

COURT OF APPEAL FOR ONTARIO

BETWEEN

TRINITY WESTERN UNIVERSITY and BRAYDEN
VOLKENANT

APPLICANT
(APPELLANT)

AND

THE LAW SOCIETY OF UPPER CANADA

RESPONDENT
(RESPONDENT)

ATTORNEY GENERAL OF CANADA

INTERVENER
(RESPONDENT)

**MOTION RECORD OF THE PROPOSED INTERVENER
THE SEVENTH-DAY ADVENTIST CHURCH IN CANADA**

December 1, 2015

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INDEX

Court File No: C6116

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APPLICANT
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ATTORNEY GENERAL OF CANADA

INTERVENER
(RESPONDENT)

INDEX

Tab #	Description	Page No.
1.	Notice of Motion dated November 24, 2015	1 – 3A
2.	Affidavit of Mark Allen Johnson, sworn November 23, 2015	4 – 11
A	Exhibit A to the Affidavit of Mark Allen Johnson - Curriculum Vitae of Mark Johnson	12 – 15
B	Exhibit B to the Affidavit of Mark Allen Johnson - Statement of Seventh-Day Adventist Educational Philosophy	16 - 21

TAB

1

COURT OF APPEAL FOR ONTARIO

BETWEEN

TRINITY WESTERN UNIVERSITY and BRAYDEN VOLKENANT

APPLICANTS
(APPELLANTS)

AND

THE LAW SOCIETY OF UPPER CANADA

RESPONDENT
(RESPONDENT)

ATTORNEY GENERAL OF CANADA

INTERVENER
(RESPONDENT)

NOTICE OF MOTION

To the Respondents:

The Law Society of Upper Canada

And to Respondents' solicitors:

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To the Applicant:

Trinity Western University and Brayden Volkenant

And to the Applicant's solicitors:

Bennett Jones LLP
Robert W. Staley, Derek J. Bell, Ranjan K. Agarwal
3400 First Canadian Place, Toronto, ON M5X 1A4
Tel: 416-863-1200 Fax: 416-863-1716

TAKE NOTICE that an application will be made by the Seventh-day Adventist Church in Canada ("Church") to the presiding justice at the Court of Appeal for Ontario at 130 Queen Street West, Toronto, Ontario, at 10:00 a.m. on Friday, December 11, 2015, for an order pursuant to Rule 36 of the *Court of Appeal Rules* that the Church be granted leave to intervene on any terms and conditions that the justice may determine.

AND TAKE NOTICE that the following documents will be referred to in support of such motion:

- 1. the filed affidavit of Mark Allen Johnson, President of the Church, sworn November 23, 2015;
- 2. Factum; and
- 3. such further or other material as counsel may advise and may be permitted.

AND TAKE NOTICE that the motion shall be made on the following grounds:

- 1. This Application raises matters that will have a profound and direct impact on the members and institutions of the Church. The Church will be uniquely affected by the Decision. This is because the Applicant operates a faith-based university in Alberta.
- 2. The Church promotes religious freedom and advocates for religious liberty on behalf of all individuals and faith communities, regardless of their religion.
- 3. The Church has developed an expertise in many of the issues that will be addressed in this appeal, including the scope of freedom of religion as it bears on the operation of a faith based university. The Church will provide resources to assist the Court through a perspective different than any other party or intervener.
- 4. The Church is well suited to make a substantial contribution to this case because of its well-established history of involvement in matters of public interest involving freedom of religion and the *Charter of Rights and Freedoms*.
- 5. The Church has an interest in the social, legal and constitutional issues raised in this appeal. This appeal involves public issues that will have an impact beyond Trinity

Western University ("TWU") and the students who wish to study there. Any judgment in this case will have a significant effect on others, including teachers and students in Church institutions.

6. If granted leave to intervene, the Church will offer a useful and unique perspective by arguing that:

(a) The Law Society of Upper Canada ("Society") decision ("Decision") with respect to TWU and its graduates is outside the Society's authority. The Decision is, or appears to be, based upon the Society's opposition to the fundamental religious beliefs of TWU. The Society lacks the authority to oppose the faith of TWU or its graduates.

(b) The Decision is capricious. There is no law of which TWU is in violation, nor any evidence of a deficiency in the rigour of their proposed curriculum. There is a Supreme Court of Canada precedent dealing with the same issue (*TWU v. BCCT*), yet the Society has ignored this precedent and thus undermined the Rule of Law.

