



December 18, 2009

Dear CAUT Members:

Trinity Western University appreciates the opportunity that CAUT has given us to advise our colleagues across Canada of our concerns with the *Report on an Inquiry Regarding Trinity Western University* (the "Report").

We applaud CAUT for its commitment to academic freedom in Canada and fully agree with CAUT's policy statement that educational institutions in Canada "*serve the common good of society through searching for, and disseminating, knowledge, truth, and understanding and through fostering independent thinking and expression in academic staff and students [and that these] ends cannot be achieved without academic freedom.*" However, we have strong disagreement with the fairness of the process by which the Report was created and the conclusions of the Report itself.

The Process

An allegation that a university "violates the commitment to academic freedom" is an extremely serious matter. Such an allegation can easily damage the reputation of a university and place a cloud over the scholarship of its faculty. In our view such an allegation should only be made after a completely fair and careful "due process". We have grave concerns that such due process was not afforded to TWU and those affected by the Report's conclusion. The following are just a few examples leading to our concern:

- It does not appear that CAUT was responding to any complaint or allegation of a violation of academic freedom at TWU. In that respect, CAUT's investigation appears arbitrary. TWU was created by an Act of the B.C. Legislature in 1969, was accepted as a member of the AUCC in 1984 and became a university in 1985. It has an excellent academic record and there was no reason for an inquiry to be launched. Over the past year we have repeatedly asked CAUT as to its purpose and timing in launching the inquiry at this time. Despite our requests, CAUT has never articulated a clear reason as to why it launched the inquiry now after TWU has been an accepted and respected member of the higher education community in B.C. for forty years.
- In October, 2008, without any "informal negotiation" with us (which was required by CAUT's own policies), a notice entitled "Inquiry into Trinity Western University" was circulated widely throughout B.C. This notice created a negative perception throughout the province before TWU even had opportunity to discuss this matter with CAUT.



- It is clear from the Report itself that CAUT had pre-judged this matter and came to a conclusion before it explored this matter with TWU. It appears that CAUT failed to take into account evidence that was contrary to its conclusions.
- The initial published report included statements from TWU faculty relating to their personal employment matters and religious beliefs. CAUT neither advised faculty that such information would be published nor did it obtain a waiver of their privacy rights. We acknowledge that CAUT did delete these references in a subsequent version of the Report.
- In a meeting in August of 2009 CAUT promised to dialogue with us further before publishing the Report. However, without any further notice or dialogue an initial version of the Report was posted on the CAUT website and TWU was placed on a formal list (the “List”) of institutions allegedly violating academic freedom because of their faith perspective.

Given these and other procedural concerns we have asked CAUT to remove the Report from the website and engage in further collegial discussions on this matter. Unfortunately, CAUT has refused.

The Report

“Academic freedom is the foundational bedrock of the university community in Canada and internationally.” Therefore, an organization should only allege a violation of academic freedom after the most thorough examination of all relevant evidence, giving due regard to alternative submissions. Such allegations should also only be made after carefully establishing that such are in accord with the laws of Canada. In our view, the Report lacks proper research and regard for alternative positions, came to inaccurate conclusions and failed to consider the values emanating from Canada’s highest laws. The following are some of our concerns.

The Report leaps to conclusions based on TWU’s Statement of Faith without properly addressing academic freedom in the context of the actual research and scholarship at TWU. TWU has a long history of excellence in research and scholarship. Such scholarship is not focused solely on faith-based topics but rather includes a rich diversity of topics, ranging from research on cancer treatment to improving accounting standards. To my knowledge, during TWU’s forty-year history, there has not been a single allegation of a lack of academic freedom related to research despite this broad scope of scholarship. This was ignored in the Report.



We believe that CAUT was also aware of other evidence with respect to academic freedom at TWU contrary to its conclusions. This was also ignored in the Report.

The Report ignores the fact that TWU has been a member of AUCC for twenty-five years and fully complies with the AUCC's Statement of Academic Freedom and Institutional Autonomy. We are cognizant that CAUT's definition of academic freedom may be different than that of AUCC and other academic bodies. However, even if CAUT disagrees with the definitions of the government or other major academic bodies in Canada it should not ignore their conclusions.

As indicated, the Report takes issue with the fact that TWU has a Statement of Faith. However, TWU was created by a statute passed by the B.C. Legislature to be a Christian university. Having a Statement of Faith is simply part of how TWU fulfills its legal mandate to be a Christian university. The Report seems to ignore the fact that TWU was created by law to be a "Christian" university.

The Report's conclusion that TWU is trying to "create a religiously homogenous community" demonstrates a lack of understanding of the TWU community. As indicated above, TWU was created by law to be a Christian university. However, within that legal mandate TWU welcomes a broad diversity of viewpoints. Faculty and staff come to TWU from a wide spectrum of Christian backgrounds. Students need not have any religious belief to attend TWU. While TWU is a faith-based university, it is also a richly diverse community and certainly not narrowly "homogenous". The Report is simply in error in describing the TWU community in this way.

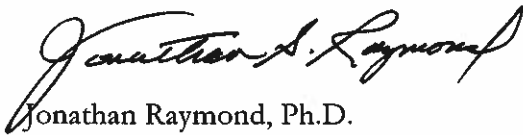
In creating the Report, CAUT also appears to have ignored the very values that flow out of the highest laws of Canada, the *Charter of Rights and Freedoms* and the *Human Rights Code*. The *Charter* in sections 2(a) and 15 puts a high value on religious freedom and conscience in Canada. The B.C. *Human Rights Code* also places a high value on ensuring that people are not disadvantaged in B.C. because of their faith. The Supreme Court of Canada, based on these values, has already determined that TWU has a legitimate place in the academic landscape of Canada. The Report appears to be an arbitrary attack on a faith based university. By placing TWU on the List because it is faith-based, CAUT is indicating that faculty who chose to teach and research at a faith based university are different and less worthy in Canadian academia, contrary to the values of our highest law.

TWU welcomes academic debate and dialogue on best practices in Canadian higher education. If concerns exist with respect to preserving academic freedom within faith based



universities we would welcome normal academic dialogue on this issue. For example, TWU would be happy to sponsor conferences or blue-ribbon panels on such a topic (and more than welcome CAUT to participate). However, the use of allegations, censure and blacklists is in our view counter productive and antagonistic. As colleagues, we urge CAUT to remove the Report and the List and engage with TWU in productive academic dialogue.

Sincerely,



Jonathan Raymond, Ph.D.
President