

**Report
CAUT Ad Hoc Investigatory Committee
Into Academic Freedom
at Canadian Mennonite University**

1. Preamble

In November, 2006, the Canadian Association of University Teachers [CAUT] Council adopted the policy that:

CAUT will consider all cases of alleged violations of academic freedom involving a required commitment to a particular ideology or statement of faith as a condition of employment.

The Council also approved procedures for the investigation of allegations of such violations.¹

It had come to the attention of the Dr. James Turk, Executive Director of the CAUT that it was possible that the academic freedom of academic staff at Canadian Mennonite University [CMU] was being infringed by requiring a statement of faith – implicitly or explicitly – as a condition of initial and/or continuing employment. Accordingly, pursuant to clauses (1) and (2) of the CAUT procedures on these matters, following consultation with Dr. Penni Stewart (CAUT President) and Dr. Vic Catano (Chair of the CAUT Academic Freedom and Tenure Committee), the CAUT Executive Director, Dr. James Turk, established an ad hoc investigatory committee to look into the situation at CMU and to report to CAUT. Chosen to serve on this investigatory committee were Dr. John A. Baker, Department of Philosophy, University of Calgary, and Dr. Mark Gabbert, Department of History, University of Manitoba.

On April 25, 2008, Dr. Turk wrote to Dr. Gerald Gerbrandt (President of CMU) informing him of the establishment of the investigatory committee, of its membership, and of the procedures under which the Committee will pursue its inquiries. He stated:

We are concerned that the Canadian Mennonite University may be denying academic freedom to some of its academic staff by requiring a statement of faith – implicitly or explicitly – as a condition of initial and/or continuing employment. We are not sure that this is the case, and our informal efforts to investigate the matter have raised more questions than provided clear answers.

Accordingly, we have appointed a two-person ad hoc investigatory committee to look into the situation more formally and to provide a report to our Academic Freedom and Tenure Committee. I am writing to you in the hope that you or your designate would be willing to meet with the committee so they could learn more about the practices at CMU and be in a position to provide a fair and accurate report to CAUT.

¹ “CAUT Procedures in Academic Freedom Cases Involving Allegations of Requirement of an Ideological or Faith Test as a Condition of Employment”. [<http://caut.ca/pages.asp?page=516&lang=1>].

Professors Baker and Gabbert will be in touch with you in the near future to see if you would be willing to meet and let them learn more about practices and policies at CMU. They would be pleased to visit CMU at your convenience.

Dr. Gerbrandt replied to Dr. Turk in a letter which was received by the CAUT on 29th May, 2008. In that letter Dr. Gerbrandt agreed to meet with the investigatory committee. He said:

Canadian Mennonite University has a somewhat complex nature so it is not surprising that your informal effort to investigate our approach resulted in some questions. I would be pleased to receive an invitation for further conversation about our situation with the two-person committee you have appointed. Given that we have recently appointed a new Vice President Academic, Dr. Earl Davey, who will take office in July, there may be some advantage in waiting for the conversation until he arrives.

The investigatory committee after consulting with the CAUT Executive Director decided to delay the meeting with Dr. Gerbrandt as requested and to move directly to other parts of their inquiries. They reviewed various documents which had been made available to them, including documents concerning history of CMU and its hiring procedures. The committee also met with two erstwhile CMU professors to review their perception of the issues and of the situation facing faculty especially at Menno Simons College. These meetings took place in Winnipeg in June, 2008.

On 4th September, 2008, acting for the Committee, Dr. Baker emailed Dr. Gerbrandt asking if it would be possible for the Committee to meet with him and Dr. Davey on the Tuesday of the third week of September, 2008. In the letter Dr. Baker reported to Dr. Gerbrandt that the focus of the investigatory committee's questions would will be (1) whether there is a faith test as an explicit or de facto condition of employment — either in the initial hiring process or practice or in the conditions of continuing employment — either at Canadian Mennonite University or at its constituent colleges and (2) whether CMU or its constituent colleges allows faculty members academic freedom once they have been hired.

Dr. Gerbrandt replied to Dr. Baker's email on September 9th and a two hour meeting between the investigatory committee and Drs. Gerbrandt and Davey was arranged for September 16th.

On September 16th the investigatory committee met with Drs. Gerbrandt and Davey at the Shaftesbury campus of CMU; and in a very frank and useful meeting the committee was able to review with Drs. Gerbrandt and Davey the history of the developments at Canadian Mennonite University and at Menno Simons College and to discuss in detail the official procedures which had in 2007 been adopted to address issues in relation to faith tests at Canadian Mennonite University and Menno Simons College. In the course of that meeting Dr. Gerbrandt provided the Committee with a copy of an Agreement between Menno Simons College and the University of Winnipeg, the Agreement being signed on 4th August, 1988. He also undertook to provide to the investigatory committee a copy of the CMU *Personnel Policy Handbook* [June, 2007], the official document now governing such matters as the procedures for the appointment of faculty and the conditions for the granting of tenure. This was emailed to us later on the day of the meeting.

In June 2009 the investigatory committee met in Winnipeg again to interview various other past and present CMU and/or Menno Simons College faculty.

1. Historical Background

In August 1998, by an act of the Manitoba Legislature,² the Mennonite College Federation was legally established. The act made possible a merger (finalized in November, 1998) of Mennonite Brethren Bible College/Concord College (established 1944), Canadian Mennonite Bible College (established 1947), and Menno Simons College (established 1989).³ The new institution taught its first courses in September 1999, and in 2000 the Mennonite College Federation was renamed “Canadian Mennonite University.”⁴ The main campus of the new university was eventually established at 500/600 Shaftesbury Boulevard in Winnipeg.⁵ Canadian Mennonite Bible College and Concord College occupied the main campus, but Menno Simons College “remained in downtown Winnipeg as CMU’s campus at the University of Winnipeg.”⁶ Though officially integrated into CMU, Menno Simons College nevertheless kept a separate identity and, as will become clear below, in 2007 became subject to hiring and employment policies somewhat different from those binding on other CMU faculty. In October, 2008, CMU became a member of the Association of Universities and Colleges of Canada.⁷

It is worth noting that of the three founding colleges, Canadian Mennonite Bible College and Concord College, were both essentially theological colleges, devoted primarily⁸ to providing religious education in the Anabaptist-Mennonite tradition. Menno Simons College, in contrast, was (though according to its website “rooted in the Anabaptist-Mennonite tradition”) not a theological institution but was devoted to teaching “peace and conflict resolution” and “development” studies to students most of whom were

² The statute granting this charter is entitled “The Mennonite College Federation and Consequential Amendments Act”. It is posted online at <http://web2.gov.mb.ca/laws/statutes/1998/c04998e.php> (last accessed on July 23, 2009).

³ We note with surprise that on the same website we found the url http://www.cmu.ca/about_foundingcolleges.html#msc (last accessed July 29th, 2009) where the founding date for Menno Simons College is given rather differently:

In response to a petition presented by the Friends of Higher Learning, the Manitoba government passed legislation in 1982 providing a charter for the establishment of Menno Simons College, an autonomous institution with degree granting powers. Three years later the Mennonite Studies Centre was established on campus at the University of Winnipeg to conduct teaching, research, and service activities, and to create Menno Simons College. On August 4, 1988, Menno Simons College officially came into existence as an undergraduate college affiliated with the University of Winnipeg. During the following academic year, the college offered its first courses toward majors in International Development Studies and Conflict Resolution Studies.

⁴ http://msc.uwinnipeg.ca/about_msc_03.html (last accessed August 3rd, 2009).

⁵ The purchase of the property at 500 Shaftesbury Boulevard was completed on May 14th, 1999. See http://www.cmu.ca/about_story.html (last accessed August 16th, 2009).

⁶ See the CMU site http://www.cmu.ca/about_story.html (last accessed August 16th, 2009) and the Menno Simons site (http://msc.uwinnipeg.ca/about_msc_03.html) cited above in footnote 4.

⁷ http://www.aucc.ca/can_uni/our_universities/mennonite_e.html (last accessed August 14, 2009).

⁸ Though also teaching courses in music and liberal arts: see http://www.cmu.ca/about_foundingcolleges.html (last accessed August 16th, 2009).

registered as students at the University of Winnipeg.⁹ Menno Simons College was originally the project of the Mennonite Friends of Higher Education, who established it in the 1970s. In 1982, the Manitoba Government granted Menno Simons College legal recognition and the right to award degrees. Thereafter it made links with the University of Winnipeg, first in the form of the Mennonite Studies Centre (1985) and then, in August 1988, as an affiliated college which taught its first students in September 1989.¹⁰

For a period of time after the three colleges were officially amalgamated, each college retained its own administration but in 2003 a single administration and board of governors was established and Dr. Gerald Gerbrandt became CMU's President. In fact, two of the original colleges were absorbed entirely into the main campus at Shaftesbury Boulevard, only Menno Simons College retaining a separate location. This said, it is important to be clear at the outset that, though in the following special attention will be given to the situation of faculty at Menno Simons College, those faculty are, in fact, employees of CMU.¹¹

As will emerge below, it is our conclusion that Menno Simons College's eventual incorporation into the CMU was problematic both for the CMU and for the faculty of Menno Simons College in large part because at least some of the faculty appointed to Menno Simons College saw themselves as functioning as much as University of Winnipeg faculty members as members of Menno Simons College.¹² Correspondingly, they thought of themselves as having the same academic rights and responsibilities as faculty at the University of Winnipeg and as having academic freedom *in the same sense and to the same degree* as University of Winnipeg faculty members.¹³ That Menno Simons College faculty members considered themselves as occupying a special situation was the primary source of the difficulty faced by the administration of the new CMU when formulating policies to govern hiring, tenure and academic freedom at Menno Simons College. Discussions about these issues preoccupied the Menno Simons College faculty through the years leading to the final adoption of a hiring policy at Menno Simons

⁹ For an account of the *current* rôle of Menno Simons College in the University of Winnipeg see the statements "Our Mission" and "Our Educational Context" at http://msc.uwinnipeg.ca/about_msc_01.html (last accessed on July 29th, 2009). This url is part of the University of Winnipeg website devoted to the Menno Simons College.

¹⁰ See http://msc.uwinnipeg.ca/about_msc_03.html (last accessed August 3rd, 2009).

¹¹ The above brief timeline of the history of Menno Simons College is taken from the part of the University of Winnipeg website devoted to Menno Simons College: see http://msc.uwinnipeg.ca/about_msc_03.html (last accessed August 3rd, 2009). The rest of the general history of CMU is taken from the CMU website: http://www.cmu.ca/about_story.html (last accessed on August 16th, 2009).

¹² This was reported to the committee in separate interviews by Professors Wilder Robles and Judith Harris on 24 June, 2008. From 2001 to 2007, Professor Robles held a tenure track appointment as Assistant Professor of International Development Studies at Menno Simons College. He currently holds a tenure track appointment as Assistant Professor of Family Social Sciences in the Faculty of Human Ecology at the University of Manitoba. From 1998 to 2007, Professor Judith Harris, PhD, was Assistant Professor and then Associate Professor of International Development studies at Menno Simons College. She received tenure at Menno Simons College in 2003. At the time of the interview she was a tenured Associate Professor in the University of Winnipeg's programme in Urban and Inner City Studies.

¹³ Testimony by Professors Wilder Robles and Judith Harris to the investigatory committee in separate interviews on June 24th, 2008.

College in 2007¹⁴; and in fact in this policy the CMU Board acknowledged the special situation of Menno Simons College faculty members.

In the years immediately following the founding of CMU the administration of CMU began to develop various policies which were meant to apply to all CMU faculty, both those at the main campus of CMU and those at Menno Simons College. For example, on June 14th, 2003, the Board of Governors of the CMU adopted a policy on academic freedom¹⁵ to cover the entire faculty at CMU including those at Menno Simons College. There was much discussion about the possible implications of the adoption of common policies for all faculty, especially policies governing hiring and continuing employment of faculty.¹⁶ Of particular concern was the possibility that a common policy on hiring might be based on the Christian mission of CMU which, it was felt by some faculty at Menno Simons College, would constitute an infringement of their academic freedom.¹⁷ There was also deep concern felt by such faculty about the increasingly Christian orientation of CMU, an orientation which, it was thought, was being imposed on Menno Simons College and its faculty. Finally on October 19th, 2004, three of the Menno Simons College faculty, Professors Wilder Robles, Judith Harris, and Mark Burch (an adjunct professor), wrote to Dr. Lloyd Axworthy, then President of the University of Winnipeg, saying:

Over the past six years, since Menno Simons College became part of the Canadian Mennonite University (CMU), there have been fundamental changes in structures, which we strongly believe are contrary to academic freedom. Specifically, there are current efforts at CMU to slowly push Menno Simons College towards a more explicitly Christian orientation. If these efforts are successful, and there are indications that this is already the case, the implications for curriculum changes at Menno Simons College are enormous. We ourselves are deeply disturbed by this trend. We are feeling ourselves increasingly marginalized from the decision-making process and valued merely as cheap intellectual labor. We have openly expressed our concerns to the Menno Simons College and CMU administration through Faculty and Senate.

¹⁴ See especially section A: *Employee Policies*, sub-section A1.1 “Faith and Hiring” of the *Personnel Policy Handbook* (revised June 2007). Attached as Appendix 2.

¹⁵ This appears without apparent change as section C8 of the 2007 version of the *Personnel Policy Handbook*. Attached as Appendix 4.

¹⁶ That there was extensive discussion is clear (i) from the October 19, 2004, letter to Lloyd Axworthy, President of the University of Winnipeg, from Professors Robles, Harris, and Burch, and (ii) from the November 21st, 2005, email from President Gerbrandt, subject “Consultation about CMU structures”. See Appendix 5 for the former, Appendix 6 for the latter, and see Appendix 7 for the report (written by Reg Toews) to which President Gerbrandt refers. The existence of discussion was also reported in testimony by Professors Robles and Harris to the investigatory committee in separate interviews on June 24th, 2008.