(c) International law also has an impact on the Decision. The Convention on the Rights of the Child and the Universal Declaration of Human Rights may be utilized by this Court in its judicial review of the Decision. Interpretations of the law that reflect the values of freedom of religious and protect the religious liberty of TWU teachers and students should be preferred by this Court.

(d) The Decision undermines the very principles of individual freedom the Charter was designed to protect. If the graduates of faith-based schools cannot secure

licenses to practice their chosen profession, enrollment by those desiring to practice law or any other publicly regulated profession will dry up. The schools and universities operated by Church will be less attractive to potential students.

- (e) Professional regulating agencies such as the Society must remain apolitical, religiously neutral and unbiased. It is impossible for a regulator to have a commitment to diversity while simultaneously determining which ideological outlooks are acceptable for lawyers.

7. If granted leave to intervene in this appeal, the Church desires:

- (a) to file a factum of not more than 10 pages;
- (b) to present no more than 10 minutes oral argument; and
- (c) that no award of costs be made for or against it.

8. Such further grounds as counsel may advise and this Honourable Court may permit.

November 24, 2015

Solicitors for the Seventh-day Adventist
Church in Canada
Miller Thomson LLP
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The Seventh-day Adventist Church in Canada's application will take no more than 10 minutes to be heard.

TAB

2

COURT OF APPEAL FOR ONTARIO

BETWEEN

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RESPONDENT
(RESPONDENT)

ATTORNEY GENERAL OF CANADA

INTERVENER
(RESPONDENT)

AFFIDAVIT OF MARK ALLEN JOHNSON, PRESIDENT, THE SEVENTH-DAY ADVENTIST
CHURCH IN CANADA

I, Mark Allen Johnson, of the City of Oshawa, in the Province of Ontario, MAKE OATH
AND SAY AS FOLLOWS:

1. I am the President of the Seventh-day Adventist Church in Canada (the "Church") and as such have knowledge of the facts and matters herein set forth, except where stated to be on information and belief, and where so stated I believe them to be true. The Seventh-day Adventist Church in Canada has authorized me to make this Affidavit in support of a motion for leave to intervene in these proceedings. A true copy of my curriculum vitae is attached to this my Affidavit, and marked as Exhibit "A".

2. The Seventh-day Adventist Church in Canada seeks leave to intervene in these proceedings in order to make submissions to the Court with respect to the impact of this decision on the exercise of freedom of religion and freedom of association in Canada.

Brief Summary of the Church

3. The Seventh-day Adventist Church is a Christian denomination whose members rest and worship on the seventh day of the week, and who look forward to the second coming of Jesus Christ. Currently, there are over 67,000 members throughout Canada worshipping in some 375 congregations. There are members in all Canadian provinces and territories. The Church operates 45 educational institutions throughout Canada, including a university. These schools exist to provide students with a Christian education in and through which they express and live out their faith as guaranteed by the Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c.11.
4. The Seventh-day Adventist Church is a body corporate, federally incorporated without share capital, pursuant to a Special Act of Parliament, since 1920.

The Church's Concern for religious liberty

5. The Seventh-day Adventist Church has always been a strong advocate of religious freedom for all individuals and faith communities regardless of their religious beliefs. This commitment is evident in the actions the Seventh-day Adventist Church has taken to promote religious liberty, including publication, for over a century, of the periodical Liberty, A Magazine of Religious Freedom to publicly advocate for a broad understanding of freedom of religion.

6. The Seventh-day Adventist Church has on numerous occasions presented briefs to and appeared before parliamentary and other government committees addressing issues touching on religious freedom. For example, briefs have been presented to the House of Commons Special Committee on Visible Minorities in Canadian Society and appearances were made before the Parliamentary Committee on Equality rights in 1985. The Seventh-day Adventist Church in Canada has also participated as a consultant to the Helsinki Working Group of the Canadian Council of Churches in its work toward a Convention on religious liberty and elimination of all forms of religious intolerance.

