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Side A Guy Saffold, Stephen Koehn and Matthew Van Muyen – “Oral history Interview”

Side B Guy Saffold, Stephen Koehn and Matthew Van Muyen – “Oral history Interview”

[Summary]

Dr. Guy Saffold, the current Executive Vice President of Trinity Western University, was chosen by the University President, Dr. Neil Snider, to be the spokesperson for Trinity during the Legal Challenge. Stephen Koehn and Matthew Van Muyen, two Trinity Western students, interview Dr. Saffold about his role in the Challenge and his views about the case and its outcome. The purpose of the interview was to create more documentation about the Legal Challenge for the Trinity Western University Archives. In this forty-five minute interview the students asked thirty-two questions of Dr. Saffold, and he was very forthcoming with his answers. The questions ranged from basic questions about Dr. Saffold’s history with the university, and how he became the spokesperson for the university on this issue, to the history and origins of the Legal Challenge and the feelings of surprise that were associated with the beginning of the case. Many questions dealt with the BCCT, how Dr. Saffold viewed their perspective of the Challenge and what, exactly, the two sides were opposed to. Through his answers Dr. Saffold outlines Trinity Western’s views on homosexuality and its place in the university and the university’s community standards, and how - on this issue - the standards have been rewritten to be broader and stronger, putting a greater emphasis on marriage. The interview finishes with Dr. Saffold explaining how Trinity won the case, what the future implications of this case are, and what they could have been had the Challenge gone the other way.

[Side A]

GUY SAFFOLD
IN AN INTERVIEW

with

Matthew Van Muyen and Stephen Koehn

in

Dr. Guy Saffold’s office in the
Reimer Student Center at Trinity Western University

Langley, British Columbia

October 9, 2001

(This is part of an oral history project for the Trinity Western University Archives)

SK: This is Matt Van Muyen and Stephen Koehn, Trinity Western University students interviewing Dr. Guy Saffold on the topic of the Legal Challenge for a History 310 oral project. This interview is taking place in Dr. Saffold’s office on the ninth of October, 2001. [click]

Matthew Van Muyen and Stephen Koehn

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MV: Okay. Good afternoon Dr. Saffold. We’d like to begin with some brief questions just about your personal history with the school. So, what are your past and current job titles at Trinity Western University?

GS: Well, I started at Trinity Western in, uh, 1978 as an admissions counsellor. And uh, I eventually became Director of Admissions and then I, uh, went through a number of different roles in the area of planning and strategic planning. I worked as Dean of, uh, Trinity Western Seminary as coordinator of the Act of Consortium, and presently I’m Executive Vice-President.

MV: How did you come to be the designated spokesperson for Trinity Western University in the legal challenge?

GS: When we, uh, first began this process, long before we had gone to court, we realized that, uh, this was going to be an issue that would generate a significant degree of media interest. And so we thought very carefully about how we were going to convey our message to the public. There is a great deal of risk of misunderstanding on an issue like this. We eventually gathered together the key people who would be interacting with- potentially interacting with the media: Dr. Snider, myself, and Dr. Downey, Dr. Van Brummelen, and I believe a few others. And we brought in a consultant to advise us on how to interact with the media, and to give us some training on how to do that. And as part of that process we all did simulated interviews, and were videotaped, and somewhere out of that mix we had to pick one person to be the primary spokesman and the President designated me.

MV: In what ways was this a challenging role?

GS: Well it’s uh always challenging when you’re called on to do something that you haven’t done before. So you’ve got to learn a whole new level of expertise that you didn’t have. It’s also challenging because when you’re doing it in the public eye, uh, things become part of the public record. So you want to be very careful about what you say; you want to make sure that you convey the position of the school accurately, and at the same time you- uh- anybody who is in front of reporters and cameras- you’re always worried that you’ll make some slip, some moment when the brain is not working as fast as your mouth and you’ll say something that will be embarrassing, and so that was challenging. It’s also obviously a very challenging legal issue so there are legal details to master. And it’s challenging because there is a certain assumption- certain set of assumptions that are made about the university that you have to overcome.

MV: How much money has Trinity Western University spent on the court case?

GS: Well, over the five years that were involved in this we’ve spent uh, we estimate we spent about 1.6 million dollars.

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MV: And were would this money come from? Or, how much is still owed?

GS: Well, it all came from donors and it's all been paid. There's nothing- there is nothing owed. And that, that, those expenditures included legal fees, consulting fees, and they also included the fundraising costs for raising the money they included- cost for us bringing this issue before the public. We had to travel across the country, we had to go and meet different people. So it's fairly a large figure because of that.

SK: Why, after ten years, did Trinity Western University decide to apply for the education certification program?

