

A Strong Decision for Religious Freedom in Canada: The Supreme Court of Canada rules in favour of Trinity Western University

Summary Update

The Evangelical Fellowship of Canada is very pleased with the decision of the Supreme Court of Canada in the case of the *British Columbia College of Teachers v. Trinity Western University* (BCCT v. TWU). The Supreme Court, by an eight to one majority, has ordered the BCCT to approve TWU's education program. EFC was an intervenor and appeared before the Court in the case.

The majority judgment states, "Absent concrete evidence that training teachers at TWU fosters discrimination in the public schools of B.C., the freedom of individuals to adhere to certain religious beliefs while at TWU should be respected."

The majority judgment said that "tolerance of divergent beliefs is a hallmark of a democratic society" – a point of view consistently argued by EFC and other Christian organizations.

In 1996 the BCCT rejected TWU's application for approval of their teacher education program despite the fact that the review committee recommended approval with conditions. The BCCT gave the following reasons for refusing the application: "the proposed program follows discriminatory practices which are contrary to the public interest and public policy which the College must consider under its mandate as expressed in the *Teaching Profession Act*." The "discriminatory practices" refers to a lifestyle policy that students attending TWU sign that requires students to refrain from certain practices, including homosexual behaviour.

TWU applied for judicial review. The chambers judge found that BCCT's decision was made without evidence, quashed the decision and remitted the matter to the BCCT with directions. A majority of the Court of Appeal denied the appeal. The BCCT appealed to the Supreme Court of Canada, which heard the appeal on November 9, 2000.

The majority held that it was appropriate for the BCCT to consider TWU's lifestyle policy. However, the BCCT did not properly distinguish between belief and conduct and did not consider the importance of religious freedom in Canadian society. The Court said that freedom of belief is wider than the freedom to act on those beliefs. In this case, the majority of the Court found that the BCCT inferred from the beliefs set out in the lifestyle policy that graduates of TWU would act in a discriminatory manner. Rather, it should have considered concrete evidence of the conduct of graduates before it rejected TWU's education program.

Madam Justice L'Heureux-Dubé dissented. She decided that the BCCT's rejection of TWU's education program was reasonable because the BCCT is entrusted with ensuring an unbiased education system.

The majority decision endorses religious freedom but places limits on discriminatory actions even if they are based on religious beliefs. It also states that no right under the *Charter* is privileged at the expense of another.

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