

# NEWS FROM UWFA

EDITOR: DANIEL STONE

## 1996 / 1997 UWFA EXECUTIVE COUNCIL

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**INSTRUCTOR REPRESENTATIVE:**

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Tim Babcock, Theatre and Drama

**PAST - PRESIDENT:**

Tim Babcock, Theatre and Drama

**OFFICE - ROOM 306 SPARLING HALL:**

Kim Best (9430)



## President's Report

I am pleased to report that the UWFA signed our new Collective Agreement with the Board of Regents on Monday June 24. The UWFA Executive is now preparing for our next round of negotiations to begin in March 1997, and I am delighted to announce that Reg Skene has agreed to serve as our Chief Negotiator. During the next several year the UWFA Executive will be addressing many issues on behalf of UWFA Members, but one recent development concerns us most.

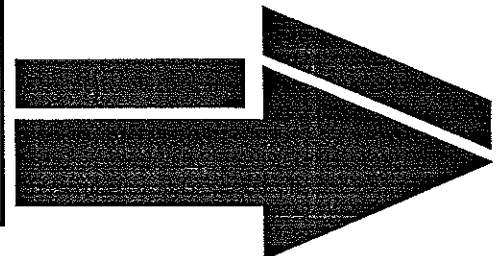
On June 3 Linda McIntosh, the Minister of Education, tabled Bill 32 in the Manitoba legislature. I have some serious questions about the nature and implications of Bill 32, and I would like to take this opportunity to outline my response to this legislation.

**1. WHAT DOES THE GOVERNMENT WANT TO DO WITH UNIVERSITIES AND COLLEGES UNDER BILL 32 THAT THEY COULD NOT DO UNDER THE EXISTING LEGISLATION, THE UNIVERSITIES GRANTS COMMISSION ACT?**

## IN THIS ISSUE:

REPORT OF THE VICE-PRESIDENT  
UWFA REPRESENTATION ON JCCs  
LETTERS OF UNDERSTANDING

Page 4  
Page 5  
Page 6



Bill 32, the Council On Post-Secondary Education Act, gives COPE the mandate to "plan and coordinate the development of a post-secondary system in the province that promotes excellence in education, supports the coordination and integration of services and facilities, and avoids unnecessary duplication of effort and expense" [3.1]. This broad mandate for eliminating overlap and duplication under the guise of coordination and integration may impinge upon Senate and Board powers and processes for declaring a Redundancy and/or Exigency under Collective Agreements.

Secondly, under the UGC Act, the commission was to "restrict its activities to the fiscal arrangements of universities and ... not interfere with the basic right of a university to formulate academic policies and standards" [3.a], but the COPE mandate refers only to "the basic right of a university to formulate academic standards" [3.2.a]. Thus the internal academic policy-making responsibilities and processes of the University, and of the Senate and the Board in particular, are jeopardized by Bill 32.

Thirdly, the UGC had responsibilities to study Post-Secondary education in the province with reference to "the kind, quality and quantity," institutional "capacities" and "other related matters as may be referred to it by the minister" in order to "assure that adequate post-secondary educational resources of the type normally provided by universities and colleges are available to citizens of the province without waste or unnecessary duplication" [15]. The COPE Bill similarly gives the 11 government-appointed members council the responsibility to "assess, on an ongoing basis, the Post-Secondary educational needs of the province and the ability of universities and colleges to meet those needs" [11a], but Bill 32 makes no reference to educational resources normally available at universities. Instead, Bill 32 specifies that "the council shall ... within a framework established by the minister (i) determine priorities in the provision of Post-Secondary education, and (ii) in accordance with those priorities, allocate funding to universities and colleges, or to programs within universities or colleges, with a view to avoiding unnecessary duplication of effort and expense within the Post-Secondary education system" [11b]. In other words, the Minister of Education is afforded the power to set academic program priorities and target funding both within the Post-Secondary system and within institutions.