GS: The uh, College of Teachers- we, we had applied for certification of the education program back uh, in 1985 or 1986. And at that point in time the Social Credit government was just in the process of forming the British Columbia College of Teachers. And so they asked us if we would defer our application until they had completed that process. The College of Teachers was formed and so we initiated our application again and they said- well they didn't even have standards yet, that it was going to take some time to do, to develop the standards. And then once they had developed the standards they would have to certify all the public universities first. They couldn't very well go ahead with a private university first, they felt. So developing the standards took five years, and they helped us work out this interim relationship with Simon Fraser University during that period. So they developed the standards, took five years; after that it took them several years to finish with the public universities. And at that point, when they had completed all those things - which was almost a ten-year process - then we submitted our application, which we had intended to do all along and hadn't done but had been asked to defer until these other processes had completed. [click]

SK: Were you surprised when the BCCT uh- denied Trinity Western University's original proposal?

GS: Yeah, it was quite a shock at the time uh, the, because there had been two, uh, committees visit the campus prior to that. We had the program approval team, which is the- the- team of experts who visits the campus and reviews uh- the characteristics of the program; they had made a positive report. And then we at that point [unintelligible]- their report went to the main program uh- teacher education programs committee- that reviewed all those- that material, and they made a positive report. So we thought we were on a track toward approval, given the two positive reports, and then when the council denied the approval it really was quite a surprise, a big disappointment.

SK: Was the university prepared for this long-term battle? And, Why do you think that the BCCT was so adamant in pursuing this case so far?

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GS: [Pause] Well, there are two questions there, but for the College of Teachers I think they felt that this was an uh, an issue of principle; they had to defend the right of students to be treated appropriately in the public schools. They made certain inappropriate assumptions about the university and uh, they uh, took a particular legal opinion at the time, which they felt very confident about, that the Supreme Court eventually struck down. So for them I think they were acting uh, they were decent and kind to us; it wasn't, it wasn't that they were angry with us. They felt there was a legal principle at stake. They were convinced they had the right perspective and they felt this was an issue they could pursue all the way to the Supreme Court. One speculates that probably uh, also um- many members of the council were probably not favorably inclined toward private education. They felt there was an incongruity between private religious intuitions training people for the public schools; and then, of course, there is a general environment in our culture at this point in time of great sensitivity toward mistreatment of homosexuals, so I think we got caught up with all of that.

Whether we were prepared for it or not? No, I don't suppose you're really prepared for a process like that, that you've never done before and is going to take five years. On the other hand we very quickly made sure that we were prepared and I think the outcome demonstrates that.

SK: What, if anything, did the BCCT stand to lose in allowing Trinity Western to have its own five-year teaching program?

GS: Well, I don't think the College of Teachers itself probably stood to lose uh, to lose, uh, very much. I mean it was more- they were more in the role of exercising what they felt was their responsibility to be a guardian of the public interest. They perhaps felt that they would lose some credibility in the eyes of people if they had approved our program without uh, questioning it. It may be that they felt to approve Trinity's program would call their- uh, them into question as responsible guardians of the public interest in British Columbia. They put it primarily in the framework of trying to watch over uh, the uh, the uh, welfare of public education.

MV: In the article, “Judge Us by Our Actions,” you said that Trinity has banned premarital sex and homosexual “behavior”. What constitutes homosexual behavior?

GS: Well that was an issue that was always uh, always a question in the background and uh, we don't have a definition of that. And we wondered whether in the legal process that might become one of the issues, but it never did. So the university doesn't have a definition of homosexual behavior and that is one of the reasons why more recently we have flipped our standards around to state the positive, that our campus standard is not prohibition of homosexual behavior, but that sexuality, sexual intimacy, is something to be practiced between a husband and wife in the context of a marriage, and things outside of that are incompatible with our biblical worldview.

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MV: Would that have provided legitimate concern for the BCCT?

GS: I, I suppose it might have been. They never raised the question. So it does uh- I don't think that was uh their- I don't think what constituted homosexual behavior was concern for the College of Teachers. What they were concerned about is that we prohibited it, whatever it might be. And so their concern was simply the prohibition that we had, and if we had tried to narrow the definition, or refined the definition, I don't think that would have helped them at all. They would have still objected to the fact that we prohibited it.

MV: Do you believe that the BCCT's reason for opposing Trinity's application for the education certification program was based solely on the homosexual issues or was there a larger Christian freedom issue at stake here?