The Church as Intervener

7. In order to assist the courts of Canada in ensuring that all Canadians enjoy a full measure of religious freedom, the Seventh-day Adventist Church in Canada has intervened in a number of matters involving religious freedom, including:

- (i) *R. v. Big M Drug Mart Ltd.*, [1985] 1 S.C.R. 295
(Constitutional challenge to federal Lord's Day Act);
- (ii) *The Queen v. Edwards Books and art Ltd.*, [1986] 2 S.C.R. 713
(Constitutional challenge to Ontario's Sunday closing laws);
- (iii) *Reference re Bill 30, An Act to Amend the Education Act (Ont.)*, [1987] 1 S.C.R. 1148 (Constitutional challenge to proposed legislation providing full funding to Roman Catholic separate high schools);
- (iv) *Alberta (Human Rights Commission) v. Central Alberta Dairy Pool*, [1990] 2 S.C.R. 489 (Duty to accommodate observation of religious holidays);
- (v) *Central Okanagan School District No. 23 v. Renaud*, [1992] 2 S.C.R. 970
(Duty to accommodate observation of the Sabbath)

- (vi) *Trinity Western University v. British Columbia College of Teachers*, [2001] 1 S.C.R. 772 (Religious freedom of students and schools in British Columbia), ("*TWU v BCCT*");
- (vii) *Congregation des temoins de Jehovah de St-Jerome-Lafontaine v. Lafontaine (Village)*, [2004] 2 S.C.R. 650 (Religious freedom to build churches);
- (viii) *Syndicat Northcrest v. Anselem*, 2004 SCC 47, 2 S.C.R. 551 (Accommodation of religious practices);
- (ix) *Reference re Same-Sex Marriage*, 2004 SCC 79, 3 SCR 698 (Constitutional limits on Parliament's power to define marriage);
- (x) *Marriage Commissioners Appointed Under The Marriage Act (Re)*, 2011 SKCA 3 (Marriage commissioners' right to exercise freedom of conscience);
- (xi) *Loyola High School v. Quebec (Attorney General)*, 2015 SCC 12 (Religious freedom of private religious schools in Quebec upheld);
- (xii) *Trinity Western University and Brayden Volkenant v. The Law Society of British Columbia*, Vancouver Registry. No. S-149837.

8. Each of these cases, like the present one, raised important questions regarding religious liberty. In various appellate courts and the Supreme Court of Canada, the Seventh-day Adventist Church has always adopted a position supporting an expansive interpretation of the guarantees of freedom of conscience and religion in Canada for all Canadians, regardless of their religious beliefs. In only one case, *Renaud v. Board of School Trustees*, was a member of the Seventh-day Adventist Church actually a party to the appeal.

- 9. The importance to the church of accepting Trinity Western University law school graduates was recognized by the British Columbia Supreme Court in May of 2015 when the Church was granted leave to intervene in an action similar to the present proceedings involving the Law Society of British Columbia.
- 10. The Church's Office of Education is responsible for the coordination, promotion, training, and quality of the Seventh-day Adventist education system in Canada. However, this is only a part of the global education system. As of December 31, 2014, the system included 7,883 schools, colleges, and universities, 84,997 teachers and 1,673,828 students. Working in close cooperation with the Church's Canadian educational institutions the office of education offers services to boards, administrators, and faculty of the same. They also provide support to educational leaders at conference and mission levels and to teachers in Adventist elementary, secondary schools and post-secondary institutions to ensure that the Adventist philosophy of education and the principles of faith and learning are integrated into the life of each institution.
- 11. In April of 2001, world leaders in education of the Seventh-day Adventist World Church drafted an official Statement of Seventh-day Adventist Educational Philosophy, a true copy of which is attached to this my Affidavit and marked as **Exhibit "B"**.

The Seventh-day Adventist Church in Canada's interest

- 12. The vision of the Church's schools in Canada is to be educational institutions of choice for those students who desire a quality education in a Christian setting that values individual achievement and is committed to the teachings of Jesus Christ. The Church wishes to ensure the right to require of their student body the upholding of Christian values and practice. It is for this reason that the Church wishes to put forward arguments regarding religious freedom and appropriate limits to the legitimate exercise of the authority of the Law Society of Upper Canada.

Proposed Arguments

- 13. No matter the arguments presented against TWU, it is clear that the Community Covenant is the basis for refusal to license graduates to practice law in Ontario. Given that many occupations within Canada are subject to governmental licensing, the notion that a "worldview test" may be employed in the granting of licenses, amounts to a grave threat to religious liberty in Canada. The Church is concerned that refusal to allow TWU graduates admission to the legal profession is in principle no different from barring any individual from law, or other professions, based on religion or worldview (TWU v. BCCT, at para. 33).

- 14. The Church will advance arguments as to the appropriate constitutional limitations upon the state's authority to license professions amongst a population with diverse ideological outlooks. This includes emphasis on the importance of maintaining a diversity of worldviews within the legal profession, and eliminating, as far as possible, an ideological or religious bias from licensing agencies.