¹⁷ Such was the pressure to hire only Christians into tenure track positions that in 2002 at least one sessional faculty member at Menno Simons College was told not to apply for a tenure track job on grounds that the person was not a Christian. Testimony by Professor Anne Goodman to the investigatory committee. At the time of the interview (14 May 2009), Anne Goodman, PhD, was Assistant Professor of Adult Education at OISE. During the 2001-2002 academic year, Dr. Goodman was Distinguished Visiting Professor of Peace and Conflict Studies at Menno Simons College.

Unfortunately, our voices are a minority in the midst of a silent majority. The Culture of Silence has fallen upon the Menno Simons College Faculty.¹⁸

In February, 2006, a CMU-University of Winnipeg Joint Task Force was appointed by Dr. Axworthy and Dr. Gerbrandt “to seek a solution to questions regarding the hiring policy of Menno Simons College.” This committee reported on April 4, 2006 (for a discussion of this document see below, p. 16ff., and for the text of the report see Appendix 8 below). On June 20th, 2007, a hiring policy was adopted by the Board of Governors of CMU: this policy incorporated special provision for faculty teaching at Menno Simons College.¹⁹ Some faculty at Menno Simons College still felt strongly that these modified provisions infringed their academic freedom. In interviews with us, these faculty reported that, although they were completely comfortable subscribing to a mission entailing a commitment to peace, justice, and non-violence, they were very uncomfortable with a more specific and demanding commitment to a Christian, let alone to an Anabaptist or Mennonite interpretation of the mission.²⁰ We do not have evidence as to the views of current faculty members at Menno Simons College about the hiring policies that came into effect in 2007. It may be that all of them are perfectly content with these policies. We address the question of significance of any such acceptance of such policies this on p.14 below.

2. CMU Policies Governing the Role of Faith in Relation to Academic Freedom:

As the description of the historical background to the subject of this investigation makes clear, the situation of the faculty at Menno Simons College is rather different from that of the faculty in the rest of CMU. For this reason, the examination of the official employment and academic freedom policies at CMU is presented in two sections.

In the first section (section 2.1 below) we present and provide evidence for our conclusions about whether there is an explicit faith test as a condition of hiring, continued employment, and tenure at Canadian Mennonite University itself and about the implications of these policies for the official CMU policy on academic freedom. It is our conclusion that the conditions governing hiring, continued employment and tenure at Canadian Mennonite University do explicitly impose a faith test and that there is indeed an infringement of academic freedom.

In the second part (section 2.2 below) we present and provide evidence for our conclusions about whether in the rather different policies applying to Menno Simons College faculty the faith test is in effect set on one side. Despite the attempt by the Board of Governors of Canadian Mennonite University to formulate a policy which “differentiates” the employment situation of faculty at Menno Simons College in order to pay due attention to “the distinctive sub-mission of Menno Simons College within CMU, and the College’s affiliation with the University of Winnipeg,” we are forced to conclude,

¹⁸ See Appendix 5 for the text of this letter.

¹⁹ See Appendix 2. As noted earlier, this document was originally entitled “Mission, Faith and Hiring”. The text was integrated into the CMU *Personnel Policy Handbook* as section A1.1 under the heading “Faith and Hiring”.

²⁰ Testimony by Professors Wilder Robles and Judith Harris to the investigatory committee in separate interviews on June 24th, 2008.

firstly, that the special policies adopted to govern the *hiring* of faculty at Menno Simons College in fact leave room in the ways we will describe for the use of a faith test in that process; secondly, that, since the CMU policies governing *continued employment* of faculty apply also and equally to faculty at Menno Simons College and do so without special consideration being given to the significance of the distinctive sub-mission of Menno Simons College, these policies also enable the use of a faith test in ways which we will describe; thirdly and similarly, that the CMU policies governing the granting of *tenure* involve the use of faith tests even for faculty at Menno Simons College, again without special consideration being given to the significance of the distinctive sub-mission of Menno Simons College; and, fourthly and consequently, that the existence of these various policies entail an infringement of the academic freedom of faculty at Menno Simons College.

2.1. Is there an explicit faith test as a condition of employment at CMU?

It is unambiguously the case that Canadian Mennonite University is an avowedly Christian post-secondary institution and that its mission is centrally determined by religious concerns. This is signalled from the outset in CMU's mission statement, which reads as follows:

Canadian Mennonite University is an innovative Christian university, rooted in the Anabaptist faith tradition, moved and transformed by the life and teachings of Jesus Christ. Through teaching, research and service CMU inspires and equips women and men for lives of service, leadership and reconciliation in church and society.
(Approved by the CMU Board of Governors October, 2003)²¹

That a university's mission statement makes explicit reference to some religion is not by itself sufficient to establish that that university has adopted a faith test in its policies governing the hiring, continuing employment, and tenure of its academic staff. More would be needed to establish that CMU's policies governing academic freedom, hiring and continuing employment did *de iure* or *de facto* impose any sort of faith test.

We begin our examination of this question by considering the explicit statements in the 2007 *Personnel Policy Handbook* about faith and its relation to the processes of appointment, continued employment, promotion, and tenure, and to academic freedom. Though other sections of that document are relevant, two sections are centrally important: section A1.1 *Faith and Hiring*, and section C8 *Academic Freedom*. We begin with *Faith and Hiring*.²²

²¹ See http://www.cmu.ca/about_mission.html (last accessed July 21, 2009). This same mission statement is also included as the opening paragraph of the section headed "Personnel Policy Manual Preamble" at the very beginning of the 2007 *Personnel Policy Handbook*.

²² As noted earlier, this section had slightly earlier been published to faculty under the title *Mission, Faith and Hiring*. It had been incorporated into the 2007 *Personnel Policy Handbook* as section A1.1. See Appendix 2. In what follows the investigatory committee will use the text and title as found in the official 2007 *Personnel Policy Handbook*. To avoid extensive footnoting, references in the text will be made to the specific sections of the 2007 *Personnel Policy Handbook* that are under discussion, and complete versions of the sections cited are also attached as appendices.

2.1.1. The Hiring Policy at CMU

The hiring policy at CMU itself is set out in section A 1.1 of the *Personnel Policy Handbook*. The policy is presented under several headings: “Foundational Principles,” “Main Campus and Outtatown,” “Menno Simons College” and “Conflict and Changing Positions.” The section “Menno Simons College” applies only to faculty at that college. The sections “Foundational Principles” and, as we will later explain, “Conflict and Changing Positions” apply to all faculty at CMU, including those at Menno Simons College. The section “Main Campus and Outtatown” is meant to apply to CMU faculty other than those at Menno Simons College.

Section A 1.1. *Faith and Hiring* begins with a strong affirmation of the Christian and more specifically the Anabaptist traditions and goals of the CMU. It emphatically declares that the educational rôle of the institution as a university is ‘rooted in’ this tradition and that, though ‘leaders and scholars have a responsibility to question ... the teachings and positions of the church’ they also have a duty ‘to affirm’ these teachings and positions. The document’s opening declaration of “foundational principles” affirms the CMU mission statement and the institution’s Christian character. It states that “the Christian faith perspective thus is foundational to CMU’s mission statement” and that being a Christian implies more than mere assent to a confession of faith but also “implies personal commitment and active involvement in a particular community of faith.”

Under the heading “Main Campus and Outtatown”²³ it is stipulated that:

All employees based at the Main Campus or Outtatown, whether faculty members, administrators or support staff, are part of the educational community. *It is essential that they are able to fulfill their assignments in a manner that serves the mission* [italics added].

Because the Main Campus and Outtatown programs of CMU seek to animate the mission of CMU in a holistic, consistent and explicitly Christian manner, and because staff and faculty significantly shape the ethos, communal character, pedagogy, curriculum, and on-going program of the institution, *it is expected that all regular faculty and staff in these programs are Christian, even as they are open to engaging with integrity other traditions* [italics added]. With this approach, CMU stands in a long history of church-related post-secondary institutions, while participating in this history in a manner consistent with the Anabaptist-Mennonite faith tradition.

Education at CMU does not happen only within the classroom, but through the total experience. The way students interact with faculty outside of the classroom; the culture of the residential and athletic programs; the way they relate to maintenance and support staff; the way students are treated in administrative offices – all contribute to the educational experience of the students. This means that not only faculty are teachers, but all staff become teachers as they model their faith through interaction with each other and students. *The roles of non-classroom staff may not require the*

²³ “Outtatown” staff are staff involved in CMU activities *outside* Winnipeg. “Outtatown” is described on the CMU website as being “CMU’s eight-month adventure and discipleship program that finds students serving and learning in western Canada, South Africa and Guatemala”. See http://www.cmu.ca/about_cmu.html (last accessed August 16th, 2009).

systematic or academic reflection on the Christian faith expected of faculty, Outtatown leaders and senior administrators, but they contribute in a significant way to the educational program, and thus also are expected to be Christian [italics added].

Many staff positions require close engagement with the church. Some are engaged in recruiting students in church audiences, soliciting donations or other aspects of church relations.

Faculty members, Outtatown leaders, and senior administrators have oversight over programs and policies, and the responsibility of representing, teaching and interpreting the faith tradition both within and outside the institution. As such, they are expected to be Christian, and be in sympathy with and have respect for the Mennonite faith perspective [italics added].

Faculty members will meet academic criteria at least as rigorous as those practiced by other Canadian universities. *Additionally, the following faith-related criteria will apply to all employees based at the Main Campus or in Outtatown [italics added]:*

1. *self-identification as Christian [italics added];*
2. *active participation in the life of a Christian congregation [italics added];*
3. *affirmation of the confessional statement of one of the constituent denominations, or, if a member of another denomination or tradition, of the confessional tradition of his or her denomination [italics added];*
4. understanding of the Anabaptist faith tradition, or commitment to developing an understanding of Anabaptist Christian teachings, tradition and practice;
5. commitment to a process of careful and deliberate reflection on how their faith and practice interact with their assignment (administrative or staff role, scholarship, teaching, etc.).

We conclude that the above quotations are sufficient to establish that there exists a faith test as a condition on hiring for CMU faculty who are employed at main campus or Outtatown.

It is important to notice that “conditions of employment” should be understood not only as conditions on *hiring* but also as conditions on *continued employment*. A subsection of the section *Faith and Hiring* explicitly addresses this matter. This subsection is headed “Conflict and Changing Positions”:

Canadian Mennonite University is a university committed to the individual and communal search for truth. As a Christian university within the Anabaptist tradition, it understands the Christian faith as supporting and encouraging such a quest. It is recognized that in this process there will be times when people disagree with each other, but that is part of the search. The CMU statement on Academic Freedom reflects this commitment, outlining the freedoms and responsibilities of faculty members and students.

If an employee’s outlook changes to the point where that individual is no longer able to embrace and advance the mission of the institution, or impedes effective performance, it is appropriate for the individual and the employer to review whether continued employment is appropriate. Should there be disagreement as to whether

continued employment is appropriate, the CMU policy on Grievance and Conflict Resolution may be invoked. [italics added]

The second italicised paragraph, carefully worded though it is, makes clear that *loss of faith or taking a position contrary to CMU's faith based mission* can call in question the *continued employment* of a CMU faculty member. This is a very serious infringement of the academic freedom of faculty at Canadian Mennonite University since the paragraph poses the threat of dismissal if, in the course of carrying out the search for truth, a faculty member takes positions that could be considered contrary to the Anabaptist-Mennonite "world view". Such a threat is clearly incompatible with the unfettered search for truth which is fundamental to academic work and which academic freedom is designed to protect.²⁴

Thus, under the policies of CMU, faith serves as both a condition for *hiring* and as a *condition for continued employment* by the University.

Further confirmation for this finding emerges at various points in sections C3-7 of the *2007 Personnel Policy Handbook*: these sections state the Canadian Mennonite University policies on appointment, promotion and tenure.

The Committee noted in particular the following clause in Section C4 "Criteria for Appointment, Promotion, and Tenure", subsection C4.1.2 "Service:"

Reflecting the tradition of Canadian universities, *and recognizing that CMU is supported by the constituent churches to serve the Christian gospel, it is expected that each academic appointee shall make contributions in the area of service* [italics added].²⁵

This passage indicates that service to the various constituent churches is given a measure of priority that distinguishes CMU. It is not, of course, stated whether in a case of failure to carry out this particular form of service other forms of service activity might compensate. What is clear, however, is that the absence of such service could reasonably become an issue in evaluating the performance of an academic for promotion, tenure or continuing employment.

Also to be noted is the following passage from Section C4.3.5 "Criteria for Appointment with Tenure"²⁶:

(a) Has demonstrated a commitment to *advance the mission of the institution* [italics added];

...

(e) Has contributed to the development of the University through accepting and discharging administrative service, and *has performed service to the church*

²⁴ See the CAUT Policy Statement on Academic Freedom at [<http://www.caut.ca/pages.asp?page=247&lang=1>] and the UNESCO Recommendation concerning the Status of Higher Education Teaching Personnel at <http://unesdoc.unesco.org/images/0011/001102/110220e.pdf#page=32> [last accessed September 9th, 2009].

²⁵ See Appendix 3 below.

²⁶ See Appendix 3 below for the full text.

and/or community, with a commitment to significant on-going service in these areas [italics added]

At the top of the list of criteria for appointment with tenure there is, therefore, what amounts to a requirement that candidates for tenure demonstrate that through their academic work they have promoted CMU's faith based mission. This passage also imposes a requirement on tenure committees and administrators to assess the candidate's apparent commitment to the mission. Presumably, a failure to demonstrate such commitment could be grounds for denial of tenure. Then, at the end of the list of criteria, there is a return to service to the church as a component of service; and though there is a softening of this requirement by reference to service to the community, it is not clear in this document what service to the community might mean. In any case, these passages undeniably call for a tenure committee to assess whether the candidate for tenure has indeed both "demonstrated a commitment to *advance the mission of the institution*" – a mission which is avowedly Christian – and '*performed service to the church and/or community, with a commitment to significant on-going service in these areas*'.