GS: No, they made it purely the issue of our prohibition of homosexual behavior. They said any number of times that they had no objection to the rest of our standards. They said uh, the interviews with the registrar of the College of Teachers- with Doug Smart- when I would be interviewed he would- said there is only one part of the standards that- were concerned about and he would narrow it down and he would say it's just this one thing, which was our prohibition of homosexual behavior. Now that was their stated uh, their stated position. Behind that they may well had uh they may well have had a bias toward private education. It's possible some felt they did. They may have felt that they would lose credibility if they approved our project. It may have been that - but their official statement were, was that it was one thing and the one thing only.

SK: On what grounds would the College of Teachers have the right to prohibit an organization from obtaining an education program?

GS: [Pause] Well, the College of Teachers is charged by the province with review and certification of teacher education programs according to standards, and they have developed a set of standards and presumably they would have the right to deny certification to a program that didn't meet the standards. The standards, however made no reference to whether the institution was public or private, and they made no reference to whether the institution had any behavioral standards or not. The standards that were developed had- were strictly related to the number of courses that you took, and you know, you had to have courses in curriculum- you had to have courses in pedagogy, you had to have courses in classroom management. You know, things related to educational topics were what the standards were and we met all of those. So uh, I, I, um, they uh, their attempt was to turn us down on a basis that was not defined in their standards, and the Supreme Court eventually said, You can't do

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that. They grounded that particularly on the phrase “in the public interest” which occurs in their legislation- that they are to oversee the education within the province in the public interest. And they said, Well it would not be in the public interest to approve Trinity Western’s program.

SK: Were teaching alumni who have done the first four years of education program at Trinity Western in the past- were they interviewed at all or observed in the classroom by either side during the case?

GS: Well, so far as we know the College of Teachers never did any observation of our uh graduates. We uh, we’ve have a lot of feedback on performance of our graduates in the classroom. Dr. VanBrummelen and others have stayed in close touch with alumni and all the feedback we had was that they had done very well in the classroom. We always wondered if the College of Teachers would come forward with some evidence to show that our- our students did not do well. They never brought forward any. We think it’s (unintelligible) mostly because they had none. They didn’t have any that they could find. Surely if they had it, they would have trotted it out; but they didn’t and I think that meant they didn’t have any. They also maintained that they didn’t need any. They said that it was not a question of evidence but a question of principles. Whether our graduates actually behaved in the classroom appropriately or not didn’t seem to be a concern to them at points, and then at other points they’d say the reverse but they’d say, Well there’s no point in trying to get any evidence because they’ve all been to Simon Fraser first and presumably [if] they had a problem, which we think they might have had, then their time at Simon Fraser has fixed that problem through reeducating them somehow. And we never felt that was a very credible approach.

SK: What has Simon Fraser University’s response been to this whole challenge?

GS: They were very cooperative all the way through. Simon Fraser uh, worked with us very compatibility during the years that- uh, of a partnership with them. When we moved into the Legal Challenge, they maintained that, even though there were some of their individual faculty members who didn’t feel comfortable with that view. But the institution itself maintained the joint program and uh, they eventually did serve us notice that when the litigation was over they would be terminating the program, quite apart from the outcome of it; they said they had other objectives that they wanted to establish. They wanted to take the funding that they were using for modules here and use it out in Mission and some other places in the province. And so they said, We will main- keep the program in place until this goes through to the end. That was actually a deal that had been brokered between the College of Teachers and Simon Fraser because if uh, at one point Simon Fraser had indicated that they might end their cooperative relationship sooner on financial grounds and that uh- the College of

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Teachers’ lawyer became very concerned because that would put us in a position of being very harmed by the College of Teachers actions and would work against their claim in court. What they wanted to claim in court was, Listen the university, Trinity Western, can simply continue working with Simon Fraser; all we’re asking for is that they continue this very reasonable alternative arrangement. And we said, But there’s no guarantee on the alternative arrangement. We were able to bring out the correspondence with Simon Fraser to show that they indeed intended to terminate the arrangement at some point and s- the College of Teachers was able to secure from Simon Fraser a letter of commitment to keep the relationship in place until the litigation was over.

MV: Has Trinity Western University’s relationship with the BCCT been damaged at all?

GS: No, I don’t think so. We uh, we worked with them very cooperatively though the case. Again it was not a matter of fight between us. It was a matter of a legal dispute over a legal principle and that’s something quite different. Uh, the, uh, the personnel of the College of Teachers throughout were respectful. I was often together with Doug Smart, who is the registrar of the College of Teachers. We spoke congenial[ly] to each other. He would often ask me to greet Dr. Van Brummelen, for whom he had great respect. We would talk over these issues informally and uh, you know there was no sense of animosity about it. And, and now they’re working very collaboratively with the university so- no, I think the relationship is a good one it was never strained in that way.