- 15. The Church seeks to present arguments that will assist the Court in establishing an understanding of the relationship between freedom of religious and conscience, on the one hand, and the legitimate exercise of state authority, on the other.

- 16. The Church's interests are directly related to freedom of conscience and religion, as protected by s. 2(a) of the Canadian Charter of Rights and Freedoms, and the principles of diversity, as enshrined in s. 27 of the *Charter*. In particular, Seventh-Day Adventist post-secondary educational institutions throughout the world and within Canada uniquely position us to put before this Court useful information regarding the role of the state in context of religious diversity in education.

17. In light of the previous experience of the Church in defending religious freedom in the Courts and the direct impact of this proceeding on Church educational institutions and members of the Church, I believe the participation of the Church as an intervener will assist the Court in the consideration of the human rights and constitutional issues raised in this proceeding and will bring forth arguments that may not be addressed by other parties.
18. In particular, the Church and its members may be directly impacted by the decision of the Court in this Appeal in the operation of their 45 schools throughout Canada, and specifically the Church's university. Assuming that the Law Society of Upper Canada is permitted to discriminate against TWU and its graduates on religious grounds, then other universities with similar religious beliefs and practices will become less attractive to potential students, as the prospect of being hired after graduation will appear to be and will be less likely.
19. The Church is prepared to abide by the calendar set forth by the Court. There will be no undue prejudice or delay to Appellant, Respondent, or other parties seeking leave to intervene, if the Church is granted leave to intervene. The Church is prepared to develop its legal submissions within a factum of 10 pages or less, and will seek to present its submissions orally in 10 minutes or less.
20. Furthermore, the church is not aware of the intervention of any party that will make the same submissions as those the Church intends to make to the Court. In addition, the Church undertakes to take every effort to ensure that its arguments do not duplicate those of any other intervener.

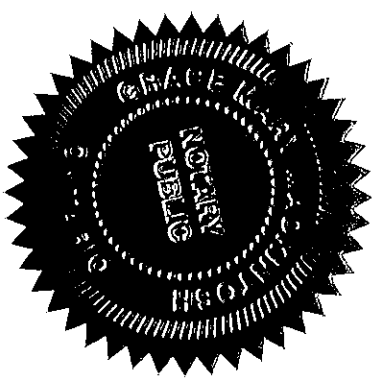
21. I make this Affidavit in support of an application for an order granting the Seventh-day Adventist Church in Canada leave to intervene in the proceeding.

22. If leave to intervene is granted, the Church seeks no costs in these proceedings and asks that no costs be ordered against the Church.

SWORN BEFORE me at the City of Oshawa, in the Province of Ontario, on November 23, 2015.

Grace Mary Mackintosh
A Commissioner for taking affidavits for Ontario.
Grace M. Mackintosh
Barrister and Solicitor

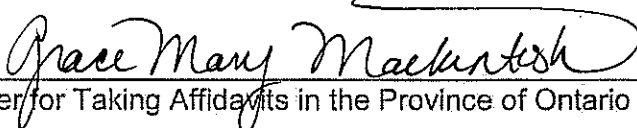
) *[Handwritten Signature]*
)
MARK ALLEN JOHNSON



TAB

A

This is Exhibit "A" referred to in the
Affidavit of Mark Allen Johnson,
sworn on November 23, 2015



A Commissioner for Taking Affidavits in the Province of Ontario

Grace M. Mackintosh
Barrister and Solicitor

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Ministry Summary Union Conference President, Local conference President, pastor with experience in rural multi-church districts, urban multicultural congregations, team leader in multiple staff ministries, conference level departmental director and conference executive secretary roles. Mentoring pastor for numerous pastoral interns. Major focus is bringing people to Christ and His Church through church-based lay ministries and a variety of evangelistic methods. Strength lies in facilitating diverse working groups for effective ministry.

Experience Seventh-day Adventist Church in Canada, Oshawa, ON *August 2010 - present*

President

Essential Job Functions:

- Serves on many North American Division/General Conference committees
- Serves as chair on committees within the territory of the SDACC
- Serves as chair of the Board, and provides accurate and timely information, keeping the directors informed of all the pertinent issues that affect the corporation.
- He has developed, through wide experience, the ability to be open, to inspire, and to lead in spite of criticism.
- Oversees the work and Ministries of various agencies answerable to the SDACC

Administration:

- Maintains close contact with local conference presidents and the leadership of the entities and institutions in order to be available for counsel.
- Keeps in contact with the president of the NAD in regards to the work of the church, particularly as it relates to the SDACC.
- Monitors policy implementation.
- Administers conference administration performance evaluations.
- Plans SDACC constituency sessions in cooperation with the NAD president.

