



November 7, 2017

Honourable Marlin Schmidt
Minister of Advanced Education
403 Legislative Building
10800 – 97 Avenue
Edmonton, Alberta
T5K 2B6

Dear Mr. Schmidt:

Re: Governance Issues and the CAUT Inquiry

By now, you have likely heard the news of the Canadian Association of University Teachers' Ad Hoc Investigatory Committee's Inquiry "Into the Enbridge Centre for Corporate Sustainability at the University of Calgary". This can be accessed at https://www.caut.ca/sites/default/files/caut-ahic-report-calgary-enbridge-centre-for-corporate-sustainability_2017-10.pdf.

To avoid such future incidents as reported by CAUT, and to address the many issues of governance and the failure of transparency, the Faculty Association strongly urges the provincial government to immediately review the governance structures in the *Post-Secondary Learning Act*. The current provincial government's governance review, which has been truncated in recent months, needs to be expanded to address issues identified in this report: the domination of the senior administration in university governance processes; the failure of checks and balances required in effective collegial governance; the lack of transparency and open debate; in short, the inappropriate control over information and decision-making by the senior administration.

While the issues related to the specifics of President Cannon's potential conflict of interest are of concern and worth debate, that debate should occur within the University of Calgary. That being said, one of our concerns is that the current governance structures established under the *Post-Secondary Learning Act* and by the Board of Governors preclude the free debate that is necessary to deal either with the specifics of the incident in question or the broader implications for our University. For example, under the *Post-Secondary Learning Act*, the President is the Chair of the General Faculties Council. The result has been that there was no means to get the item discussed by the GFC. If the GFC is to be a check on the power of the President or the senior administration, it clearly should have an independent chair.

In the University's history, at least the secretary to GFC used to be an academic staff member, but that too has been eliminated in favour of legal administrative personnel.

The University's key Officers, for example the Provost and the multiple Vice Presidents, report to the President and their contracts require loyalty and obedience within the governance of the Institution. The University's governing bodies also report to the President, so there are no effective checks or balances on the authority of the President. The Board of Governors, which should act as a collegial body, instead has a "star chamber" Executive, which excludes all student, academic or staff representative members from crucial, decision-making meetings (at least that has been the practice). Most decisions are made in secret with anyone who has knowledge that might contradict the senior administration excluded from the process.

The agendas and materials for the Board of Governors, GFC, and other bodies used to be freely available in advance of meetings; now they are kept secret until after the meetings occur so that members of the campus community cannot know what is being discussed in advance. The Faculty Association has repeatedly resorted to the *Freedom of Information Act* in order to obtain information from the administration, but even in that situation we are struggling. As one example, the University of Calgary has an entire Faculty in Qatar for which they refuse to provide ANY information about finances. We are currently going through the stages of the process under the *Freedom of Information Act* to try to get some disclosure, but we have repeatedly found that the *Act* is used to allow the administration to hide from scrutiny. Similarly, the donations made to the School of Public Policy need not be disclosed under the *Act*. This again leads to the potential for conflicts of interest since hundreds of thousands of dollars may be channeled into the University for various purposes where the source of the funds does not need to be disclosed.

One statistic might be useful in explaining the situation further. Since President Cannon became President in 2010 the number of academic staff at the University of Calgary has risen by only 2.0% (from 1808.7 in 2009/10 to 1845.6 in 2016/17 – the most recent year reported). In contrast, the Management and Professional Staff have risen by 35.9% (from 698.4 to 949.1 over the same period). We understand that most of this growth is in the central administration, rather than for positions in the Faculties. The priority of the system does not seem to be to put resources into research or providing educational opportunities to students, but rather to bolster the control and dominance of the administration structure.

This trend has been reinforced through the control of information and the limiting of opportunities for debate. For example, the General Faculties Council once had a University Planning Committee which played an essential role in discussing the Budget of the University. A majority of the members of that committee were academic staff. The committee was eliminated and the academic staff's voice in budget discussions was muted. The Budget committee which remains has had all academic staff removed from it, with the exception of the one voting Board of Governors member, and two non-voting Faculty Association members (which likely would also have been eliminated if this wasn't a Collective Agreement contractual requirement). The committee has become a shadow of its former role.

The Faculty Association welcomes the release of the report by the CAUT Ad Hoc Investigatory Committee at long last, as it confirms many of the concerns that we and others within the University of Calgary academic community have been raising regarding failures of governance, lack of transparency, the need for robust protection of academic freedom, and the perceptions of conflict of interest.

Behind the failures in governance has been the Board of Governors' and the Senior Administration's misapplication of for-profit corporate structures within a university collegial setting. Rather than being a place of transparency and open debate reflecting the University as a public institution accountable to the academic and broader communities, the Governors and Administration have used for-profit corporate structures to keep decision-making behind closed doors and controlled by the privileged few. The result is the type of decision-making reflected in the CAUT report.

I could provide many more illustrations for the ways that the collegial governance processes have been narrowed, made opaque, and become dominated by a powerful central administration over the last decade, but I trust the few examples above have made my point. My Executive would welcome the chance to further share our many experiences with you or those involved in the governance review.

We appreciate that the Government has a review of the governance structures in the advanced education sector currently underway as part of the ABC review. However, we have been concerned in recent discussions about this review that it appears to be diminished from the review that was originally discussed when the government was elected. For example, this review appears to accept the idea of Boards of Governors as "corporate", which we think is part of the problem. It does not seem to be looking at the bicameral system and the need for a strong academic council (General Faculties Council) and effective Faculty Councils. There needs to be effective checks and balances established to ensure that one person cannot dominate the governance structures.

While the specific incident that triggered the CAUT Inquiry is in the past, we now need to focus on the future and ensure changes are made to prevent further damage. Without significant structural and policy changes within the University and by the provincial government, the Faculty Association is concerned that even greater problems are inevitable.

Unfortunately, the Board of Governors and the Administration seem to have closed the doors on any discussions within the University. On behalf of the Faculty Association, we would ask that you take actions to direct the review of governance structures to be broadened to include all of the governance issues raised in the CAUT Inquiry and in this letter.

To summarize, the issues pertain to ensuring a strong and accountable process of collegial governance and include:

- 1) ensuring proper checks and balances are created by:
 - a) reducing the dominance of the President and senior administration in governance processes.

b) strengthening academic councils, namely General Faculties Councils and Faculty Councils, through addressing the roles of senior administrators.

2) improving transparency and open debate by:

a) providing the University community with materials relevant to discussions prior to meetings of governance bodies.

b) including all representative members of the Board of Governors in decision-making meetings.

We would further like to ensure there is a robust consultation process so that the many issues we and others have identified in this letter and elsewhere can be addressed by the Government. All this being said, it is important that any provincial governance review also respect university autonomy, academic freedom, and bi-cameral collegial governance; however we believe there are many structural changes that the Government could make to enhance collegiality, the need for bi-cameral protections, transparency, and accountability without compromising autonomy and academic freedom.

I look forward to your response.

Sincerely,

[original signed]

Dr. Sandra Hoenle
President

cc: Calgary MLAs

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