MV: The *Newsmagazine* said that, “TWU’s victory was a hollow one.” Do you think it will be harder for Trinity graduates to get jobs in the market because of the damage the BCCT has done to the education program?

GS: Well there was one editorial by Dr. Ian Hunter, professor emeritus, in the *Globe and Mail* who made that particular comment. He made it on a very technical legal ground, which- I’ve yet to find anyone who agrees with him on the point that he was trying to make. We don’t think that this will be a negative for our graduates. They’ve already been uh, throughout uh, throughout the Legal Challenge process, they were getting jobs quite regularly. Now that the Supreme Court came down so firmly on Trinity Western’s side I think people will see- the large number of people will see that the College of Teachers’ case was not well-founded. And my guess is that our program will go on and be a respected source of teachers for the province.

MV: What is the public’s reaction been to the court case itself and the winning of the court case?

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GS: Well the public reaction was one of the uh- one of the surprises. We did not anticipate such widespread public support. But as it turned out the public in general was on our side. All of the major BC newspapers editorially came out and, and uh, uh condemned the BCCT’s approach as, as inappropriate. The *Vancouver Sun’s* editorial said, The College of Teachers should find better things to do. And so generally the media supported us with very few exceptions. Even the *Xtra West*, the gay newspaper, at some points indicated support for us, although they had some of their columnists who were against us. So when the, you know, when the media at large and even the gay newspapers start saying that this is wrong, shows you how far afield the College of Teachers was. The broader public we got very warm response [sic]. We had letters to the editor in some of the uh, some of the newspapers in this province written in by gay people saying that this was wrong and that they worked with Trinity Western graduates and alumni and they had great appreciation for them. So we found just incredibly warm public response all across the country. Dr. Snider found from the other university presidents at AUCC that they were strongly supportive of us. I’d do talk shows across the country and people would call in and very seldom would you ever find anybody call in who was in favor of the College of Teachers. Television shows, same story, and of course a huge positive response from the Christian public. So there was a little bit of surprise. We of course expected the Christian public would support us but we didn’t expect uh, uh, that level of official support from the general public; and then, of course, all of that was sort of crystallized when both the British Columbia Civil Liberties Association and the Canadian Civil Liberties Association uh, uh, came out and not only supported us but agreed to spend their own money to defend us in court.

MV: In the *Mars Hill* last year there was a report that there was a gay and lesbian website at Trinity. Not authorized by Trinity itself, but still existed. I was just wondering, did that ever get brought into the case that although it existed it was never shutdown?

GS: No, uh, that, that was never at any point an issue in the case.

MV: Christians are taught to “hate the sin but love the sinner.” I was wondering, how did Trinity portray that message, that we love the sinners but we hate the sin?

GS: Well we thought very carefully about the messages that we wanted to communicate to the public and one of them is that we respect all people because they’re people. And so, right from the beginning, the message of respect for everyone was one of the key points that we wanted to make. As we went along we attached that increasingly to the theological and legal principle of human dignity. Human dignity is just the concept that people have value and worth not because of

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what they do but because of uh, uh, who they are- because they have been made by God. They're creations of God and everybody is equal on that score and the law often refers to the principle of human dignity as part of the legal framework of our country. So we uh, we took great care to try and say, Listen we have respect for everyone but respect is not the same as agreement. And one of the real failings of, in our contemporary culture is to assume that if you disagree with someone you don't respect them. And uh, I tried to make it very plain that we have a disagreement with the homosexual community over an issue of sexual morality but that doesn't mean we don't respect them as people. And they have a disagreement with us over an issue of sexual morality and yet they maintain that they respect us- at least most of them [do]. We respect one another as people, but we don't agree on this issue of sexual morality. And so we tried to be very clear that that was the issue- was a disagreement over moral principle; it was not a disagreement over human dignity.

MV: In a relativistic society shouldn't this issue have just been ignored where everyone can accept whatever they want to believe?

GS: [Pause] Probably; I suppose in a relativistic society it would be but we don't live in a relativistic society. We have uh, uh, well there, there is often that thought made. We live in a society of law; law incorporates values. One of the main issues in this case was: what are the values that are, are upheld both in our public schools and in the Charter of Rights and Freedoms, and the College of Teachers was very forthright about saying public schools are not value neutral. They're not intended to be value neutral; they are intended to cultivate virtues of civic respect, which was always the theory of public schools, that there would be a common value base for the people who went through them. Civic respect, of tolerance, of a uh, of a uh, loyalty, of a national loyalty and things like that. And then the Charter of Rights and Freedoms, of course- every legal document makes value choices. So, uh, uh, if uh, if we actually lived, you know, in a society that was value free, probably that would have been the case. But we don't live in that society even though a lot of individuals may maintain a relativistic position.