Additional responsibilities:

- Annual Conference Financial Reviews
- Conference Camp Meetings
- Conference Workers' Meetings

Alberta Conference, Lacombe, AB *Oct. 2008 - July 2010*

President

- Oversaw the work of the SDA Church in Alberta and portion of the Northwest Territories
- Was chair of the Conference Executive Committee and various other administrative group committees
- Served on institutional and administrative boards at the SDACC and NAD
- Led in broadening cultural diversity throughout the AB Conference working force

British Columbia Conference, Abbotsford, BC *Sept. 2002-Sept. 2008*

Executive Secretary

- Represented conference leadership throughout the field.
- Served as personnel officer for the conference. Oversee employee records, transfers, immigration, employee law issues.
- Caretaker of the minutes of meetings and records of the conference.
- Supervisor for conference membership records and clerk training.
- Contact person for questions from pastors and local church leaders throughout the conference.
- Oversaw the implementation of the North American Division e-Adventist membership database as one of the first conferences to adopt the system in Canada.

Iowa-Missouri Conference, West Des Moines, IA
Departmental Director

Oct. 2001--Sept. 2002

- In Communications, created a one page semimonthly conference newsheet and idea cookbook distributed via email to all churches, an idea which has since been adopted by other conferences in the North American Division .
- In Community Services, facilitated a ministry shift to include spiritual care for clients and volunteers which resulted in people meeting Jesus and joining the Adventist Church.
- In Personal Ministries, introduced a method of home Bible Study groups for network ministry with a focus on learning from the Great Stories of Scripture. This concept has made it possible to share faith including doctrines in a non-threatening way which leads to baptism.

St. Louis Central Church, St. Louis, MO
Pastor

Aug. 1996-Oct. 2001

- Supported the establishment of an elementary school jointly operated with the Central States Conference and Missouri Conference congregations which increased the total enrollment and quality of Adventist Education in the city. Served twice as Chairman of the Unified School Board.
- Led church through a visioning process and began ministries based on those discussions.
- Encouraged and helped to facilitate a city-wide ministerial fellowship involving pastors from both conferences serving the metro area.

South Bend First Church, South Bend, IN
Pastor

Feb. 1992-Aug. 1996

- Encouraged changes at South Bend Junior Academy which refocused the school's vision, doubled enrollment and improved finances.
- Facilitated the establishment of Hispanic and Korean congregations through the First Church.
- Fostered multiple lay-based outreach ministries which resulted in our congregation leading the conference in baptisms.
- Led training for local leaders and conference pastors in time and life management skills for greater productivity in church and personal life.

Saskatoon Central Church, Saskatoon, SK
Pastor

Sept. 1988-Jan. 1992

- Encouraged and trained new leaders in an aging congregation.
- Facilitated new ministries for youth in the university and high school community.
- Led the church in building ministry networks for young professionals and families in the congregation.
- Supported and facilitated public and personal evangelism in the community.

Grand Avenue Church, Oakland CA

Sept. 1985-Sept. 1988

Pastor

- Served as leader of a consortium of congregations in East Bay region of Northern California and team leader for the pastors of those churches.
- Focused on attempting to reach secular people through a variety of ministries in affluent, inner city and university neighborhoods.
- Devised an effective outreach ministry utilizing a health based model to reach secular individuals surrounding the church facilities. Also introduced a continuing education component for health-care professionals as part of the overall program.

Bowmanville-Peterborough District, ON

Jan. 1982-Aug. 1985

Pastor

- Pastor of a multi-ethnic congregation of young families.
- Created a set of witnessing tracts which added new people to the church.
- Conducted several evangelistic series in locations in and out of the district with resulting baptisms.
- Baptized numerous persons through relationships fostered between the members and interests within the church's network.

New Albany-Jeffersonville-Elizabeth District, IN

Sept. 1978-Dec. 1991

Pastor

- Experimented with concept of weekly Sunday evening evangelistic meetings.
- Conducted evangelistic meetings throughout Southern Indiana both in the District and other areas with resulting baptisms causing our district to be one of the leaders in baptisms in the conference.
- Worked with church school and Pathfinders to create outreach to the non-Adventist community.

