

From: [Constance MacIntosh](#)
To: rene.gallant@emera.com
Cc: [equity](#); [Constance MacIntosh](#)
Subject: the TWU proposal
Date: Saturday, December 28, 2013 2:05:43 PM

Dear Mr. Gallant

I am a professor at the Schulich School of Law. I do not usually seek to be heard by the law society – as I am usually quite comfortable assuming that the group is well-informed and will make decisions that are in the best interests of the profession. While I continue to subscribe to that assumption, I feel that an issue has come up where my conscience demands that I need to ensure that I know with certainty that my voice is heard.

I recently read the report regarding TWU opening a law school, and I was deeply disturbed. I was stunned to read that the school actually discriminates on the basis of sexual orientation, that one cannot be a professor and be gay. I am not familiar with British Columbia's Human Rights Code, but know that TWU would likely be found to violate Nova Scotia's Code. I cannot fathom how our Law Society could possibly endorse a program that would be unlawful in Nova Scotia, especially where the law in question was enacted to protect human dignity and counter prejudice.

I also note that according to their covenant, one cannot be a student at TWU unless one commits to trying to be heterosexual. The discrimination issues here are obvious, but I am actually more troubled when I think about what this would mean in practice for law students. My experience at Dalhousie is that we see students in a high stress program who sometimes begin to question their sexual orientation while at the school. Despite our efforts to create a positive environment for these and all students, the students who are trying to figure out if they are gay are subject to depression and anxiety and require an enormous amount of support to cope. I would fear for these students if they found themselves studying law at TWU. I can only assume that they will either drop out, fall into self-hatred, or else self-repress. These are oppressive options.

To be clear – I am not gay. I am a happily married heterosexual woman, with kids and a nice house in the suburbs. In fact, my daughter attends a private catholic girls school (Sacred Heart). I had not been following the TWU proposal, and was absolutely blind-sided when the report was released just before Christmas and I took a look at it. From my perspective, arguments about religious freedom are being mis-used here, in a way that could foster over-reaching in a way that is deeply harmful not just to gay people but to Canadians more broadly as (most of us) strive towards a more inclusive and supportive society that fosters instead of excludes. I think that if the Nova Scotia bar society endorses the TWU proposal, that we have lost our way in terms of our responsibilities to serve the public interest and to protect those who have been wrongfully left vulnerable by our laws and practices in the past.

Sincerely,

Constance MacIntosh

Constance MacIntosh
Director, Dalhousie Health Law Institute
Assoc. Professor, Schulich School of Law
Dalhousie University
6061 University Avenue
PO Box 15000
Halifax, Nova Scotia B3H 4R2