2.1.2. Faith and Academic Freedom at CMU

In the section "Foundational Principles" of section A1.1 *Faith and Hiring* in the 2007 *Personnel Policy Handbook* it is claimed that the hiring policy of the CMU is "complementary to" and "not in contradiction" with the CMU policy on academic freedom. In this section we examine this claim and its significance. We conclude that, just as the hiring policy imposes a faith test for hiring and for continued employment, so too the academic freedom policy is formulated in a way that assigns a rôle to a faith test in decisions about what is to count as an acceptable exercise of academic freedom, thereby rendering the policy inadequate for the protection of academic freedom.

Policies on academic freedom at CMU are set out in section C8 *Academic Freedom* of the 2007 *Personnel Policy Handbook*.²⁷ According to this section of the Personnel Policy Handbook the policy stated there was approved by the CMU Board of Governors on June 14, 2003.

The section begins with a preamble which states:

Canadian Mennonite University's understanding of academic freedom is shaped by its identity as an institution rooted in Anabaptist-Mennonite beliefs, and is linked to its mission as expressed in the CMU Mission Statement.

This preamble reveals right at the outset that the CMU policy on academic freedom departs in its understanding of academic freedom from that common in universities across Canada. We return to this issue below.

After the preamble there is a section headed "Principles":

Members of the CMU academic community believe that human knowledge is finite and partial, and that knowledge is produced, evaluated, stored and transmitted within particular societal contexts. Our society is composed of many overlapping communities and institutions whose good is served by an active pursuit of knowledge from within diverse worldviews.

²⁷ See Appendix 4 below.

The foregoing passage might be taken to be a defence of a pluralist interpretation of the pursuit of knowledge, an interpretation consistent with respect for academic freedom. But it soon becomes clear that it is but a first step in an attempted justification of CMU's imposition of one particular perspective, namely that encapsulated in the Anabaptist commitments stated in the initial mission statement. The first step in this attempted justification makes a claim about the stakeholders to whom CMU and its faculty are accountable:

Canadian Mennonite University functions within and for several communities and relates to other institutions, both formally and informally. The University has relationships with its sponsoring bodies, the Province of Manitoba, the post-secondary academic community, churches and other Christian institutions, and society at several levels. *The academic faculty of Canadian Mennonite University are members of faith communities* [italics added], members of learned and professional organizations, citizens, and members of global society. Its students are also citizens and members of global society; they may or may not be members of faith communities. *This web of relationships gives rise to institutional and individual accountability* [italics added].

The next step in the attempted justification affirms that, although faculty have a right to academic freedom (and a duty to exercise the right), the exercise of the right must be acknowledged to require a balance between exercise of the right and certain responsibilities:

Canadian Mennonite University as an institution, its individual academic faculty and its students all have the right to academic freedom, which comes with attendant responsibilities, and they all have the duty to exercise this right. The members of the CMU academic community recognize that in the exercise of their academic freedom, a balance between rights and responsibilities may occasionally be difficult to achieve.

In the next passage the matter of responsibilities that allegedly regulate the use of academic freedom is *specifically* linked to the unacceptable proposition that CMU itself enjoys institutional "academic freedom" and that this "academic freedom" gives it the *right* to impose faith based limits on the exercise of that freedom by its faculty:

The academic freedom of Canadian Mennonite University as an institution consists of the right to nurture a community of scholars who delight in knowledge, and who desire to and are able to seek truth within the context of an Anabaptist-Mennonite worldview without infringement by political and church authorities, donors to the institution, or any others. [italics added]

The final step of the attempted justification makes a claim which cannot but be interpreted as affirming CMU's right and obligation to ensure that faculty exercise their academic freedom rights in ways which are consistent with the faith based mission of CMU and which "promote the good of the... communities... to which it is accountable." The document states:

Canadian Mennonite University has the responsibility to foster and protect the academic freedom of its members and to use its institutional position and resources in ways that are consistent with its mission and that are intended to promote the good of the various communities and organizations to which it is accountable [italics added]

Several comments about the above claims and about the reasoning based on these claims are in order here.

Firstly, the *Personnel Policy Handbook* confuses *institutional autonomy* with institutional *academic freedom*: Universities may be said to have *autonomy* but not *academic freedom*. It is absolutely fundamental that academic freedom always and exclusively resides in the individual faculty member and that academic institutions do not have and should not be said to have academic freedom. Institutional autonomy is important but one of its most important uses is precisely to *protect* the academic freedom of the individual faculty member from interferences by outside agencies, whether governmental, corporate, or religious. Certainly, nothing can warrant using institutional autonomy as the basis for fettering the search for truth by imposing an obligation to undertake this search within the framework of a particular religious tradition.

Secondly, the claim that the Canadian Mennonite University has *as an institution* the right to place limits on the academic freedom of its faculty is to claim for institutions a right that they simply should not be and cannot be viewed as having whether we call that purported institutional right academic freedom or institutional autonomy.

Thirdly, for CMU to claim that it has a right as an institution to place limits on the academic freedom of its faculty whilst at the same time in effect allowing some external bodies (“its sponsoring bodies” and “churches and other Christian institutions”) to impose *their* values and goals on the way it functions manifests clear *failure of purpose*: such a claim puts in jeopardy both the academic freedom of CMU faculty and, ironically, the autonomy of CMU itself.

Fourthly, to claim (as in the above quotation) that *responsible* exercise by faculty of their academic freedom requires that they act in ways “*that are consistent with [the CMU] mission and that are intended to promote the good of the various communities and organizations to which [CMU] is accountable*” is to define “responsible exercise of academic freedom” in a wrongheaded way. Responsible exercise of academic freedom *can only* be defined in relation to factors *integral to the pursuit of truth* and hence *cannot* be defined as or as entailing a duty to promote a religious goal or the aims of some specific religious, community or interest group.

It may be that it is to provide reassurance on these matters and indeed hoping to disarm criticisms along the above lines that, in the next paragraph of the policy on academic freedom, it is stated that

For academic faculty, academic freedom consists of the right to discuss and criticize, to carry out research and publish the results of that research, subject to commonly accepted scholarly standards, but free from infringement by political or church authorities, administrators, by donors to the institution, or by other academic faculty. Academic faculty have the right to speak prophetically to the church and to society at large about matters within their purview, including Christian and specifically Anabaptist-Mennonite beliefs and practices.

Here language is chosen which bears a relationship to the language familiar to faculty in non-religious institutions: but immediately afterwards in the same paragraph the following limiting passage appears:

... Having freely chosen to work at and participate in the mission of Canadian Mennonite University, academic faculty have a responsibility to exercise their academic gifts and use their academic positions in ways that are intended to promote the good of the communities and organizations to which they belong, and to which Canadian Mennonite University is accountable. The academic freedom of faculty members is subject to the responsibilities described above and to the guidelines given below. [italics added]

The implication here is that *in accepting appointment at Canadian Mennonite University* faculty members implicitly accept as a limitation on their academic freedom that such academic freedom will only be exercised within the Anabaptist-Mennonite world view.

Such an attempt to justify this limitation on academic freedom is both unsuccessful and unacceptable. Firstly, academic freedom should not be understood as allowing such limitations even if some individual faculty would agree to them at the time of their appointment; secondly, individual faculty should not be viewed as having a right by their voluntary act to give up their fundamental academic rights²⁸; and, thirdly, in any case the first sentence of the paragraph quoted above is undermined by the rest of the paragraph in ways that reveal that indeed a faith test is present with all the limits to academic freedom that such a test entails. It is our view that the suggestion that CMU can argue on the basis of this paragraph that academic freedom is adequately protected is, to say the least of it, jejune.

To appreciate the full force of our concern about the language in this policy one need only note how an arbitrator might assess a claim that a CMU faculty member's academic freedom had been infringed. Certainly, an arbitrator could reasonably conclude that the intention of the policy makers was to allow to faculty the academic freedom to engage in their teaching and writing as they judged fitting, *but only within the limits set by CMU's mission and its responsibility to the communities and organizations to which CMU is "accountable", institutions and communities which are importantly of a religious character*. Such an interpretation would be supported by reference to the CMU mission statement and its charter. Moreover, it could be concluded by an arbitrator that faculty at such institutions have "freely chosen" to be there, so they have to follow the rules, *despite* fine general statements about their rights to academic freedom. It would be reasonable for an arbitrator to conclude that the rules are designed to permit certain forms of criticism but not others; and that the employer would be in a position to forbid any criticism it deemed contrary to the religious mission of CMU. However much such criticism might be justified by assessments anchored in "commonly accepted scholarly standards" it could still be rejected as inconsistent with the obligation to promote the institutional mission and the good of CMU's various constituencies — not to mention with the provision that CMU will employ faculty members "*who desire to and are able to seek truth within the context of an Anabaptist-Mennonite worldview*" (see the indented paragraph beginning "*The academic freedom of Canadian Mennonite University as an institution consists of the right to nurture a community of scholars ...*" above).

²⁸ In this sense we might say that the right to academic freedom is *inalienable* in the same sense as the right not to be enslaved is inalienable.

It is, we think, worth adding here that at the time we interviewed President Gerbrandt and Vice-President Davey, the CMU grievance policy consisted of a procedure the results of which were *merely advisory* to the CMU Board of Governors, the Board retaining power to make a final determination in any dispute. Since then, there has been discussion of making the arbitration procedure binding on the CMU Board. Though this would be a very important improvement for CMU faculty, the arbitrator would still be limited to adjudicating whether the policies currently in place had been violated. As we argue here, those policies violate the academic freedom of CMU faculty. Making an arbitrator's decision binding on the Board would have limited effect if the jurisdiction of the arbitrator remains bound by the existing objectionable policies.

The language of the CMU policy on academic freedom borrows freely from somewhat similar language used in the academic freedom policies of almost every university in Canada, language found in the CAUT 'Policy Statement on Academic Freedom'²⁹, and this has the effect of creating an impression that CMU shares CAUT's definition of academic freedom; but this affirmation is immediately and fundamentally undercut in other passages of the policy on academic freedom which oblige the academic to operate in a way that is consistent with CMU's religious mission and acceptable to the various constituencies which CMU has committed itself to serve. Where, in any given case, the line separating the acceptable and unacceptable exercise of academic freedom would be counted as having been crossed is not clear; but there can be no doubt that the policy permits CMU's administration and board to draw such a line or that the line could be determined by an assessment of the religious acceptability of the academic work in question. In almost all other Canadian universities, this policy would be rejected since it imposes a fetter on the pursuit of truth and opens the way for the institutional censorship on religious grounds of the work of individual academics. In summary, CMU's general policy on academic freedom is a very carefully crafted piece of writing that is designed to require faculty members to exercise their academic freedom in a way that is consistent with the religious mission and commitments of the institution. As such, the protections for academic freedom it promises are severely undermined by a constant return to various forms of the faith test.

2.2. Is there an explicit faith test as a condition of employment at Menno Simons College?

As noted earlier, Canadian Mennonite University was originally constituted through the merger of three previously autonomous institutions, two of which were basically bible colleges and the third, Menno Simons College, had been established to provide a Mennonite perspective on international development and peace and conflict studies. Prior to the establishment of CMU, Menno Simons College existed for a decade as an autonomous institution with an affiliation to the University of Winnipeg, where it offered courses to University of Winnipeg students interested in matters related to the problems of development and peace. Though it had a Mennonite identity, as an affiliated college of the University of Winnipeg and as an institution with its own autonomous governing body, its academic culture was somewhat akin to that of the University of Winnipeg.

²⁹ As noted above, the CAUT Policy Statement on Academic Freedom can be found at <http://www.caut.ca/pages.asp?page=247&lang=1>.

Questions of academic freedom at Menno Simons College really only arose after Menno Simons College's integration into Canadian Mennonite University in the years following the creation of CMU in 1998: this integration led to attempts by the authorities of Canadian Mennonite University to insist that faculty at Menno Simons College accept policies which reflected the Canadian Mennonite University's Anabaptist-Mennonite commitments in ways consistent with CMU's mission.³⁰ We became aware of at least one case during this early period in which an academic was told by a Menno Simons College administrator not to apply for a permanent position at Menno Simons College since the academic in question was not a Christian.³¹

As noted above, several Menno Simons College faculty members were deeply concerned about these developments and on October 19th, 2004, three of them, Professors Wilder Robles, Judith Harris and Mark Burch, wrote to Lloyd Axworthy as President of the University of Winnipeg expressing their great concern about the situation at Menno Simons College seeking his assistance in defence of their academic freedom.³² The matter became serious enough that in February 2006 Drs. Axworthy and Gerbrandt appointed a Canadian Mennonite University-University of Winnipeg Joint Task Force "to seek a solution to questions regarding the hiring policy of Menno Simons College."³³ The members of the Joint Task Force were listed as being Alaa Abd-El-Aziz, Jerry Buckland, James Christie, Royden Loewen, Dean Peachey, and Gordon Zerbe.

The Task Force report was submitted on April 4th, 2006. The report begins by stating that it had identified certain "goals for a revised hiring policy at Menno Simons College":

- 1 To advance the distinctive mission and ethos of Menno Simons College, and to do so in a manner consistent with principles of academic freedom and with Manitoba human rights legislation.
- 2 To provide a basis for clearly communicating expectations and assumptions to employees, especially at the point when individuals are considering employment at Menno Simons College.
- 3 Have a policy framework that lends itself to clear implementation and ease of administration.