Nevada-Branch-Jericho Springs District, Western MO

Sept 1976-Sept. 1978

Pastor

- Worked with local leaders to build a new church school and create a growing student body
- Developed a Sunday Evening Service as an effective evangelistic tool to reach persons in largely Baptist territory with resulting baptisms.
- Established a new congregation in Humansville, MO after baptizing the judge and his wife in that village.
- Established a new congregation in Lamar, MO as result of evangelistic series.

St. Louis Central Church, St. Louis, MO

July 1974-Aug. 1976

Associate Pastor (Intern)

- Conducted many Bible Studies.
- Assisted in evangelism.
- Responsible for leading annual Ingathering program.
- Served as a resource for Pathfinders and Youth Ministries.

TAB

B

This is Exhibit "B" referred to in the
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A Commissioner for Taking Affidavits in the Province of Ontario

Grace M. Mackintosh
Barrister and Solicitor

A Statement of Seventh-day Adventist Educational Philosophy*

2001

Assumptions

Seventh-day Adventists, within the context of their basic beliefs, acknowledge that

- God is the Creator and Sustainer of the entire universe—animate and inanimate.
- He created perfect human beings in His own image with power to think, to choose, and to do.
- God is the source of all that is true, good, and beautiful, and has chosen to reveal Himself to humankind.
- Humans, by their own choice, rebelled against God and fell into a state of sin that has separated them from God and each other, affecting the entire planet and plunging it into the cosmic conflict between good and evil. In spite of this, the world and human beings still reveal, however, dimly, the goodness and beauty of their original condition.
- The Godhead met the problem of sin through the plan of redemption. This plan aims to restore human beings to God's image and the universe back to its original state of perfection, love, and harmony.
- God invites us to choose His plan of restoration and to relate to this world creatively and responsibly until He intervenes in history to bring forth the new heavens and the new earth,

Philosophy

The Seventh-day Adventist philosophy of education is Christ-centered. Adventists believe that under the guidance of the Holy Spirit, God's character and purposes can be understood as revealed in nature, the Bible, and Jesus Christ. The distinctive characteristics of Adventist education—derived from the Bible and the writings of Ellen G. White—point to the redemptive aim of true education: to restore human beings into the image of their Maker.

Seventh-day Adventists believe that God is infinitely loving, wise, and powerful. He relates to human beings on a personal level, presenting His character as the ultimate norm for human conduct and His grace as the means of restoration.

Adventists recognize that human motives, thinking, and behavior have fallen short of God's ideal. Education in its broadest sense is a means of restoring human beings to their original relationship with God. Working together, homes, schools, and churches, cooperate with divine agencies in preparing learners for responsible citizenship in this world and in the world to come.

Adventist education imparts more than academic knowledge. It fosters a balanced development of the whole person—spiritually, intellectually, physically, and socially. Its time dimensions span eternity. It seeks to develop a life of faith in God and respect for the dignity of all human beings; to build character

*This statement reflects a broad consensus of Adventist educational leaders and teachers attending the First International Conference on the Seventh-day Adventist Philosophy of Education convened by the General Conference Department of Education and held at Andrews University, April 7-9, 2001. The draft of this statement was prepared by a committee consisting of Humberto Rasi, Chair; Paul Brantley, Secretary; George Akers, John M. Fowler, George Knight, John Matthews, and Jane Thayer. The same committee inserted the adjustments recommended during the conference and prepared the final version of statement for wide distribution, study, and application.

akin to that of the Creator; to nurture thinkers rather than mere reflectors of others' thoughts; to promote loving service rather than selfish ambition; to ensure maximum development of each individual's potential; to embrace all that is true, good, and beautiful.

Aim and Mission

Adventist education prepares people for useful and joy-filled lives, fostering friendship with God, whole-person development, Bible-based values, and selfless service in accordance with the Seventh-day Adventist mission to the world.

Agencies of Education

Home

The home is society's primary and most basic educational agency. Parents are the first and most influential teachers and have the responsibility to reflect God's character to their children. Moreover, the whole familial setting shapes the values, attitudes, and worldview of the young. The church and the school, along with society's other educational agencies, build on and supplement the work of the home. Effective educational work requires collaboration among the home, church, and school.

Local Church

The local church also has a major assignment in the lifelong educational enterprise. The congregation as a community of faith provides an atmosphere of acceptance and love in which it disciples those within its sphere of influence in a personal faith in Jesus Christ and in a growing understanding of the Word of God. This understanding includes both an intellectual aspect and a life in harmony with God's will.