MV: Justice Claire L'Heureux [-Dube] said that she worries of a lack of experience would disable Trinity Western University graduates from consulting [sic] with homosexual students. What has the education program done to negate these ideas that we will not be able to deal with it?

GS: Yeah, uh- Well uh, the, uh, well our, our education program first of all is in the context of a university that teaches respect for everyone. We have a very clear religious position; we have a clear moral position, but other people have their own moral positions. And we try and say, As Christian people we've got to go out and show love and respect; and that was right in our community standards that we were

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able to point in the legal case to the very document that was issued- that it was a document that required showing respect for all people. So, first of all that becomes the context that we have for the whole university, and the education program is part of that. Within the education program itself there is a course on social issues in education, which is a required course. It's the uh- for a number of years we- we may still be at this point- were the only university in Canada to require a course on social issues as part of our education program. And that course includes units on how to deal with people from different ethnic backgrounds, different national backgrounds, different religious backgrounds, and different sexual orientation, uh- within the classroom, and how to do so appropriately.

SK: The university has decided to rewrite the community standards. Dr. Downey said, “The emphasis will change from negative censuring of certain behaviors to positive affirmations of others, including the marriage bond.” Does this send a message to the world as well other Trinity University students that the university has backed down from what they fought so hard to defend?

GS: Well, we actually have rewritten the standards, and they're the ones that are now published in the calendar that came out this year. Though some of, some of the documents I think that the students signed- they signed the old ones because they had been printed but uh -. So the standards have been changed and, no I don't think it sends that message at all. What the standards now say is, is that it's our conviction that sexual intimacy is to be practiced within the context of a marriage between a husband and wife, and we refer to Genesis as our grounding for that view. And therefore that sexual behavior that is inconsistent with that standard is not permitted on, on our campus. So it's the same standard and in fact it's a clearer standard because we now refer specifically -. The old standard simply said uh, students must not engage in premarital sex, adultery, and homosexual behavior and really referenced no reasons; it just simply mentioned those three things. This one gives a reason- it's because we believe in marriage- it grounds it in the Biblical text, on marriage between a man and a woman, which in the standard we refer to as a husband and wife, which the legal people felt was the better way to make the statement and uh -. So, it's really a broader and stronger standard that we have now and it's exactly the same but it still does clearly refer to heterosexual marriage.

I think the message that it should send- and we'll find out uh, we've had very little- in fact I can only recall one issue of feedback to it at all. The Canadian Family Action Coalition had some rumor that we were changing the standards and when I told their director that we were developing the standards, not to back off from a moral view but to make clear their grounding in a view of marriage, he said, “that's exactly what we need to do, it's marriage that we need to hold up.” (unintelligible) “Too often Christians, Christians have gone around attacking the negative side.” Well, the reason that you could do that thirty, forty years ago when the standards were written is it that back then everybody understood that you were supposed to be married. Not everybody did it but everybody understood it and you didn't have to explain yourself.

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Today, not everybody does it just like then, but people don't even understand it anymore. So now you have to explain why you believe what you believe. So it's really a stronger standard and clearer standard, and I think we gotten very positive reaction to it and I hope that'll continue to be the case.

SK: The basis of the Legal Challenge was the need for religious freedom. That being said, what method or criterion did the legal team use to pick up its interveners?

GS: Well the interveners- you can't as legal team- you cannot engage interveners. They have to- they are parties who- that step forward of their own volition. And so you might have conversations with potential interveners and try to interest them in the case, but you can't commission an intervener; they make their own decision. The uh, a number parties -, and it's important to understand too when an issue goes to the courts there may be a number of parties in society that have an interest in that issue, who want to be there quite apart -, for their own reasons. It may have nothing to do with your reasons. Well the uh, Catholic Civil Liberties Association was immediately interested, because they have a large number of religious schools and a similar view of homosexuality, and the British Columbia Civil Liberties Association very early on was interested. That- I mean, their- I talked to their executive director and I said, "This must have been a very difficult decision for you, to intervene in the Trinity Western case." He said, "Absolutely not, this was a very easy decision." He said, "This is a case of government trying to fault people for their religious or their moral views." He said, "We believe that's not the role of government, to restrict people based on their religious perspectives," and he said, "So it was quite an easy decision, we knew we had to be involved in this case." The other interveners along the way intervened for various reasons. The Christian Legal Fellowship was concerned about the possible impact of a negative decision on, on Christian lawyers. The Seventh Day Adventists also operate Christian schools. The Evangelical Fellowship of Canada had a broad interest in it as a, as an issue affecting all evangelical people in Canada.