The report then recommended to the two Presidents the following assumptions:

- 1 Menno Simons College operates as a college of Canadian Mennonite University in affiliation with the University of Winnipeg.
- 2 Menno Simons College was called into being at the University of Winnipeg by Canadian Mennonites to serve the educational mission of their churches, as well as to serve the broader community. The character of the college is

³⁰ In a meeting on November 3, 2009, with CAUT Executive Director James Turk and Committee member mark Gabbert, President Gerbrandt indicated that he felt it incorrect to say that Menno Simons paid little attention to questions of faith prior to the merger. He also claimed that the concerns at Menno Simons College about the hiring policy were largely due to anxiety created by putting long standing practice into written policy.

³¹ Testimony to the investigatory committee by Professor Anne Goodman on 14th May, 2009.

³² The text of the letter is included as Appendix 5 to this report.

³³ The text of the report is included as Appendix 8 to this report.

accordingly informed by the vision and confessions of faith of Mennonite denominations, along with the context of the University of Winnipeg.

- 3 Within the context of a public university campus, Menno Simons College [provides] education flowing from Anabaptist Mennonite understandings of faith, peace, and justice, while engaging other religious traditions and intellectual perspectives. The College fosters a learning community that prepares students from diverse backgrounds for participation and leadership in local and global communities.
- 4 Employees are hired to advance the mission of the institution. An individual's capacity to advance the mission, as well as to perform specific job requirements, is a central consideration in employee selection.

The report then recommended that the following guidelines be adopted “[i]n order to advance the College's mission, maintain the Mennonite identity of the College, and advance academic excellence together with the University of Winnipeg:”

1. All employees

Candidates for a position should be asked to indicate their support for the mission of CMU, and to demonstrate how they can advance the mission of Menno Simons College.

2. Faculty and Administration

The faculty plays a major role alongside the Board and Administration in shaping the curriculum, ethos, and on-going educational program of the College, and in representing the College to the local and wider community. Therefore, the following Principles apply:

- a. Appointees to faculty positions will meet academic criteria at least as rigorous as those established by the University of Winnipeg.
- b. The senior administrator must be an individual who enjoys the confidence of both the Mennonite community and the University of Winnipeg.
- c. Faculty members and administrators commit themselves to a process of careful and deliberate reflection, individually and collectively, on how their faith, values, or worldview interact with curriculum development, teaching, and administration.
- d. In keeping with the ethos of a small college, faculty members of Menno Simons College are prepared to interact with colleagues across disciplinary lines, relate to students in other contexts and on other subjects than those more narrowly academic, and generally remain flexible and responsive to the dynamic needs of the College.
- e. The College will require that faculty members and administrators demonstrate or commit to developing knowledge of and respect for Anabaptist Christian teachings, tradition, and practice, as well as openness to other traditions.
- f. To ensure the Mennonite identity of the College, a significant portion of faculty members and administrators should be active participants in a Mennonite congregation and/or individuals whose Christian faith is compatible with the Anabaptist/Mennonite understanding of the Christian

faith. This is not understood to preclude appointing individuals with personal commitment other than to a Christian faith.

The Report further recommended that the policy “be reviewed after three years to ensure that the policy and its implementation have been satisfactory to Menno Simons College/CMU and to UW.”

Almost all of this report was accepted by the Board of Governors of the Canadian Mennonite University and the statements specifying the hiring policy for faculty at Menno Simons College (discussed below) were formally approved by the Board of Governors in December 2006 and later appeared as a document entitled “Mission, Faith and Hiring” in a section headed “Menno Simons College.”³⁴ As noted earlier, the text of “Mission, Faith and Hiring” now appears as section A1.1 “Faith and Hiring” of the *Personnel Policy Handbook*. We have already discussed part of this document. For consistency sake we shall continue to follow our earlier practice of referring the text in this document under the name “Faith and Hiring.”

Although most of “Faith and Hiring” is meant to cover *all* employees of CMU and to provide a statement of the principles which are meant to explain the relationship between the mission of the CMU as a Christian Anabaptist institution and its rôle as a university, one section (the section headed “Menno Simons College”) explicitly attempts to deal specifically and differently with the situation of faculty at Menno Simons College (see Appendix 2). The reason for this differentiation of the situation of the faculty at Menno Simons College is explicitly said to be “the distinctive sub-mission of Menno Simons College within CMU, and the College’s affiliation with the University of Winnipeg.”

Arguably, therefore, a function of this section of “Faith and Hiring” was to provide an operating framework which would make it possible for Menno Simons College to fulfil its rôle as an affiliated college of the University of Winnipeg while at the same time retaining and reaffirming its links with CMU; for it would be reasonable to assume that the hiring and employment policies and practices at Canadian Mennonite University (infringing academic freedom as they do) should and, hopefully would, be viewed as being unacceptable at the University of Winnipeg. In any case, the issue before us is whether the specific policies governing the hiring and employment of Menno Simons College faculty involve a faith test and whether this faith test entails the same kind of infringement of academic freedom as we have described as occurring at the main campus of CMU.

In the section of “Faith and Hiring” explicitly devoted to the question of employment practices at Menno Simons College, Menno Simons College is described as having the following distinctive “sub-mission” :

³⁴ The investigatory committee notes that a document entitled “Implementing the Menno Simons Hiring Policy” dated December 6th, 2006, was circulated to Menno Simons College faculty in December 2006. The document states “The CMU Board of Governors *has* approved the hiring policy for Menno Simons College recommended by the CMU/UW Joint Task Force” [italics added]. However, in the section *Faith and Hiring* of the 2007 *Personnel Policy Handbook* it is stated that the Board of Governors approved the policy in *June*, 2007 (see Appendix 2). We are unable to resolve this apparent discrepancy.

Menno Simons College provides education flowing from Anabaptist understandings of faith, peace and justice, while engaging other religious and intellectual perspectives. The college fosters a learning community that prepares students from diverse backgrounds for participation and leadership in local and global communities. [italics added].

It is asserted that this sub-mission and Menno Simons College's affiliation with the University of Winnipeg require different employment policies from those in force at the main campus of CMU. These are laid out in the following passage:

All employees, whether faculty members, administrators or support staff, are part of the educational community at Menno Simons College. It is essential that all are able to fulfill their assignments in a manner that serves the mission. They thus are expected to support the mission of CMU, and to advance the mission of Menno Simons College, as well as be able to relate equally to students from a wide range of backgrounds and worldviews.

In addition, the following criteria will apply:

1. Appointees to faculty positions will meet academic criteria at least as rigorous as those established by the University of Winnipeg.
2. The senior administrator must be an individual who enjoys the confidence of both the Mennonite community and the University of Winnipeg.
3. Faculty members, administrators and staff will commit themselves to a process of careful and deliberate reflection, individually and collectively, on how their faith, values, or worldview interact with curriculum development, teaching and administration.
4. In keeping with the ethos of a small college, faculty members of Menno Simons College are prepared to interact with colleagues across disciplinary lines, relate to students in other contexts and on other subjects than those more narrowly academic, and generally remain flexible and responsive to the dynamic needs of the College;
5. The College will require that faculty members, administrators and staff demonstrate or commit to developing knowledge of and respect for Anabaptist Christian teachings, tradition, and practice, as well as openness to other traditions.
6. To ensure the Mennonite identity of the College, a significant portion of faculty members, administrators and staff should be active participants in a Mennonite congregation and/or individuals whose Christian faith is compatible with the Anabaptist/Mennonite understanding of the Christian faith. This is not understood to preclude appointing individuals with personal commitment other than to a Christian faith.

As is clear, clauses 1-6 are identical to clauses (a)-(f) of the Report of the Joint Task Force.

On the face of it, this is a weaker application of the religious test than the one imposed on the main campus and Outtatown, since not every faculty member hired has to be a

Christian. Moreover, it was noted by Dr. Gerbrandt in a letter [dated April 26, 2010] to Dr. Turk, that in the passage from “Faith and Hiring” quoted above:

... we distinguish for MSC faculty between supporting the mission of CMU and advancing the mission of MSC. That distinction is important. In other words, supporting is considerably less than advancing. It means working supportively in the organization which has a larger mission which one will not intentionally undermine. That can be done by someone who is not in a position to advance that mission.

That does not solve the problem for us, for in the penultimate sentence of the passage under discussion, it is stipulated that faculty members are expected not to "intentionally undermine" the mission. Obviously, a person's academic work may lead to the adoption of a position that could be seen to "intentionally undermine" the mission. Academic freedom should be taken as affirming such a person's right to adopt such a position without in any way putting his or her employment in jeopardy. The most fundamental issue in all of this is that such language cannot but serve to require a form of self censorship incompatible with the kind of unfettered pursuit of truth which academic freedom is meant to protect.

Further, it is stipulated that “a significant portion of faculty members, administrators, *and* staff (italics added) should be Mennonites or members of Christian groups “whose Christian faith is compatible with the Anabaptist/Mennonite understanding of the Christian faith.” How this compatibility would be assessed is unclear; but what is certain is that full force of the CMU faith test has been preserved for a “significant portion” of the total workforce at Menno Simons College. Moreover, faculty who are not Mennonites, whether they are Christians of another sort or not Christians at all, have an obligation to inform themselves about the Mennonite tradition and to respect its “teachings, tradition, and practice.” Finally, all faculty of whatever persuasion are bound by the faith based mission statements of both CMU and Menno Simons College.

We think it is important to note here that, though these hiring provisions are somewhat more generous than those existing at the CMU main campus and Outtatown, they are nevertheless more elaborate than those that had existed earlier at Menno Simons College. We were told³⁵ that previously job candidates were simply asked if they could accept the principles of “peace, justice and non-violence” and that an affirmative response to that question was sufficient; candidates were asked about their religious affiliation, but this seemed less important than adherence to the main principles. The new language was certainly seen as more intrusive and less acceptable by some Menno Simons College faculty.³⁶

The 2007 language has the effect of taking us right back to the policies on academic freedom and the foundational principles for hiring which themselves flow from the

³⁵ Testimony by Professors Robles and Harris to the investigatory committee in separate interviews on June 24th, 2008.

³⁶ Testimony by Professors Robles and Harris to the investigatory committee in separate interviews on June 24th, 2008.

robustly faith based CMU mission statement. These principles would presumably be applied with full force to that “significant portion” of academics at Menno Simons College who are Christian, and in other appropriate ways to those faculty members who are not Christians. So, for example, adherents of other religious traditions, like the Hindu recently hired at Menno Simons College to teach peace and conflict studies, would still be expected to cultivate a knowledge and respect for the Mennonite position on these matters. Such people would also be expected not to act in a way that either undercut the mission of CMU or Menno Simons College or was inconsistent with Menno Simons College’s commitment to provide education “flowing from Anabaptist understandings of faith, peace, and justice.” Moreover, since the *only* section in the whole *Personnel Policy Handbook* where policies *special to* faculty at Menno Simons College are stated is the section just discussed — the section headed “Faith and Hiring”, this means that sections C3-7 of the 2007 *Personnel Policy Handbook* which state the Canadian Mennonite University policies on appointment, promotion and tenure apply not only to faculty on the main campus and at ‘Ottatown’ but also to faculty at Menno Simons College. This means that at least all of the Christian faculty at Menno Simons College are subject to *all* of the policies specifying the criteria for appointment, promotion, and tenure, *including* the clauses in Section C4 “Criteria for Appointment, Promotion, and Tenure” which we discussed earlier when discussing the employment situation of faculty the main campus and at Ottatown (see above, p. 10ff). We note with concern that the situation of non-Christian faculty at Menno Simons College is clearly left anomalous and we feel that *their* academic freedom in the ways we have indicated receives inadequate protection under the policy.

There is one further very important point which needs to be made about the status of faculty at Menno Simons College. It will be remembered from our earlier examination of the sub-section of “Faith and Hiring” entitled “Conflict and Changing Positions” that that section made clear the existence of a faith test not merely as a condition of hiring, but also as a condition of *continued employment*. In conversation with us, CMU President Gerbrandt and the Vice-President Davey explicitly stated that this section applies equally to faculty at Menno Simons College.

It is unclear how far either the Christian or non-Christian faculty members at Menno Simons College would have to depart from the mission statement of CMU or Menno Simons College as understood by the administration and board of CMU before action would be taken. What is certain is that the language from section A1 (*Employment Policies*) of the 2007 *Personnel Policy Handbook* which we quoted at the beginning of section 3.1.2 above is designed to permit the administration to draw some such line, so that the academic freedom of these colleagues is subject to the threat of institutional censorship and curtailment of academic freedom to ensure that it is in line with the Christian and more specifically the Anabaptist-Mennonite world view.

In light of all of the above, despite the attempt by the Board of Governors of Canadian Mennonite University to formulate a policy which “differentiates” the employment situation of faculty at Menno Simons College in order to pay due attention to “the distinctive sub-mission of Menno Simons College within CMU, and the College’s affiliation with the University of Winnipeg” (see Appendix 2), we are forced to conclude, firstly, that the special policies adopted to govern the *hiring* of faculty at Menno Simons

College in fact leave room in the ways we described above for the use of a faith test in that process; secondly, that, since the CMU policies governing *continued employment* of faculty apply also and equally to faculty at Menno Simons College and do so without special consideration being given to the significance of the distinctive sub-mission of Menno Simons College, these policies also enable the use of a faith test in ways which we described above; thirdly and similarly, that the CMU policies governing the granting of *tenure* involve the use of faith tests even for faculty at Menno Simons College, again without special consideration being given to the significance of the distinctive sub-mission of Menno Simons College; and, fourthly and consequently, that the existence of these various policies entail an infringement of the academic freedom of faculty at Menno Simons College.