School, College, and University

All levels of Adventist schooling build on the foundation laid by the home and church. The Christian teacher functions in the classroom as God's minister in the plan of redemption. The greatest need of students is to accept Jesus Christ as personal Savior and commit to a life of Christian values and service. The formal and non-formal curricula help students reach their potential for spiritual, mental physical, social, and vocational development. Preparing students for a life of service to their family, church, and the larger community is a primary aim of the school.

World Church

The world Church at all levels has oversight responsibility for the healthy functioning of life-long learning in all three of the above venues. With reference to the school as an educational agency, its functions are ideally accomplished by institutions established by the Church for that purpose. The Church at large should make every effort to ensure that all Adventist children and youth have the opportunity to attend an Adventist educational institution. Realizing, however, that a large percentage of the church's youth are not enrolled in Adventist schools, the world Church must find ways to achieve the goals of Adventist education through alternative means (e.g., after-school church-based instruction, church-sponsored centers on non-Adventist campuses, etc.)

The Role of Seventh-day Adventist Schools, Colleges, and Universities

The agencies of Adventist education listed above are in place and operative. The remaining sections of this document develop implications of the Adventist philosophy of education only for schooling. Implications for other agencies remain to be developed.

Key Components

The Student

As a child of God, the student is the primary focus of the entire educational effort, and should be loved and accepted. The purpose of Adventist education is to help students reach their highest potential and to fulfill God's purpose for their lives. Student outcomes constitute a significant guiding criterion in assessing the health and effectiveness of the school.

The Teacher

The teacher holds a central place of importance. Ideally, the teacher should be both a committed Adventist Christian and an exemplary role model of the Christian graces and professional competencies.

Knowledge

All learning is grounded on faith in a certain set of presuppositions or worldview. The Christian worldview recognizes a supernatural as well as a natural order. Adventists define knowledge more broadly than that which is merely intellectual or scientific. True knowledge encompasses cognitive, experiential, emotional, relational, intuitive, and spiritual elements. An acquisition of true knowledge leads to understanding which is manifested in wisdom and appropriate action.

Curriculum

The curriculum will promote academic excellence and will include a core of general studies needed for responsible citizenship in a given culture along with spiritual insights that inform Christian living and build community. Such citizenship includes appreciation for the Christian heritage, concern for social justice, and stewardship of the environment. A balanced, integrated curriculum will address the major developmental needs in the spiritual, intellectual, physical, social, emotional, and vocational realms. All areas of study will be examined from the perspective of the biblical worldview within the context of the Great Controversy theme.

Instruction

The instructional program of the classroom places appropriate emphasis on all forms of true knowledge, purposefully integrating faith and learning. Instructional methodology will actively engage the needs and abilities of each student, giving opportunity to put what is learned into practice, and be appropriate to the discipline and to the culture.

Discipline

Discipline in a Christian school is built upon the need to restore the image of God in each student and recognizes the freedom of the will and the work of the Holy Spirit. Discipline—not to be confused with punishment—seeks the development of self-control. In redemptive discipline, the student's will and intelligence are engaged.

School Life

A blended emphasis of worship, study, labor, and recreation will characterize the total learning environment, with careful attention given to balance. The campus community will be pervaded by joyful spirituality, a spirit of cooperation, and respect for the diversity of individuals and cultures.

Assessment

The Adventist school, college, or university gives clear evidence that it subscribes to an Adventist philosophy of education. Such evidence is found in the written curriculum, in teaching and learning activity, in the campus ethos, and in the testimony of students, graduates, constituents, employees, and

the community at large. Assessment—whether of individuals or institutions—is redemptive in nature and always seeks God’s high ideal of excellence.

Responsibilities and Outcomes

The Seventh-day Adventist Church has made a commitment to provide a broad education and spiritual formation for its children, youth, and young adults within the context of the Christian worldview. The Church extends this same opportunity to other children and youth of the community who share similar values and ideals. Adventist education seeks to maintain academic excellence in all teaching learning activities.

Elementary Schools

The Adventist elementary school offers students (1) a climate in which they can understand God’s will, commit their lives to Him, and experience the joy of helping others; (2) an organized program leading toward spiritual, physical, mental, social, and emotional development; (3) a basic core of skills and knowledge for everyday living appropriate to their age; (4) a wholesome appreciation and respect for the home, the church, the school, and the community.