Then you have the interveners on the College of Teachers' side. The Ontario Secondary Schools Teacher Federation, the teachers union in Ontario, and EGALE, the Equality for Gays and Lesbians Everywhere organization, that took it up as an issue of defending gay rights. So every intervener was there for some specific reason of their own. We ended up with more interveners than the College of Teachers, which again speaks to the fact that there seemed to be a much larger support for our position than the other one.

[30 min]

SK: [Why did the Ontario College of Teachers get involved?] (omitted by tape rotation)

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[Side B]

GS: It wasn't the Ontario College of Teachers it was Ontario Secondary Schools Teachers Federation, which is the uh, basically the high school teachers union that intervened. But they were concerned, along with EGALE, about uh -, they felt that mistreatment of gays in public schools is a significant concern and because of that, there needed to be strong protections for the treatment of gay people in the public schools and recently [??] very strongly agreed with them. I was on a talk show with the head of EGALE out in Toronto on CFRV and he phoned in and said, "We think it's terribly wrong that these religious people would try and force their views on children in the public schools." To which I replied, "We think that would be terribly wrong too, and we teach our students not to do that." It was quite interesting at that point because he was a little uncertain where to go in the argument next, because we agreed with him (laughter). I mean we're not out there to try and convert people to Christian faith in the public schools. That's not the role of the public school teacher.

SK: Was it a necessity for Trinity Western to find Christian lawyers to help with the lawsuit?

GS: No, I don't think it was. We felt it was a necessity to find good lawyers, number one. I mean anytime you go to court you want to have a competent lawyer. And for an issue of this kind we certainly wanted to have lawyers who we felt would have a great deal of sympathy with the case. If you're going all the way to the Supreme Court of Canada, you don't want a lawyer who is just a hired hand. You want someone who will be passionate about the issue. And as it turned out, we had in Bob Kuhn, our alumnus, a very competent lawyer, who is acknowledged throughout the Vancouver area by many people as being an up-and-coming- a very competent legal counsel, and so we chose to engage him. It was nice that he was alumnus but that wasn't the primary consideration. It was more that here was a competent person who had a passion for the case, who we felt would carry it forward very vigorously.

SK: What do you believe the implications would have been if Trinity Western had lost the Legal Challenge?

GS: Well, the implications were very serious. One, one, very senior legal scholar in Canada told me that he had, he had begun to make preparations to move his family out of Canada if Trinity Western lost the case, because he felt the erosion of liberty in Canadian society would be so severe. In short, the College of Teachers was in a position- the College of Teachers was claiming that because we had a religious perspective on sexual morality, which in another case might have been on some other issue, it wouldn't be limited to just sexual issues. If the College of Teachers could discriminate against us on the grounds of our religious view, and in addition

they were maintaining that they had no need to present any evidence of misbehaviour- that they simply felt this view was unacceptable, without having any grounding for it in law-- There's no law against our view, there's no, there's no legislation against our view. Without having any grounding in law or legislation, they could simply as a council of unelected people, sit there and say, We don't like it and therefore you can't do it; the implications of that are very broad. You can imagine the -. What was at the heart of this case was a public benefit. A public benefit is something the government has within its power to give or to withhold. We all experience public benefits everyday. You apply for a driver's license, that's considered a public benefit. You apply for a business license, that's considered a public benefit. You get a taxicab permit, that's a public benefit. You want to operate an airport, that's a public benefit; and go on down the list of all of the things that you have to get a license for or permit from the government, those are public benefits. Well the College of Teachers was saying, We have it within our power to deny a public benefit based on a religious view without any evidence, and without any foundation in law or legislation; we just think it's wrong. Well, if this had been projected across society- I mean, the College of Teachers wanted to target Trinity Western- could some other group have wanted to target Sikh people over something Sikh people believe? Could some other group want to target Native Indians, you know, Aboriginal people over something they believe? Could a Christian group want to target a secular group? I mean, if you don't need law, and if you don't need evidence, and you don't need, you know, anything else, anybody can target anybody over something they don't like. And it would have been a very, very serious erosion of freedom in Canada and even the -. You see, the problem with law is when you, when you make a legal decision, that decision becomes a precedent on the books that can be used in the next case, and the next case, and the next case. And it's like ripples spreading out in the pond. You can't, you can't contain it and say this decision only applies to this thing. The decision articulates a legal principle; a legal principle can apply to anything, and so it would have meant far-reaching effects, we believe, if it had gone the other way; and that's probably one of the reasons why the Supreme Court of Canada voted eight to one. I mean, it was inconceivable to them that the College of Teachers could be, could be affirmed in its approach.