3. Conclusions

We are forced to conclude that the Canadian Mennonite University is denying academic freedom to its academic staff by requiring a statement of faith – implicitly or explicitly – as a condition of initial and/or continuing employment. We also conclude that the above is true both of the academic staff at the main campus and Outtown of Canadian Mennonite University and of the academic staff at the Menno Simons College campus. The latter is true notwithstanding the more relaxed hiring provisions finally established at Menno Simons College in 2007.

That said, it is appropriate to note that we were well and hospitably received when we visited the Shaftesbury offices of President Gerald Gerbrandt for our interview with him and Academic Vice-President Earl Davey. There was no question of a narrow religious fundamentalism, and there appeared to be a sincere respect for academic work and sensitivity to the difficult balancing that the administrators thought had to go on between affirming the institution’s religious mission and protecting the integrity of academic work. As we said early in our report, the discussion was open and frank and there was no hesitation in providing us with the documents we requested. In interviews with faculty members at both the CMU main campus and Menno Simons College it was clear that most of those interviewed thought that faith based institutions had something to offer by comparison with public universities which some criticised as too individualistic in their approach to academic freedom or too committed to a scientific modernist orthodoxy that, they claimed, excluded moral commitment. Those at Menno Simons College mostly felt that the 2007 settlement had provided enough flexibility to provide a basis for ongoing relations with the University of Winnipeg and to recruit faculty who, while not necessarily being Christians, were still committed to the Anabaptist principles of peace, justice and non-violence.

Despite this, we concluded that the subsection “Conflict and Changing Positions” of section A1.1.1 of the *Personnel Policy Handbook* which we have discussed above should be viewed as giving substance to the conclusion that, however open the environment might be, there is a commitment to enforcing the operative mission statements as a guarantee that faculty at CMU and Menno Simons College will maintain a certain faith inspired perspective. The “Conflict and Changing Positions” policy gives the Board of CMU ample grounds for enforcing such commitment.

These considerations bring us to the general question of the problems that can arise when attempts are made to create formal relationships between faith based institutions having only limited protection for academic freedom and other universities. For example, both the University of Winnipeg and the University of Manitoba have academic freedom protections built both into their institutional policies and into their respective collective agreements which would prevent institutional censorship. In this regard, faculty at the Universities of Manitoba and Winnipeg enjoy a measure of protection for academic freedom that their colleagues at CMU do not share. While restrictions on academic freedom of the sort we have found at CMU are a matter of concern for CAUT, such a concern must be greater when faculty from institutions without adequate protections for academic freedom become participants in the programs at institutions which do have adequate protections for academic freedom.

In the present case, we are obliged to point out that although, for at least a decade now, the University of Winnipeg has maintained an affiliation with Menno Simons College as a college of CMU, still it has not insisted that a condition of such affiliation be proper protection for the academic freedom of Menno Simons College faculty. When University of Winnipeg President Lloyd Axworthy learned of Menno Simons College faculty concerns about the academic freedom issues arising from the integration of Menno Simons College with CMU, he evidently took initial action to set up a joint Canadian Mennonite University-University of Winnipeg taskforce to address the matter. As we have seen, however, what the task force produced was the basis for the *unacceptable* employment policy established at Menno Simons College in 2007. What persists into the present, then, is a situation where University of Winnipeg students are being taught by faculty who do not have full protection for their academic freedom and whose actions in the classroom are subject to a form of institutional censorship inconsistent with the academic freedom policies that prevail at the University of Winnipeg itself. This is the more remarkable given that the Menno Simons College program leads precisely to a University of Winnipeg degree in peace and conflict resolution studies or international development studies.

In our view, such a practice undercuts the integrity of the University of Winnipeg's programmes, since courses in those programs are not taught by faculty who are equally fully protected in their academic freedom. We find it both surprising and unacceptable that neither the administration at the University of Winnipeg nor the University of Winnipeg Faculty Association has apparently raised any concern about this situation.³⁷ We recommend that CAUT bring to the attention of both the University of Winnipeg's administration and the leadership of the University of Winnipeg Faculty Association the need to revise the University of Winnipeg's relationship with Menno Simons College to ensure that Menno Simons College's faculty is covered by the same academic freedom language that protects faculty at the University of Winnipeg.

Recently, similar issues have arisen at the University of Manitoba. For several years, the University of Manitoba and the University of Winnipeg had been developing a Joint

³⁷ It was because of such concerns as these that on May 2nd, 2009, we emailed Dr. Brian Stevenson, Provost and the Vice-President of the University of Winnipeg, asking to meet with him as part of our investigations. We sent a follow-up email on May 6th. Unfortunately, Dr. Stevenson did not respond to our emails.

Master's Programme in Peace and Conflict Studies. This in itself was not a precedent setting step, since Joint Master's Programmes already existed between the two institutions in such fields as History, Public Administration, and Religious Studies. In this particular case, however, the undergraduate programme offered by Menno Simons College at the University of Winnipeg was seen as a major support for the new Joint Master's Programme and it was assumed that Menno Simons College faculty members were to participate as adjunct professors.³⁸ Concern was raised about the participation in a joint program of Menno Simons College faculty members who had less than full protection for their academic freedom and this led the Senate Executive Committee to refer the matter to the Senate Committee on Academic Freedom. That committee met on December 2, 2009 and issued a report recognizing the legitimacy of such concerns and making the following recommendations:

1. THAT the University of Manitoba not enter into joint programs where it is reasonable to conclude that teaching in such a program will be conducted in part by academic staff whose principal employers are academic institutions that do not provide unequivocal protection for academic freedom to the extent provided by the University of Manitoba; and
2. THAT, further to recommendation 1, the administration of the University of Manitoba should discuss the issue of academic freedom with counterparts at Canadian Mennonite University [Menno Simons College] with the goal of: seeking agreement on adopting language on academic freedom similar to that at the University of Manitoba and the University of Winnipeg for faculty at Menno Simons College, and implementing an independent and binding process for settling grievances regarding academic freedom disputes for Menno Simons College.³⁹

In this context, the Senate Executive Committee took the rare step of forwarding the proposal to Senate without a recommendation.⁴⁰ Notwithstanding this controversy, at the Senate meeting of February 4, 2009, the proposal was approved.⁴¹

In light of this, we recommend that CAUT formulate a policy on programmes administered jointly by public and private institutions, a policy which would include provisions for protection of the academic freedom of any professors (adjunct or otherwise) involved in such programmes from infringement by their principal employers. We further recommend that CAUT examine the possibility of adopting in a policy statement that no university should not enter into, or continue with, arrangements

³⁸ Material relating to the content of the proposal for a Joint Master's Degree in Peace and Conflict Studies can be found in the agenda of the University of Manitoba Senate for February 4, 2009, pp. 70-126. http://www.umanitoba.ca/admin/governance/media/senagenda_feb2009.pdf (last accessed July 14, 2010).

³⁹ Report to Senate Executive of the Senate Committee on Academic Freedom Regarding a Proposal for a Joint Masters Degree in Peace and Conflict Studies. *Ibid.*, pp. 122-125.

⁴⁰ Minutes of the meeting of the Executive Committee of the University of Manitoba Senate, January 21, 2009, p. 3.

⁴¹ An account of the discussion and approval of the Proposal from the Faculty Council of Graduate Studies for a Joint Master's Degree in Peace and Conflict Studies can be found at pp. 6-14 of Minutes of Meeting of Senate held on February 4, 2009. <http://umanitoba.ca/admin/governance/media/senminfeb2009.pdf> (last accessed August 20, 2010)

for joint programmes, transfer credit, or degree recognition if such arrangements are with institutions (faith based or not) that fail to provide adequate protection of the full academic freedom of faculty, adjunct or otherwise, involved in such programmes; and that no such relations should be established unless the institution in question has an acceptable academic freedom policy which is enforced by an arbitration procedure that is binding on the administration and board of the institution which otherwise would not provide protection for the full academic freedom of its faculty members; and, finally, that, once such a policy is devised, the University of Manitoba and the University of Winnipeg should be pressed to comply with the policy wherever such compliance is wanting.

We realize that making these recommendations goes beyond our mandate; but we are obliged to say that, having found restrictions on academic freedom to exist, other serious issues of this sort arise which CAUT should address.

Finally, we wish to emphasize a point implicit in much of our report —that it is vital that we all — university administrations, faculty associations and the CAUT — be very careful not to make the mistake of thinking that it is enough for an institution merely to affirm the right to academic freedom. In every case, two things are necessary: firstly, the *wording* of the statement of the nature of the academic freedom affirmed by the institution has to be carefully unpacked and evaluated and, secondly, this statements needs to be carefully assessed in relation to other employment provisions, including the regulative setting in which the right to academic freedom is affirmed and protected.

4. Summary of Conclusions:

Our conclusions have been:

1. That the Canadian Mennonite University is in its official policies denying academic freedom to its academic staff by requiring a statement of faith – implicitly or explicitly – as a condition of initial hiring (see the section “Faith and Hiring of,” section A1.1. of the 2007 *Personnel Policy Handbook* and section C8 “Academic Freedom”) and/or continuing employment (see especially the section “Conflict and Changing Positions” of section A1.1.1 of the *Personnel Policy Handbook*); and
2. That the above is true both of the academic staff at the main campus and Outtown of Canadian Mennonite University and of the academic staff at the Menno Simons College campus (the special provisions in the section “Faith and Hiring” of the 2007 *Personnel Policy Handbook* do not in fact resolve this problem for faculty at Menno Simons College).

Finally, though it goes beyond the mandate we received when our committee was established, our investigation of the situation at CMU prompts us to make the following point. Institutions with protection for academic freedom do, and will, sometimes consider entering into academic relations with institutions that have less than adequate protection for academic freedom. Ideally, we assume they should not do so unless the latter *themselves* make adequate provision for the protection of the academic freedom of their own faculty in their day to day academic lives *within those institutions*. But sometimes institutions with adequate protection for academic freedom may consider entering such academic relations even when this is not so. It is our view that CAUT ought to formulate

a policy statement to cover such situations. Accordingly, we make the following recommendation:

- (a) That CAUT formulate a policy statement which provides recommendations about those arrangements for the protection of academic freedom which need to be in force when an institution which has adequate protection for academic freedom has or plans to have joint academic programmes or other sorts of academic relations with an institution which does not have adequate protections for academic freedom.

We recognize that such a policy might need to say that *no* such arrangements should be countenanced unless the faculty in the faith based university do have full protection for their academic freedom.

We further recommend:

- (b) That, once such a policy is devised, the University of Manitoba and the University of Winnipeg should be pressed to comply with it wherever such compliance is wanting;
- (c) That in the interim CAUT bring to the attention of both the University of Winnipeg's administration and the leadership of the University of Winnipeg Faculty Association the need to revise the University of Winnipeg's relationship with Menno Simons College to ensure that Menno Simons College's faculty is covered by the same academic freedom language that protects faculty at the University of Winnipeg.

Professor John A. Baker, D.Phil.,
Department of Philosophy,
University of Calgary

Professor Mark Gabbert, Ph.D.,
Department of History,
University of Manitoba.

***Appendix 1: “Guiding Principles for Human Resource Policies” of 2007
Personnel Policy Handbook****

Guiding Principles for Human Resource Policies

The following principles offer guidance for developing and implementing human resource policies. CMU’s human resource policies should:

- Reflect an Anabaptist Mennonite understanding of Christian discipleship, and the implications of this understanding for human relations and employer-employee relations.
- Balance the needs and interests of individuals with institutional well-being and achievement of the institutional mission.
- Foster good stewardship of the resources given to CMU including tuition, donations and government grants.
- Encourage consistency between values that are taught and all internal and external actions.
- Ensure individuals are treated with fairness, dignity and respect.
- Provide consistency of actions across situations, while allowing for necessary administrative discretion and flexibility in addressing specific situations.
- Meet or exceed commonly accepted human resource practices and legal requirements. There may be times when a conflict exists between commonly accepted practices or legal standards and Christian conviction. In such instances we will be faithful to our understanding of the Christian gospel.

History of Policies

- Three committees were struck in the fall of 2000, a coordinating committee, a staff sub-committee and a faculty sub-committee. Committee nominations attempted to widely represent groups within the university.
- Various documents were used as input into the process of writing the CMU Policies.
 1. Existing policy documents from the three partnering colleges were made available to the committees. These represented some of the written tradition spanning many decades of operation. Members of these committees were able to augment the written policies with oral tradition. However, because CMU is sufficiently different from any of the partnering colleges, it was clear from the start that a new set of policies was needed.
 2. Policies of Mennonite and other Christian liberal arts colleges in Canada and the United States were used for brainstorming and comparison.
 3. Policies of local universities provided local context.
 4. Documents from the Mennonite Brethren Church of Manitoba and from Mennonite Church Canada, the owners of two of the three partnering colleges provided background information on Concord College, CMBC and constituency context.

* Footnotes in this and subsequent appendices are footnotes included in the texts replicated here.

Appendix 2: Section A1.1 “Faith and Hiring” of 2007 Personnel Policy Handbook

Scope:	All Staff
Status:	Approved by the CMU Board of Governors
Date:	June 23, 2007

Foundational Principles

Canadian Mennonite University was called into being by Canadian Mennonites to serve their educational missions, as well as to serve the broader community. The nature of the university is accordingly shaped by the vision of its constituent conferences, specifically Mennonite Church Canada and the Mennonite Brethren Church of Manitoba, and of the Friends of Menno Simons College, with the confessions of faith of the constituent conferences providing the theological underpinning. The Christian faith perspective thus is foundational to CMU’s mission statement.¹

As a university “rooted in the Anabaptist faith tradition,” CMU is committed to the integrity of belief and practice. The historic Anabaptist emphasis on discipleship means that being Christian entails more than the affirmation of doctrinal statements, valuable as they are, and more than living by a particular ethical code, important as that is. Within this understanding, being Christian is more than a nominal association with the Christian tradition, but implies personal commitment and active involvement in a particular community of faith.

