

RESOLUTION

That the BCCLA adopt the following statement of position with respect to the accreditation of Trinity Western University's proposed law school.

Whereas:

1. The BCCLA is committed to protecting the rights and freedoms of individual Canadians, and safeguarding the pluralistic and diverse nature of Canada. This respect for the rights and dignity of each person commit us simultaneously to defend the rights to freedom of religion, freedom of association, and equality before the law.
2. The Law Society of British Columbia ("Law Society") is a state agency that regulates admission to the legal profession. It has the jurisdiction to approve or refuse the accreditation of a law school based on the admissions policy of the school, and to set admission criteria to legal education programs that are the necessary prerequisites to admission to the bar itself.
3. A private religious university, Trinity Western University ("TWU"), seeks the Law Society's permission to offer a legal education program prerequisite to bar admission, as part of the Law Society's regulated stream of access to the legal profession.
4. The Law Society has denied accreditation to TWU to operate a law school to provide prerequisite legal education for admission to the bar based on the discriminatory Community Covenant that must be signed and adhered to as a condition of admission to the school. Among other things, the Community Covenant discriminates against LGBTQI+ persons, because it prohibits sexual intimacy outside the confines of a marriage between a man and a woman.
5. The BCCLA takes the position that the refusal to accredit TWU's law school infringes its freedoms of religion and association.
6. The BCCLA takes the position that accrediting TWU's law school would violate the equality rights of LGBTQI+ individuals.
7. As either a decision by the Law Society to accredit or not to accredit TWU's proposed law school will infringe rights that are recognized under the *Charter of Rights and Freedoms*, and important civil liberties principles, the relative degree of seriousness of the harm associated with the infringements must be considered and evaluated.
8. The BCCLA takes the position that the harm associated with the infringement of the equality rights of LGBTQI+ persons, if accreditation were granted, would be more serious than the harm associated with the infringement of the rights to freedom of religion and association of TWU if accreditation were denied.
9. Protecting the religious and associational freedoms claimed by TWU would generate demonstrable harm to the public interest. The Law Society cannot endorse discriminatory and unequal access to legal education and to the opportunity to become officers of the court as members of the legal profession, to join the judiciary, and to gain access to the significant societal advantages that lawyers possess.
10. A private religious university's desire to operate a law school can be accommodated if it meets the relevant educational criteria, provided that the Law Society must not permit discriminatory barriers to be erected around any part of the channel of access to the legal profession.

Therefore:

11. The BCCLA takes the position that the Law Society should not accredit a prerequisite legal education program whose admission and conduct policies discriminate against people based on prohibited grounds, thereby creating a discriminatory barrier around part of the stream of access to the legal profession.

Adopted: January 22, 2018