

Overview

Proposed new membership criterion

Universities Canada members will be asked this fall to consider whether to require member universities to commit to equal treatment of all people, without discrimination.

The Board of Directors approved a proposed new criterion for non-discrimination at its April 2016 meeting. At least two-thirds of the membership present at a business meeting must approve the new criterion for it to be added to the organization's by-laws. For current members, implementation is scheduled to take effect in 2020, giving all institutions time to review their policies and processes, and make any necessary changes.

The issue is a complex and challenging one that has, for some time, been the subject of intense, careful and thoughtful discussion by the Board of Directors, its Governance Committee, and the university leaders that make up the membership of Universities Canada. What's at stake is whether universities that wish to become members – or to remain as members – will need in future to ensure that their policies and practices do not discriminate on any grounds, including race, religious beliefs, colour, gender, physical or mental disability, age, place of origin, marital or family status, sex and sexual orientation.

If approved by the membership, the new criterion will mean that member universities will not be able to require adherence to a code of conduct that discriminates based on protected grounds, nor to take action based on such a code.

The membership status of universities that require a code of conduct from their faculty, staff and/or students has been an ongoing issue within the association for more than 30 years. There has been significant discussion among the membership, and thorough consideration of the issues involved by the Board, its Governance Committee and the membership as a whole.

Over the past decade, the issue has become more important for Universities Canada to clarify. During this time, Universities Canada has had several applications from prospective members that require faculty, staff and/or students to conform to a statement of faith and/or related code of conduct.

In considering whether these institutions met the current criteria for membership, both the Board and members struggled with the decision. These applicants were turned down, either by the Board or the membership, and were not admitted to membership. It was clear at that point that visiting committees to applicant institutions – and the membership as a whole – needed to think more carefully about how to address the complexities inherent in this issue. The Board recognized that a new discussion needed to be launched about how institutions approached such matters, which was transformed into a larger discussion about non-discrimination generally.



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Significant consultations

The question of how to reconcile the religious freedom of institutions that require students and/or faculty to affirm a statement of faith and/or related code of conduct with other freedoms in Canadian human rights legislation has been an issue for careful and deep discussion by Universities Canada's Board and membership. These discussions have been led among the membership by the Board's Governance Committee (formerly called the Standing Advisory Committee on the Act and By-laws).

The Board and Governance Committee have consulted with legal counsel and recognize that this is a complex and difficult issue, with no easy answers. Its decision-making process has reflected this.

The matter has been on the agenda for the Governance Committee 17 times in the last six years, and the Board deliberated on the matter 15 times. A special membership meeting was held in Winnipeg in April 2014, moderated by former Supreme Court Justice Frank Iacobucci, which allowed all members to share their views in an open, frank and respectful conversation. The Board and Governance Committee took those views into account as it made its decision regarding the proposed new criterion.

Throughout the process, both executive heads who have chaired the Governance Committee during this time (Paul Gooch, former president of Victoria University in the University of Toronto, and Mike Mahon, president of the University of Lethbridge) have kept open lines of communications with the members of Universities Canada who have raised concerns regarding this proposed change. The presidents of four members met with the Governance Committee in person in February 2014 to express their views and take part in a dialogue on the matter.

All members have been kept apprised of the matter during business meetings and received an update by Governance Committee Chair Mike Mahon in April 2016. Members had the opportunity to make comments or pose questions during business meetings.

As part of its commitment to open and thorough discussion, Universities Canada is providing opportunities for all members to make their views on this matter known, either in writing prior to the meeting, or during the meeting itself. Background materials – such as this briefing note – have been developed and webinars will be held prior to the meeting to allow members to gain further information and ask questions.

A respect for all institutions, valuing all ideas

Universities Canada is a voluntary member-governed organization. It sets its own membership criteria, and has done so for decades. Universities that wish to join must meet a set of criteria, which together reflect the members' shared values and attributes. Current members of the organization must reaffirm their commitment to these criteria every five years.

The criteria cover such aspects as governance, academic freedom, research strength, depth and breadth of program offerings, and quality assurance.



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No university is required to join the organization to fulfill its mission. Not all universities in Canada choose to join – and not all universities are eligible. In Canada, universities get their authority to grant degrees from provincial legislation. Any modification to the criteria does not change the ability of universities who do not choose to remain as members of Universities Canada to educate their students, conduct research, serve their communities and grant degrees.

Universities are places that value open discourse on complex topics in respectful ways. The decision-making process in this matter is intended to demonstrate this principle in action. The conversations to date – at the Board, in its Committees and during membership meetings – have reflected these values. Discussions on the matter have been fair, thorough and civil. Often, members have voiced difficult and at times highly personal views in a considerate, compassionate and professional manner. The Board of Directors anticipates that the October membership discussion and decision on the proposed new criterion will continue in this vein.

For more information

Members wishing more details about the proposed change to the criteria can also refer to the attached Questions and Answers document.

Webinars will be held in September to provide additional information. Please contact Philip Landon, vice-president, governance and programs at plandon@univcan.ca for details.