The purpose of this policy is to ensure that all employees contribute effectively to the mission of the university. CMU understands this policy to be complementary to its policy on Academic Freedom, and believes that the two policies are not in contradiction to each other – leaders and scholars have a responsibility to question as well as to affirm the teachings and positions of the church.

CMU is enriched by employing individuals from other denominations who broaden and complement the Anabaptist/Mennonite faith tradition. The reference to a Mennonite confession of faith is not intended to exclude members of other Christian denominations. Employees from other traditions are invited to be grounded in their respective faith

¹ Not only does CMU understand its policy on faith and hiring to be derived from its faith based identity, but also to be in accord with the following legal and public understandings:

- The Memorandum of Understanding between the Province of Manitoba and Mennonite College Federation (MCF), the earlier name of CMU, January 8, 1998 states: “The MCF will be ensured full autonomy in terms of the religious/moral content of its programs and appointment of staff. Decisions made in these areas will be consistent with the historic positions of the Mennonite churches which are members of MCF.” (5.2)
- The charter granted CMU by the Province of Manitoba in June 8, 1998 includes under Purposes and Objectives for the corporation the following: “to further the intellectual, spiritual, moral, physical and social development of, and a community spirit among, its students, graduates and staff for the betterment of society, consistent with a Christian perspective rooted in the Anabaptist Mennonite tradition;” (3.c)
- Given CMU’s particular identity and mission, it understands its policy to express “bona fide and reasonable requirements or qualifications for employment or occupation,” as allowed by the Manitoba Human Rights Code (Section 14(4)).

communities or traditions, even as they are in sympathy with and respect the Anabaptist Christian faith tradition.

Main Campus and Outtatown

All employees based at the Main Campus or Outtatown, whether faculty members, administrators or support staff, are part of the educational community. It is essential that they are able to fulfill their assignments in a manner that serves the mission.

Because the Main Campus and Outtatown programs of CMU seek to animate the mission of CMU² in a holistic, consistent and explicitly Christian manner, and because staff and faculty significantly shape the ethos, communal character, pedagogy, curriculum, and on-going program of the institution, it is expected that all regular faculty and staff³ in these programs are Christian, even as they are open to engaging with integrity other traditions. With this approach, CMU stands in a long history of church-related post-secondary institutions, while participating in this history in a manner consistent with the Anabaptist-Mennonite faith tradition.

Education at CMU does not happen only within the classroom, but through the total experience. The way students interact with faculty outside of the classroom; the culture of the residential and athletic programs; the way they relate to maintenance and support staff; the way students are treated in administrative offices – all contribute to the educational experience of the students. This means that not only faculty are teachers, but all staff become teachers as they model their faith through interaction with each other and students. The rôles of non-classroom staff may not require the systematic or academic reflection on the Christian faith expected of faculty, Outtatown leaders and senior administrators, but they contribute in a significant way to the educational program, and thus also are expected to be Christian.

Many staff positions require close engagement with the church. Some are engaged in recruiting students in church audiences, soliciting donations or other aspects of church relations.

Faculty members, Outtatown leaders, and senior administrators have oversight over programs and policies, and the responsibility of representing, teaching and interpreting the faith tradition both within and outside the institution. As such, they are expected to be Christian, and be in sympathy with and have respect for the Mennonite faith perspective.

Faculty members will meet academic criteria at least as rigorous as those practiced by other Canadian universities. Additionally, the following faith-related criteria will apply to all employees based at the Main Campus or in Outtatown:

1. self-identification as Christian;

² The CMU mission statement reads as follows: “Canadian Mennonite University is an innovative Christian university, rooted in the Anabaptist faith tradition, moved and transformed by the life and teachings of Jesus Christ. Through teaching, research and service CMU inspires and equips women and men for lives of service, leadership in church and society.”

³ “all regular faculty and staff” includes all employees in on-going positions – faculty in tenure track or reappointable term positions, administrators and staff with indeterminate contracts. The policy will not apply to sessional appointments, clearly limited term appointments (e.g., visiting professor), or those whose assignment has no expectation of an ongoing employment relationship.

2. active participation in the life of a Christian congregation;
3. affirmation of the confessional statement of one of the constituent denominations,⁴ or, if a member of another denomination or tradition, of the confessional tradition of his or her denomination;
4. understanding of the Anabaptist faith tradition, or commitment to developing an understanding of Anabaptist Christian teachings, tradition and practice;⁵
5. commitment to a process of careful and deliberate reflection on how their faith and practice interact with their assignment (administrative or staff role, scholarship, teaching, etc.).

Menno Simons College

Because of the distinctive sub-mission of Menno Simons College⁶ within CMU, and the College's affiliation with the University of Winnipeg, hiring criteria for MSC are differentiated.

All employees, whether faculty members, administrators or support staff, are part of the educational community at Menno Simons College. It is essential that all are able to fulfill their assignments in a manner that serves the mission. They thus are expected to support the mission of CMU, and to advance the mission of Menno Simons College, as well as be able to relate equally to students from a wide range of backgrounds and worldviews.

In addition, the following criteria will apply:⁷

1. Appointees to faculty positions will meet academic criteria at least as rigorous as those established by the University of Winnipeg.
2. The senior administrator must be an individual who enjoys the confidence of both the Mennonite community and the University of Winnipeg.
3. Faculty members, administrators and staff will commit themselves to a process of careful and deliberate reflection, individually and collectively, on how their faith,

⁴ Both the *Confession of Faith in a Mennonite Perspective* and the *Confession of Faith of the General Conference Mennonite Brethren Church* point beyond themselves to Scripture and God's self revelation as the highest authority for the Church and the Christian. Confessions of faith are a community's effort to summarize and provide coherence to the Christian faith through their interpretation of the higher authority, guided by the Holy Spirit. They provide the foundation for unity within and among churches. To affirm a particular community's confession of faith means to accept it as a helpful and foundational summary of the faith from within which one works, without necessarily accepting every detail of it. It also implies the recognition of a Christian authority above the confession itself.

⁵ Although expectations #4 and #5 are worded in a way which places all responsibility on the employees, it is recognized that these are not individual tasks, and that CMU has the responsibility to work in partnership with the employees in achieving these.

⁶ The mission statement of Menno Simons College reads as follows: "Menno Simons College provides education flowing from Anabaptist understandings of faith, peace and justice, while engaging other religious and intellectual perspectives. The college fosters a learning community that prepares students from diverse backgrounds for participation and leadership in local and global communities."

⁷ These expectations were developed by a joint CMU/UofW task force, and then approved by both CMU and the U of W. The focus of the task force was faculty and administrators, thus the original terms referred only to these two categories. The statements have been quoted verbatim, with the exception that reference to staff has been included in items 3, 5 and 6.

values, or worldview interact with curriculum development, teaching and administration.

4. In keeping with the ethos of a small college, faculty members of MSC are prepared to interact with colleagues across disciplinary lines, relate to students in other contexts and on subjects other than those more narrowly academic, and generally remain flexible and responsive to the dynamic needs of the College;
5. The College will require that faculty members, administrators and staff demonstrate or commit to developing knowledge of and respect for Anabaptist Christian teachings, tradition, and practice, as well as openness to other traditions.
6. To ensure the Mennonite identity of the College, a significant portion of faculty members, administrators and staff should be active participants in a Mennonite congregation and/or individuals whose Christian faith is compatible with the Anabaptist/Mennonite understanding of the Christian faith. This is not understood to preclude appointing individuals with personal commitment other than to a Christian faith.

Conflict and Changing Positions

Canadian Mennonite University is a university committed to the individual and communal search for truth. As a Christian university within the Anabaptist tradition, it understands the Christian faith as supporting and encouraging such a quest. It is recognized that in this process there will be times when people disagree with each other, but that is part of the search. The CMU statement on Academic Freedom reflects this commitment, outlining the freedoms and responsibilities of faculty members and students.

If an employee's outlook changes to the point where that individual is no longer able to embrace and advance the mission of the institution, or impedes effective performance, it is appropriate for the individual and the employer to review whether continued employment is appropriate. Should there be disagreement as to whether continued employment is appropriate, the CMU policy on Grievance and Conflict Resolution may be invoked.

***Appendix 3: Section C4 “Criteria for Appointment, Promotion and Tenure”
of 2007 Personnel Policy Handbook***

Scope: Faculty

Status: Approved by the CMU Board of Governors

Date: June 14, 2003

C4.1 General Requirements for Academic Staff:

The functions of the University are teaching, research and service. There is an expectation that all academic appointees shall engage in these activities (with the exception of the instructor ranks), unless given special administrative assignments.

The general criteria for each function as applied to all ranks as well as the specific criteria for each rank are set out below.

C4.1.1 Teaching:

Teaching is a major University function. Teaching or instruction may take place in various contexts appropriate to each discipline or inter-disciplinary program, including lectures, seminar discussion, laboratory/workshop supervision, tutorials, graduate supervision, field supervision, practicum supervision, distance education, collaborative teaching with associated institutions, and student advising.

C4.1.2 Service:

Reflecting the tradition of Canadian universities, and recognizing that CMU is supported by the constituent churches to serve the Christian gospel, it is expected that each academic appointee shall make contributions in the area of service.

Administrative service is: participation in academic governance and development relevant to the progress and welfare of the department or unit and the institution. For faculty of Menno Simons College, administrative service may also be active participation in the academic governance of the University of Winnipeg, although such contributions shall not comprise all of an individual's administrative service.

Public service can include activities such as service on editorial boards of disciplinary or interdisciplinary journals, grant selection committees, external dissertation committees, and adjudication panels of provincial, regional, or national agencies, and similar professional involvement. Public service may also include contributions to the church or general community through the application of scholarly or professional knowledge and expertise. This may include service on boards and committees.

Service shall be expected of each rank. For individuals whose duties include teaching and research, the normal expectations for teaching and research cannot be fulfilled by service activity in the absence of written agreements with the Dean. Meeting the expectation for service should normally require a smaller portion of effort than is required for the functions of Teaching and Research.

Outside Professional Activity for remuneration normally shall not be counted as service for the purposes of assessment.

C4.1.3 Research:

For purposes of assessment, promotions, appointment to Second term (Tenure-track), or Appointment with Tenure, and the appeal of those assessments, the term *Research* shall be deemed to mean scholarly activity appropriate to the individual's discipline, and subject to methodical standards. Work that is subject to external or peer review shall typically be viewed more favorably.

In some program areas, (e.g., music, practical theology, IDS and CRS/CTS), applied practice/fieldwork is vital to the academic endeavour. Applied practice is also reflective of Mennonite theology and values of service and incarnate faith. Therefore, faculty members in designated areas may be expected to demonstrate strong aptitude and commitment in either research or applied practice.

C4.2 Professorial Rank

Professorial rank is intended to reflect a faculty member's accomplishment as a teacher and scholar. Progression through professorial ranks is not automatic, but reflects the totality of an individual's academic involvement, and an appropriate balance over time of contributions in teaching, research, and service.

A *Lecturer* possesses a graduate degree in an appropriate discipline or appropriate professional qualification, and demonstrates a strong inclination toward academic life. Employment at the Lecturer Rank is not on-going (tenure is not available at the Lecturer Rank). A lecturer appointed in a Tenure-track position is appointed for an initial three-year term, and may be reappointed for a further term of up to three years. With the consent of the Dean, the research of the Lecturer may be research toward a doctorate or terminal degree.

An *Assistant Professor* demonstrates the basic qualifications for well-rounded academic life. An Assistant Professor normally has a doctorate or terminal professional degree, as well as experience or strong potential in teaching and scholarship.

An *Associate Professor* has demonstrated ongoing competence, maturity and independence in teaching and scholarship.

A *Professor* has demonstrated superior teaching and has shown substantial achievement in research as evidenced by the production of a body of scholarly work that is widely known and respected.

C4.3 Criteria for Appointment, Promotion and Tenure

C4.3.1 Lecturer

- a) Holds a graduate degree in an appropriate discipline, or an appropriate professional qualification; and
- b) Demonstrates a strong inclination toward academic life.

C4.3.2 Assistant Professor

- a) Normally holds a doctorate or degree generally considered to be terminal for university teaching in his/her discipline/profession, (or demonstrate capacity to

complete terminal degree requirements within one year of appointment). In certain applied areas, may hold a Masters degree and have significant applied experience/proficiency; and

- b) Demonstrates ability or potential to fulfill teaching, professional, and administrative service responsibilities satisfactorily.

C4.3.3 Associate Professor

- a) Normally holds a doctorate or the degree generally considered to be terminal for university teaching in his/her discipline/profession;
- b) Demonstrated teaching competence in previous appointments over a five-year period. In cases where the institution is asking for applied experience, or such experience/proficiency is a significant asset that the individual brings to teaching, a portion of applied experience may count toward years of experience;
- c) In addition to research conducted in completion of doctorate or equivalent, has established a *strong* program of research or other scholarly/professional work normal to the field. Usually this would take the form of publications in refereed journals or professional music performances, and involvement in academic and professional organizations. Upon approval of Senate, academic units may further define “strong program of research” appropriate for the unit; and
- d) Has contributed to the development of the University through accepting and discharging significant administrative service; and

Has performed significant service to church and/or community;

Where the appointment is to an administrative position, or where a significant portion of an individual’s assignment is administrative, appropriate administrative evaluation may substitute for paragraph c) above.

C4.3.4 Professor

- a) Has completed or is credited with seven years of service at the level of Associate Professor;
- b) Holds a doctoral degree or the degree normally considered to be terminal for University teaching in his/her discipline/profession, or has an established international professional reputation;
- c) Has demonstrated excellence in teaching as reflected in peer and student evaluations;
- d) Has established a *superior* program of research or other scholarly/professional work as normal to the field, making a distinct contribution to the field. Usually this would take the form of publications in refereed journals, books, or professional music performances, and involvement in academic and professional organizations. Upon approval of Senate, academic units may further define “superior program of research” appropriate for the unit;
- e) Has contributed to the development of the University through accepting and discharging significant administrative service; and
- f) Has performed significant service to church and/or community.

