment Board