SK: So, what freedoms have been gained or strengthened for the university and the rest of Canada with the result of the Supreme Court victory?

GS: The uh, there are several. Doug Smart, the registrar of the College of Teachers, was being interviewed on the radio after the case and he was asked a question somewhat like that and he answered this way-. He said, "Well, what the Supreme Court has told us is that we can't assume, automatically, based on someone's belief, that they will behave in a discriminatory way. We have to look at the actual behavior, we can't just ban a belief." And then he said, "The Supreme Court has also told us that in making our decisions as a public body we have to take into account issues of religious freedom." Well when I heard that I almost thought, well its very good that the

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College of Teachers is finally caught up with the basics of Canadian society, (laughter) which as a body regulating the teacher education profession, it would be helpful for them to be familiar with. The fact that you can't simply ban someone's belief without evidence, you know, one would have thought was a fairly foundational principle in Canadian law, and the fact that you had to weigh religious freedoms is clearly stated in the Charter of Rights and Freedoms. So, this shouldn't have come as news to a public institution.

So those principles have been clearly affirmed. One, you cannot discriminate against people's beliefs on the grounds that you think their belief will lead them to some kind of bad behavior. You have to show bad behavior, but that's really the principle of innocent until proven guilty. You can't simply ban - in free speech there is a doctrine called "No Prior Restraint." You can't restrain someone from saying something because you think they might say something bad. If they do say something illegal or something libelous you can act against them, but you can't tell them they can't talk. You have to wait until after, and see what they say, and that has some- I mean, that's an uncomfortable principle sometimes, but that's part of the country we live in. Then, second, religious freedoms are not a lower level of freedom. Really what was the center of the case to a degree is that, uh, the protection of homosexual rights was assumed to take precedence over the protection of religious rights. And really that was the direction the College of Teachers was moving down. It said, well we understand religious rights. It isn't that they weren't aware of that, but they felt this other one is so important that it comes first, and the Supreme Court said, "No, you cannot do that. You can't put one right in front of another. You always, at all times, have to weigh all of them. And that's harder to do, but that's what you must, what you must do." So I think people of faith, or people of moral conviction, or who knows who it might apply to- have gained the freedom not to be judged based on their beliefs, not to be caricatured without evidence; and a renewed affirmation of the principle of religious freedom simply must be weighed at the same time as other freedoms, and that's to the good of everyone.

SK: What do you believe the next hurdle for the university is in this- in this process? They've won the case and now they're making the- they're making the fifth year program, but what is the next hurdle that the university has to jump over?

GS: Well, it's gotta be a good program, that's the hurdle. It has to be done, it has to be done well, with excellence, as we try to do everything else at Trinity Western. And I'm quite confident that is how it will turn out, and then those graduates will have to be tested in the marketplace. So there may be some hurdle down the line, as graduates of the program go out to apply for jobs. I'm hunching that that's not going to be a very big hurdle because- but the College of Teachers was always saying that four years at Trinity Western and one year at Simon Fraser will fix it. No one ever really believed that, even the people at Simon Fraser didn't believe that (laughing). The Supreme Court of Canada said the idea was ridiculous, and I think the public

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knew that the idea was ridiculous. If you have basic, biased, prejudiced people who are going to mistreat people, spending eight months over at Simon Fraser isn't going to fix that. And so I think generally the schools in our province who are doing the hiring will look, they'll say "Trinity Western graduates, we've had them before, they've always done well, we don't think the one year at Simon Fraser was why they did well." Not to mention that the Supreme Court said, "Listen, the College of Teachers was just completely off base in its accusations." I think it will be a little hurdle, but it's not going to be much of a challenge.

MV: How will this influence Trinity's development in the next twenty to fifty years?

GS: Well it has- it has potentially very large effects because there are other kinds of programs that have to be reviewed by the government. The nursing program has to be accredited. The nurses in this case made a different decision than the College of Teachers. The nurses view themselves as people who bring health care to sick people, and they don't ask whether the sick people are gay or straight. They just - the ideal in the nursing profession is to treat the people, and they understood that our nurses were going to do that. Teachers view themselves as social reformers and communicators of values, and so I think the issue is more sensitive to the teachers. But we have programs-. Social work programs and social work agencies are very sensitive to the issue of homophobia and appropriate treatment for the homosexual community because they deal with components of the homosexual community. So this could open the door for Trinity Western to gain approval for a program of that kind. There could be, uh, other programs that [we] should bring forward to the government. A law school for example, you could imagine, might have been attacked on this ground [but] could not now be attacked on this ground. And so it has uh -. The Ottawa Center that we want to operate back in Ottawa to train students in Canadian government needs approval from the province of Ontario. If we lost the case, that might have been at risk. So what it really does it opens the door for all kinds of programs which can no longer be banned because we have a moral conviction about sexual behavior. Just [as] the Supreme Court says, "You can't do that."