Where the appointment is to an administrative position, or where a significant portion of an individual's assignment is administrative, appropriate administrative evaluation may substitute for paragraph d) above.

C4.3.5 Criteria for Appointment with Tenure

- a) Has demonstrated a commitment to advance the mission of the institution;
- b) Normally holds a doctorate or the degree generally considered to be terminal for university teaching in his/her discipline/profession;
- c) Has demonstrated teaching competence as defined in Section 3.6.1, with a commitment to on-going excellence in teaching.
- d) In addition to research conducted in completion of doctorate or equivalent, has demonstrated ability for a strong program of research or other scholarly/professional work normal to the field. Usually this would take the form of some publications in refereed journals or professional music performances, and involvement in academic and professional organizations. Upon approval of Senate, academic units may further define expectations appropriate for the unit. Where the appointment is to an administrative position, or where a major portion of the individual's assignment is administrative, appropriate administrative evaluation may substitute for research or scholarly work; and
- e) Has contributed to the development of the University through accepting and discharging administrative service, and has performed service to the church and/or community, with a commitment to significant on-going service in these areas.

Appendix 4: Section C8 “Academic Freedom” of 2007 Personnel Policy Handbook

Scope: CMU Faculty

Status: Approved by the CMU Board of Governors

Date: June 14, 2003

Canadian Mennonite University’s understanding of academic freedom is shaped by its identity as an institution rooted in Anabaptist-Mennonite beliefs, and is linked to its mission as expressed in the CMU Mission Statement.

C8.1 Principles

Members of the CMU academic community believe that human knowledge is finite and partial, and that knowledge is produced, evaluated, stored and transmitted within particular societal contexts. Our society is composed of many overlapping communities and institutions whose good is served by an active pursuit of knowledge from within diverse worldviews.

Canadian Mennonite University functions within and for several communities and relates to other institutions, both formally and informally. The University has relationships with its sponsoring bodies, the Province of Manitoba, the post-secondary academic community, churches and other Christian institutions, and society at several levels. The academic faculty of Canadian Mennonite University are members of faith communities, members of learned and professional organizations, citizens, and members of global society. Its students are also citizens and members of global society; they may or may not be members of faith communities. This web of relationships gives rise to institutional and individual accountability.

Canadian Mennonite University as an institution, its individual academic faculty and its students all have the right to academic freedom, which comes with attendant responsibilities, and they all have the duty to exercise this right. The members of the CMU academic community recognize that in the exercise of their academic freedom, a balance between rights and responsibilities may occasionally be difficult to achieve.

The academic freedom of Canadian Mennonite University as an institution consists of the right to nurture a community of scholars who delight in knowledge, and who desire to and are able to seek truth within the context of an Anabaptist-Mennonite worldview without infringement by political and church authorities, donors to the institution, or any others. Canadian Mennonite University has the responsibility to foster and protect the academic freedom of its members and to use its institutional position and resources in ways that are consistent with its mission and that are intended to promote the good of the various communities and organizations to which it is accountable.

For academic faculty, academic freedom consists of the right to discuss and criticize, to carry out research and publish the results of that research, subject to commonly accepted scholarly standards, but free from infringement by political or church authorities, administrators, by donors to the institution, or by other academic faculty. Academic

faculty have the right to speak prophetically to the church and to society at large about matters within their purview, including Christian and specifically Anabaptist-Mennonite beliefs and practices. Having freely chosen to work at and participate in the mission of Canadian Mennonite University, academic faculty have a responsibility to exercise their academic gifts and use their academic positions in ways that are intended to promote the good of the communities and organizations to which they belong, and to which Canadian Mennonite University is accountable. The academic freedom of faculty members is subject to the responsibilities described above and to the guidelines given below.

For students of Canadian Mennonite University, academic freedom consists of the right to make reasoned, critical comment on the academic matters and beliefs they encounter at the University without fear of penalty from academic faculty, interference from other students, or infringement by individuals or groups outside the University. As students are building their capacity to be full, contributing members of various communities and organizations, they have a responsibility to develop and use their academic gifts in ways that will promote the good of the communities and organizations to which they belong or aspire to belong.

Canadian Mennonite University as an institution, and its academic faculty and students all exercise their academic freedom within the context of federal and provincial legislation. The nature and extent of the freedoms of speech and association, among others, enjoyed by academic faculty and students are set out in this legislation.

C8.2 Additional Guidelines

Academic faculty and students at Canadian Mennonite University have a duty to write, speak and conduct themselves in a way that shows respect for the dignity of others, whether inside or outside the academic community. Academic freedom provides the opportunity and duty to pursue knowledge with vigour; it does not imply the freedom to engage in behaviour, speech or writing that is hateful, uncivil or unprofessional.

Academic faculty should not state or imply that they speak on behalf of Canadian Mennonite University or any of its units, unless authorized to do so by the Board or Administration of the University.

Appendix 5: October 19, 2004, letter to Lloyd Axworthy from Professors Robles, Harris and Burch

October 19, 2004,

The President
The University of Winnipeg
515 Portage Avenue
Winnipeg, Manitoba, Canada R3B 2E9

Dear Dr. Lloyd Axworthy:

In the absence of other channels of communication at Menno Simons College (MSC), we are approaching your office in good faith hoping to find some understanding for our concerns. We have Assistant, Associate, and Adjunct Professor ranks respectively, and we have been teaching International Development Studies at MSC for a number of years. We are all of non-Mennonite backgrounds. We all have rich experiences of development work abroad and at home. We have also been actively involved in community groups in Winnipeg (Saint Norbert Art Centre, Spence Neighborhood Association, Development and Peace, etc). We gladly accepted teaching positions at MSC out of our profound commitment to peace, justice, equality, and non-violence. The values that we uphold are the very same values that MSC upholds.

Over the past six years, since MSC became part of the Canadian Mennonite University (CMU), there have been fundamental changes in structures, which we strongly believe are contrary to academic freedom. Specifically, there are current efforts at CMU to slowly push MSC towards a more explicitly Christian orientation. If these efforts are successful, and there are indications that this is already the case, the implications for curriculum changes at MSC are enormous. We ourselves are deeply disturbed by this trend. We are feeling ourselves increasingly marginalized from the decision-making process and valued merely as cheap intellectual labor. We have openly expressed our concerns to the MSC and CMU administration through Faculty and Senate.

Unfortunately, our voices are a minority in the midst of a silent majority. The Culture of Silence has fallen upon the MSC Faculty. As academics that deeply value freedom of thought, religious diversity, and freedom of expression we can no longer remain silent under these circumstances.

We would like to maintain the high quality of our curriculum and wish to encourage the further inclusion of diverse perspectives. We have a strong faculty and a reputation for excellence among our students. These strengths are at risk.

We strongly believe that the present situation at MSC requires serious attention by the University of Winnipeg (UofW). As you know, MSC has a long history of cooperation with the UofW and there are significant ways in which our programs are integrated into other curriculum in many departments at UofW. Changes in curriculum content at MSC are likely to affect other programs at UofW.

We believe that MSC and CMU administrators have not made appropriate efforts, other than token expressions of understanding, to address our concerns. We have also done our utmost to change the current faith-based policy, which we believe is clearly

discriminatory in nature. The rising tensions and instability at MSC has been a source of stress in our lives. As non-Mennonite faculty members we are increasingly sidelined in the decision-making process and very vulnerable in our academic careers. This situation is unhealthy for any institution.

We would appreciate any actions that you could take on our behalf. Should membership in the Faculty Association be made an option for faculty working at MSC, under any new affiliation agreement, we would have better protection from discrimination (intentional or unintentional).

The IDS and CRS programs at MSC attract increasing numbers of students to UofW and offer unique and relevant courses that we as faculty have invested with our time and intellectual creativity. The college has changed over the past six years and it is our hope that we can return to our focus on education in an atmosphere of trust and transparency.

In sum, our purpose in writing this letter is to ask for the support of administration and the faculty association at UofW. We would appreciate it if this letter were not circulated and that the information be kept for your benefit alone.

The attached list summarizes our legitimate concerns.

Thank you very much for your kind attention,

Sincerely,

Wilder Robles, Assistant Professor, Phone: 786-9463

Judith Harris, Associate Professor, Phone: 786-9081

Mark Burch, Adjunct Professor, Phone: 786-9837

cc: Dr. Amanda Goldrick-Jones, President, University of Winnipeg Faculty Association.

Our Main Points of Concern

1. Both the CMU draft hiring policy and CMU's gradually evolving practice of marginalizing the non-Mennonite members of its faculty may be in contravention of regulations prohibiting employment discrimination based on religion. While this may not be the intent of CMU's administration, it still *appears* to us to be the case, and is having the same *effect* as a prejudicial hiring policy.
2. CMU's practice of marginalizing non-Mennonite faculty and non-Mennonite viewpoints in faculty meetings and other supposedly "collaborative" activities, while perhaps understandable in a parochial institution that seeks to propagate a particular view of the world, contradicts the traditions of the liberal university. While this may be tolerated in a privately funded parochial institution that sees itself as exercising a missionary outreach to society at large, we think it is singularly inappropriate in a *publicly funded* liberal institution.
3. While CMU claims that it is anxious to "engage" a wide diversity of worldviews and faith perspectives as it goes about preparing its students to promote justice and peace, the atmosphere created by the present management style is decidedly prejudicial to such dialogue. Viewpoints that are congenial to Anabaptist beliefs are clearly entertained with more warmth while differing perspectives, especially those of women or of non-Christian / non-Anabaptist origin, are subtly marginalized.

4. We feel that our students deserve the most rigorous training in respect for diversity and the capacity to integrate diverse viewpoints in the pursuit of common goals of peace and justice. To us, any covert attitude that one particular tradition possesses a definitive and universally applicable truth to which all other points of view must be relativized represents a significant barrier to respect for and inclusion of diversity.

5. Naturally, we are also concerned about our own careers as academics. We expect that our contributions to the intellectual life of the university, and to the development of our students, will be judged on the merits of our academic credentials and achievements and our skill as educators—not on whether or not our individual religious beliefs and practices conform to Anabaptist orthodoxy. While we uphold the right of every group in society to promote its own beliefs and celebrate its own traditions, we respectfully dissent from the notion that this should be a condition of continued employment, security of tenure, or condition of inclusion in legitimately collaborative processes in a publically funded liberal university.

6. We are disturbed by developments that suggest that in the future, all faculty of CMU will be required to prepare detailed “reflections” on the relation between their religious beliefs and their teaching practice. We don’t know who will be privy to such intimate reflections on matters that often are very personal and sometimes ineffable. We wonder how such reflections would be judged, and by whom, and with what consequences. We are uneasy with the current CMU President’s ‘draft plan’ to require all CMU faculty to study Anabaptist history and beliefs, whether or not this has direct relevance to curriculum, teaching responsibilities, or research activities. We don’t understand the intent behind other policies outlined in this plan, which mandates that all CMU faculty attend periodic mandatory “retreats” and “workshops” on how to integrate Christian “faith perspectives” with curriculum which, on prima facie grounds, would not seem to be congenial to such integrations.

7. Finally, we are offended by the general drift toward marginalizing faculty members who, through dedicated service and principled participation in the development of the programs offered by Menno Simons College, have helped make them as successful as they are. If we were not academically qualified, why were we hired? If we have committed some personal or academic impropriety, then state the case. If we have in any way failed to perform as professionals or as colleagues, what exactly is the issue? If not, then why are we being “shunned?”

**Appendix 6: November 21st, 2005, email from President Gerbrandt:
“Consultation around CMU structures”**

From: Gerald Gerbrandt <ggerbrandt@cmu.ca>

Date: Mon, 21 Nov 2005 14:52:17 -0600

To: _AdminTeamCMU <_AdminTeamCMU@cmu.ca>, "_Faculty-CRS(UW)" <_Faculty-CRSUW@cmu.ca>, "_Faculty-IDS(UW)" <_Faculty-IDSUW@cmu.ca>, _AcademicCouncil MC <_AcademicCouncil@cmu.ca>

Conversation: Consultation around CMU structures

Subject: Consultation around CMU structures

Dear Friends,

As you are aware, questions CMU structures, faith hiring criteria, how CMU/MSU intersects with the U of W, have been present since the founding of CMU, and have become more intense over the past while. An assessment by Reg Toews (report attached) confirmed the significance of the agenda. As was announced, the CMU Board agreed at its last meeting that the President, in consultation with an advisory group (consisting of Ed Reimer, Jake Harms and Don Petker) and other stakeholders, should develop a recommendation for the January 14 Board meeting.

As part of the process of moving toward developing a recommendation, I have prepared the attached document which identifies some guiding principles and positions, and briefly outlines some possible models. It should be emphasized that although the way these models are presented makes them appear quite distinct, in fact the line between the first two is not that solid. But they do identify themes and features which conceivably could be part of any new partnership with the U of W.

I now invite your participation in the process. Conversation with the U of W (a meeting has been scheduled with President Axworthy) and other stakeholders will also take place. I am setting aside the following times for discussion of this topic. Four of these times are wide open (the ones at MSU and the Main Campus) during which you are welcome to make an appointment to chat with me about this.