Students completing the elementary level at an Adventist school should

- Have had the opportunity to commit their lives to God through conversion, baptism, service, and a desire to do God’s will in every area of living.
- Demonstrate competence in thinking, communication and quantitative skills along with other academic areas foundation to schooling at the secondary level.
- Manifest interpersonal skills and emotional growth necessary for healthy relationships with their peers, family, and community.
- Know and practice basic principles of health and balanced living including a wise use of time and entertainment media.
- Develop an appreciation for the dignity of labor along with a general awareness of career options appropriate to their interests and God-given abilities.

Secondary Schools

The Adventist secondary school builds on what has been achieved at the elementary level with a focus on values, choices, and Christ-like character. It offers students (1) a formal and non-formal curriculum in which academic study, spiritual values, and daily life are integrated; (2) a broad academic and vocational program leading to productive living and satisfactory career choices; (3) avenues whereby Christian faith is made relevant to their emerging needs, leading to more mature relationships with others and with God; and (4) an opportunity to develop a Christian lifestyle of values, service, and witness.

Students completing the secondary level at an Adventist school should

- Have had an opportunity to commit their lives to God and therefore manifest a maturing faith in Him characterized by personal devotion, public worship, and service and witness to others in fulfillment of the Church’s mission.
- Demonstrate competence in communication, quantitative skills, and creative thinking, along with other academic areas that are foundation to excellence in tertiary education and/or the world of work.
- Demonstrate maturity and Christ-like sensitivity within the family circle, in the choice friendships, in preparation for marriage, and in broad participation within their church and community.

- Make good decisions and wise choices in ways that demonstrate their belief in the body as a temple of God. This includes careful use of time and discriminating selection of music, media, and other forms of entertainment.
- Have developed a strong work ethic functioning competently in everyday life as well as within entry-level work experiences appropriate to their interests and God-given abilities.

Tertiary Institutions

Adventist institutions of higher education provide students a unique environment for the pursuit of learning in the arts, humanities and religion, sciences and various professions, within the perspective of the Seventh-day Adventist worldview. Adventist higher education (1) gives preference to careers that directly support the mission of the Church; (2) recognizes the importance of the quest for truth in all its dimensions as it affects the total development of the individual in relation both to God and to fellow human beings; (3) utilizes available resources such as revelation, reason, reflection, and research to discover truth and its implications for human life here and in the hereafter, while recognizing the limitations inherent in all human endeavors; (4) leads students to develop lives of integrity based upon principles compatible with the religious, ethical, social, and service values essential to the Adventist worldview; (5) fosters—particularly at the graduate level—the mastery, critical evaluation, discovery and dissemination of knowledge, and the nurture of wisdom in a community of Christian scholars.

Students completing the tertiary level at an Adventist institution should

- Have had the opportunity to commit themselves to God with a desire to experience and support the message and mission of the Seventh-day Adventist Church and to live a principled life in harmony with God's will.
- Exhibit proficiency in critical thinking, stewardship, creativity, appreciation of beauty and the natural environment, communication, and other forms of academic scholarship toward fulfillment of their vocations and life-long learning.
- Manifest social sensitivity and loving concern for the well-being of others in preparation for marriage and family life, citizenship within a diverse community, and fellowship within the community of God.
- Maintain a consistent lifestyle that demonstrates a commitment to optimal health practices essential to effective adult living. This includes careful use of time and discriminating selection of music, media, and other forms of entertainment.
- Answer God's call in the selection and pursuit of their chosen careers, in selfless service to the mission of the Church, and in building a free, just, and productive society and world community.

Life-long Learning

Education goes beyond formal schooling. Life-long learning should meet the needs of both professionals and non-professionals. (1) Among professional responsibilities are opportunities for continuing education for certification and career enrichment for educators, clergy, business and health-care personnel, and others. (2) In the non-professional realm, opportunities exist for programs in such areas as local church leadership, family life, personnel development, spirituality, Christian growth, and service to the church and the community. Programs need to be developed that utilize both traditional teaching techniques and extension learning through media technology. Formal schooling combines with the other agencies of education in preparing the student "for the joy of service in this world and the higher joy of wider service in the world to come."

TRINITY WESTERN UNIVERSITY ET
AL.
Applicants

THE LAW SOCIETY OF UPPER
CANADA
Respondent

Court File No.: C6116

COURT OF APPEAL FOR ONTARIO

Proceeding commenced at TORONTO

**MOTION RECORD OF THE PROPOSED
INTERVENER THE SEVENTH-DAY
ADVENTIST CHURCH IN CANADA
(RETURNABLE DECEMBER 11, 2015)**

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