MV: Every five years the education program is reviewed by some body, I'm not sure which body it is.

GS: The College of Teachers.

MV: Okay. What will they be looking for? And, could they take an action if they see something during that time that they don't like?

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GS: Oh yeah, I think they could. I mean they'll be looking -. They will do a thorough job. They'll look at all the normal things that they would review. Are the, is the curriculum up to standard? Is the library large enough? Do the faculty have credentials? You know, the normal run of items that you review when you review an academic program. And I would suspect that they will review this issue very carefully. They- it is possible that they might want to try and take another run at it by uh- If the Supreme Court said, “You can't do this without evidence,” maybe they'll want to go out and try and gather evidence and see if they can demonstrate a case for the withdrawing of accreditation. And presumably if they felt- thought there was some egregious problem they could act, they could act- even act in the interim. I don't expect they'll do that. I think if they go out to try and gather evidence, I don't think they will find- I don't think they will find what they're looking for. They would have to demonstrate that the graduates of Trinity Western treated homosexuals worse than the graduates of any other teacher education program. It wouldn't be enough to simply find a case or two where something unfortunate had been done. I mean, that happens from- with the graduates of all programs. They would have to demonstrate somehow that the Trinity Western program and Trinity Western students treated gay students worse than the graduates of UBC. I just can't imagine that that would be the case. I mean, everything we have says that isn't the case, and I don't have any - I have no worries that they will find that kind of result when they look for it.

MV: Is there anything you would like to add [to] this recording before we close?

GS: Well the Legal Challenge was just that, a big challenge for the university; and for us it was a matter of conviction. The question was often asked: Would you change your standards if the case goes against you? And the answer was no. We wouldn't change our standards; we're not at liberty to change our standards about our conviction about marriage. It just simply couldn't have been done. We could rewrite it, as we have done now, but we simply could not have changed our standard. So for an organization- if you have a faith commitment and you have a moral base it's a matter of saying: Here we stand and we will step forward. We think we can defend our position in the culture at large, but we're not here to be a- to [be] determined or directed in our views by the culture at large. Those are Biblically based. They're something that we derive from a wholly different source. The gratifying part is- I probably all along was worried that we would lose. I kept thinking: The whole environment is so sensitive to this issue, and so hostile to the Christian faith; we're sure to lose. And yet at every stage we won, and in the end we won by an extremely strong majority. So to me, I think that is a- is a very positive harbinger for the future of Canadian society [at] this point. I think we came to a crossroads as a whole culture. We could have gone down a very damaging path, and our highest court said, “No, we're not going to do that in Canada, we're going to go down a much healthier path.”

[click]

[End Side B]

[List of Significant Names and Terms]

AUCC – Association of Universities and Colleges of Canada: Represents 92 Canadian public and private not-for-profit universities and university colleges. Promotes the interests of higher education in Canada and abroad.

British Columbia Civil Liberties Association – a group of citizens who volunteer to fulfill their mandate: to preserve, defend, maintain and extend civil liberties and human rights in British Columbia and across Canada.

Canadian Civil Liberties Association – a lobbying and law-reform, non-profit, non-government organization dealing with issues of fundamental civil liberties and human rights that affect those who live all across Canada.

Catholic Civil Liberties Association –one of the interveners at the Supreme Court hearings.

CFRV – an Ontario radio station.

Downey, Deane– Dean of Academic Administration and professor of English at TWU.

Evangelical Fellowship - The Evangelical Fellowship of Canada (EFC) is a national alliance of evangelical Christians. It exists to gather Christian organizations and empower them for ministry, and to represent biblical principles in the public square.

Family Action Coalition – Canada Family Action Coalition: (CFAC) is a grassroots citizens action group with a vision to see Judeo-Christian moral principles restored in Canada. They support a renewal in democracy, in which the government represents its constituents. Mandate is to provide strategies, networking, training and tools to enable ordinary Canadians to influence their government.

Hunter, Ian – professor emeritus; wrote article in the *Globe and Mail*.

Justice Claire L’Heureux-Dube – the one Justice of the Supreme Court that voted against Trinity Western.

Kuhn, Bob – Lawyer: one of the three members of the legal team that represented Trinity Western University during the challenge, he was also an alumnus of the university.

Mars Hill – The student-run school newspaper at TWU.

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Smart, Doug – Registrar of the British Columbia College of Teachers.

Snider, Neil – current President of Trinity Western University.

VanBrummelen, Harro – Assistant Dean of Social Sciences and Education at TWU.