Tuesday, Nov. 22; 8:30-10:30 am – Administration Team

Wednesday, Nov. 23, 8:30-11:00 am – Menno Simons College

Wednesday, Nov. 23, 1:30-4:30 pm – CMU Main Campus

Thursday, Nov. 24 10:00 am – 1:00 pm – Menno Simons College (I believe a group meeting will be arranged for 10:00 am)

Friday, Nov. 25, 10:30 am – 1:45 pm – Main Campus

Friday, Nov. 25, 2:00-4:00 pm – Main Campus Academic Council

Friday, Dec. 2, 2:00-4:00 pm – Senate

Any individual is welcome to make an appointment to come see me. Please make appointments at MSU through Angie Muvingi, and at the Main Campus through Diane Hiebert.

The Advisory Group will be meeting along with the Board Executive on Saturday, Dec. 3, to work at drafting a more detailed recommendation. This then would allow for some further time of testing on consultation between that date and the submission of the

recommendation to the Board in January. Thank-you for your participation in this process. I look forward to our conversations.

Gerald Gerbrandt,

President

Appendix 7: Review of CMU Organizational Strengths and Weaknesses, Report Prepared by Reg Toews at the Request of Gerald Gerbrandt, President, October, 2005

Introduction

This assignment was carried out at the request of Gerald Gerbrandt in follow-up to the following action approved by the CMU Board: *We call for the identification of the strengths and weaknesses in the organizational structure of CMU by an external consultant. The consultant's report will be submitted to the October 2005 Board meeting. The Board Executive will oversee this work.*

The review process included the following activity. I reviewed a series of background documents provided by the President and other members of CMU. I interviewed a limited cross section of individuals including faculty members, the VP and Academic Deans and the President, as well as some staff and Board members. In total I carried out approximately 10 interviews mainly in person and typically an hour in length. My findings are valid to the extent that the interview sample is representative of the institution as a whole. In addition, and at the President's request, I met with the CMU Administration Team and the Senate to discuss the assigned topic as well as potential organizational models. Again each meeting was approximately an hour in length.

The review focused on the senior levels of the organization, and in particular on the organizational structure as it pertained to the CMU/Menno Simons College relationship. It should also be noted that this is a narrow assignment and represents only one aspect of the total review that is presently being carried out. This review must be considered in this larger context. It should also be emphasized that any discussion of organizational structure very quickly moved to a discussion of organizational identity, purpose, vision, mission etc. A central question of the review is whether there is an alignment of the organizational structure with the identity/ purpose/ mission of CMU.

I am dividing my report into three sections. In the first section I identify the strengths and weakness of the organization including some analysis. In the second section I elaborate on my findings from the various interviews and in the third section I offer some observations that may have some value in addressing the organizational issues identified in the review.

It should also be stated that what CMU is presently experiencing is not at all unusual or surprising. It is merely representative of a new organization working through the primary issues – and every organization does that. Nor is it the last time CMU will have to do this... if the institution is to grow successfully into “old age.”

Strengths in the Upper Levels of the Organizational Structure

- The obvious strength of the organization, including the organizational structure, is demonstrated in the continuing existence of CMU. As someone who was involved in the early stages of the creation of a new Mennonite educational institute, I am impressed with the progress made. The organizational structure has evolved through various stages: a federation and then a merger, three presidents and now one

president, a unified Board structure, etc. Most importantly students are enrolling and being taught by an impressive and expanding faculty.

- There has been increasing integration of the organizational structure over the years pulling the institution together as a more unified entity. Now there is one Board, one Senate, one President, one administrative support structure.
- At the same time the structure does not insist on singularity or sameness but allows for flexibility. The prime example of this is that Menno Simons College continues to exist with its own identity under the umbrella of CMU. Possibly, and at least partly due to this organizational flexibility, MSC continues to increase its enrolment and grow as a college.

Weaknesses in the Upper Levels of the Organizational Structure

- The same strengths identified above are also organizational weaknesses – if not presently than potentially. It all depends on the identity, purpose and ground rules that have been agreed to / established.
- The organizational structure achieved what it was designed for – a single entity with sub-entities; a single vision without a common/shared understanding; a unified whole with flexibility. The structure has uncertainty and ambivalence built into it – particularly regarding the identity and purpose of the enterprise. This is readily apparent in how the upper levels are structured. Integration of function at the top – one Board, one Senate, one President. Followed by separation of function at the VP/Academic Dean level. There are two VP/Academic Dean positions, one responsible for Main campus and the other at Menno Simons College. These functions are geographically defined and not by academic function or program. There are two faculties and apparently two processes – at least informally - on how academic matters are presented to the Senate. Now clearly some of this may be necessitated by the existence of two campuses separated by distance, but the division in the organizational structure reinforces the ambivalence.
- This leads directly to a primary weakness. The present structure, instead of answering, begs the question of what is the identity and purpose of this new educational enterprise. Currently there is a “yes, but...” answer to that question. “Yes, we are a single institution (CMU)...but there is also a separate college (MSC)...” Then there is the opposite way of stating it, “Yes, we are a separate college (MSC)...but we part of a single new university (CMU)...”
- The present structure makes it difficult to answer certain questions, because a shared identity/purpose is not clear and the structure at some point divides rather than unifies the decision making structure. As an example, what decisions must be made centrally and apply to every part of the institution and which may be made by the “part” i.e. MSC. Which policies are for everyone and which may be delegated...or put the other way, which policies does MSC agree should be made centrally.
- The demands of the current organizational structure are also negatively affecting the President’s role. Considerable time is going into addressing the tension and uncertainties caused by the CMU/MSC relationship which should be going into the President’s primary role. Additionally due to the lack of a single Academic VP the President is filling that role by default. Consequently, a weakness of the current structure is that it distorts the role and functioning of the President.

- The current structural ambivalence also allows uncertainty and potentially discrepancy to creep into a unified message to the supporting constituency.

Findings from my Sample Interviews

- I usually opened the interviews with an open ended question, such as ...how is the current organizational structure working, what are its strengths and weaknesses...? Nearly without exception, this immediately opened up the issue of the CMU/MSC relationship and the difficulties associated with that relationship. There was no other issue that got on the radar screen with such intensity and frequency.
- The difficulty in this important relationship was causing great discomfort. This was so, whether I was interviewing a faculty member or an administration executive. This discomfort was often passionately expressed with strong words like “dysfunctional” to describe the organizational structure. There was broad agreement among the individuals interviewed that this issue had to be immediately and urgently addressed. This generally experienced discomfort may well provide significant motivation for making change. The other helpful aspect of this discomfort is that it is pervasive rather than isolated to one group – with one group being happy with the structure and the other group very unhappy.
- The discussion, in a whole variety of ways, generally came back to a discussion of what is the identity/ purpose/ mission of CMU. To this question there was no one answer. Is CMU a unified/integrated organization with only one identity or is it more like an umbrella organization with multiple entities/identities? Implicit in the various viewpoints was also a possible divergence of underlying values. The preferred option of some of those interviewed was a single/unified CMU with one overall academic program incorporating everything that exists now, one set of policies and a fully integrated organizational structure. This viewpoint may be reflected in a model where CMU, by that identity, would deliver the IDS and CRS programs at the University of Winnipeg location. This would not require the continued existence of MSC. The preferred option of others was to continue CMU but also have MSC continue as an identifiable college providing the programs at the U of W. In this view what is required is institutional flexibility in practices and policies at MSC. This view might even encourage/allow MSC to expand its programs.

Observations

- In my view, in an effective organization, form follows function...in other words the identity/purpose/mission of the organization is established first and then the organizational structure and staff are put in place to achieve the agreed upon purpose/mission. If one accepts this view it follows that it will be difficult to agree on the organizational structure for CMU before the identity/purpose of the institution is clearly articulated. On the other hand it is not unheard of for an organization to define its structure first and then have those decisions shape/influence the identity/purpose.
- From my experience many organizational models can be made to work. There is no one right organizational structure. To go back to my view that form follows function, if you are in the gravel business you buy a truck, if you are in the taxi business you buy a car. At this time CMU appears to have a “straddle” organizational structure where the structure is expected to serve two somewhat divergent purposes/identities.

- Are there any organizational models available that could be instructive? Examining the organizational history of MCC may be helpful...but within limits since it is not an educational institution and it is an old organization. For its constituency there is typically one, or a single, MCC ...although what that one MCC is may differ between individuals. Organizationally MCC is not “one” at all – there are 12 provincial/regional/national MCCs, by and large all separately incorporated and working in a partner relationship with other MCCs. Even MCC (and there is only one MCC without an adjective in its name – the parent body for some MCCs and the MCC that does the overseas work on behalf of all the MCCs) does not have corporate or legal control over the other MCCs. Typically the important issues are resolved by negotiation e.g. ownership/distribution of resources, overarching policies, personnel criteria etc. Local issues and local program delivery are under the control of the specific MCC. This complex dance has gone on for 80 years, with some considerable success.

A second MCC example may also be instructive. Over the years MCC has entered new areas of activity which have eventually resulted in new organizational entities. Examples of this include the insurance business, the travel business, MDS, Mennonite Mental Health Services and Ten Thousand Villages. Typically each began as a program of MCC with a separate identity. As the business grew this identity would be promoted and there would be a request made to MCC for greater flexibility and freedom. Frequently this request focused on the issues of resource availability, personnel policies or the level of staff salaries. These requests would produce discomfort for MCC but also typically some concessions were made. In all five examples the discomfort and the increasing divergence of identity/purpose would reach the point where MCC would “encourage” the new organization to leave and go on its own. As in a family, relationships would be maintained, but the new organization was now free to pursue its own purpose and future. Frequently something good came out of this separation and the new organization prospered and MCC was relieved of frustration and tension and could also expend increased energy on its own mission. In the seventies a New York consultant employed by MCC to complete an organizational review of MCC, said after completing the review that such an organizational arrangement should never work. But it does...and has for 80 years.

- At the risk of overstating it, what may be going on at the present time is a “battle” for the soul of CMU, and others might say MSC. This pacifist battle is carried on with words, through organizational structures and the decision-making process by deeply committed individuals who want not only the best for the institution but the best for each other. Included in this debate on identity/purpose are not only members of the faculty and administration but also the Board members. In my view, there is nothing inherently surprising or wrong with this exchange. The goal, however, must be clear, to bring this process to a successful resolution, in a timely manner, so that the institution can expend maximum energy on achieving its purpose.

Conclusion

It's back to you... Thanks for the opportunity to participate. I remain very optimistic that CMU will continue to make a significant and meaningful contribution in the decades to come, both to its primary constituency and to Canadian society at large.

Appendix 8: Report of the CMU-UW Joint Task Force on Hiring Policy for Menno Simons College April 4, 2006

The CMU/UW Joint Task Force was appointed by President Axworthy (University of Winnipeg) and by President Gerbrandt (Canadian Mennonite University) in February 2006 to seek a solution to questions regarding the hiring policy for Menno Simons College.

The Task Force identified the following goals for a revised hiring policy for MSC:

- 1 To advance the distinctive mission and ethos of Menno Simons College, and to do so in a manner consistent with principles of academic freedom and with Manitoba human rights legislation.
- 2 To provide a basis for clearly communicating expectations and assumptions to employees, especially at the point when individuals are considering employment at MSC.
- 3 Have a policy framework that lends itself to clear implementation and ease of administration.

The CMU/UW Joint Task Force recommends to the Presidents the following policy statement:

Assumptions

1. Menno Simons College operates as a college of Canadian Mennonite University in affiliation with the University of Winnipeg.
2. Menno Simons College was called into being at the University of Winnipeg by Canadian Mennonites to serve the educational mission of their churches, as well as to serve the broader community. The character of the college is accordingly informed by the vision and confessions of faith of Mennonite denominations, along with the context of the University of Winnipeg.
3. Within the context of a public university campus, Menno Simons College education flowing from Anabaptist Mennonite understandings of faith, peace, and justice, while engaging other religious traditions and intellectual perspectives. The College testifies a learning community that prepares students from diverse backgrounds for participation and leadership in local and global communities.
4. Employees are hired to advance the mission of the institution. An individual's capacity to advance the mission, as well as to perform specific job requirements, is a central consideration in employee selection.

Guidelines

In order to advance the College's mission, maintain the Mennonite identity of the College, and advance academic excellence together with the University of Winnipeg, the following guidelines are used:

1. All employees

Candidates for a position should be asked to indicate their support for the mission of CMU, and to demonstrate how they can advance the mission of Menno Simons College.

2. Faculty and Administration

The faculty plays a major role alongside the Board and Administration in shaping the curriculum, ethos, and on-going educational program of the College, and in representing the College to the local and wider community. Therefore, the following Principles apply:

- (a) Appointees to faculty positions will meet academic criteria at least as rigorous as those established by the University of Winnipeg.
- (b) The senior administrator must be an individual who enjoys the confidence of both the Mennonite community and the University of Winnipeg.
- (c) Faculty members and administrators commit themselves to a process of careful and deliberate reflection, individually and collectively, on how their faith, values, or worldview interact with curriculum development, teaching, and administration.
- (d) In keeping with the ethos of a small college, faculty members of MSC are prepared to interact with colleagues across disciplinary lines, relate to students in other contexts and on other subjects than those more narrowly academic, and generally remain flexible and responsive to the dynamic needs of the College.
- (e) The College will require that faculty members and administrators demonstrate or commit to developing knowledge of and respect for Anabaptist Christian teachings, tradition, and practice, as well as openness to other traditions.
- (f) To ensure the Mennonite identity of the College, a significant portion of faculty members and administrators should be active participants in a Mennonite congregation and/or individuals whose Christian faith is compatible with the Anabaptist/Mennonite understanding of the Christian faith. This is not understood to preclude appointing individuals with personal commitment other than to a Christian faith.

The CMU/UW Joint Task Force further recommends that this policy be reviewed after three years to ensure that the policy and its implementation has been satisfactory to MSC/CMU and to UW.

Submitted by:

Alaa Abd-El-Aziz

Jerry Buckland

James Christie

Royden Loewen

Dean Peachey

Gordon Zerbe