Finally, the UGC Act required a university or college to obtain UGC approval before it "(a) establishes, offers, provides, or creates, any new service, facility or program of studies; or (b) extends or expands any service, facility or program of studies" [16.1]. Moreover, the UGC could require a university or college "to cease to provide or offer, or to withdraw, any service, facility or program of study ... adequately offered or provided by another university or college or for which, in the opinion

of the commission there is no substantial justification" [16.3]. The new COPE Act gives the Council "the power to regulate programs" [3.2] under section 14, as follows: "A university or college that wishes to establish, expand or reduce a program of study, service or facility involving money at the disposal of the council shall first obtain the council's written approval" [14.2] where the definition of "reduce" means to decrease the number of students in a program of study or the length of a program of study" [14.1]; moreover, "After advising the minister, the council may grant an approval under subsection (2) for a limited period or may impose other terms and conditions on an approval, and a university shall comply with any terms and conditions that are imposed" [14.3]. As the implementation mechanism for section 3, this section of the Act grants the Council and the Minister absolute, final decision-making authority over Senate and Board powers and processes for declaring a Redundancy and/or Exigency under Collective Agreements.

## 2. WHAT PRIORITIES AND POLICIES IN POST-SECONDARY EDUCATION DOES THE GOVERNMENT INTEND TO PURSUE UNDER BILL 32?

The differences between the UGC and COPE make it clear that the government intends to integrate services and facilities, avoid duplication, intervene in academic policy-making processes and bodies, set program priorities, target funding and regulate academic programs within institutions and within the Post-Secondary system. In carrying out its mandate and exercising its powers, Bill 32 specifies the COPE "shall operate within a framework of accountability established by the minister," including the "priorities the council should follow; and co-ordination of the council's work with the programs, policies, and work of the government" [4]. Bill 32 is legislation under which unspecified Post-Secondary education priorities and policies will not only be determined by the Minister of Education; they will be harmonized with the government's political agenda. Under Bill 32 the fundamental, longstanding university traditions and requirements of autonomy, self-governance and academic freedom are threatened.

More specifically, sections 11 and 12 give COPE much more policy-making authority than the UGC through a series of mechanisms for government intervention in the affairs of Post-Secondary institutions. Under section 11 COPE is given the following duties: "advise and assist universities and colleges in planning for the development and delivery of academic programs, services and facilities; advise and assist universities and colleges in the development of a clear mandate for each institution; develop and implement ... accountability requirements ... for the core functions of teaching, research and service, including the development of consistent and effective criteria for measuring their performance" [11]. Under section 12 COPE is given the

following powers: "review and evaluate post-secondary programs and services and any other related matters; develop policies for specialization and cooperation; require a university or college to provide ... any financial information that the council considers necessary; establish policies fortuition fees charged by universities and colleges; appoint a person or a committee to review and report on any matter concerning a university or college" [11].

The Bill lacks any clear statement of what specific government policies and priorities these duties and powers are designed to achieve.

### **3. HOW WILL BILL 32 AFFECT UNIVERSITIES IN MANITOBA?**

The effects of Bill 32 on universities will be largely unknown until COPE is appointed and operational. However, the following implications of the Bill are apparent: the Minister of Education will have the authority to determine academic policies, priorities and accountability mechanisms; COPE will have unprecedented authority to intervene in university academic affairs; the current powers and responsibilities of Senates, Boards and administrators will be reduced or eliminated; specific departments and programs may be reduced, combined or eliminated by government; and, collective bargaining and collective agreements between Faculty Associations and Boards will be subject to government control.

Consequently, UWFA and the Manitoba Organization of Faculty Association (MOFA) in cooperation with individual Faculty Associations, Boards, Administrations and Student Associations will be proposing extensive amendments to Bill 32 at the Committee Hearings in October and November. In addition MOFA has prepared the following proposals on how COPE should be structured and function under a Manitoba Post-Secondary Education Act.

#### **AN ELECTED COUNCIL**

Under the MOFA proposal, the COPE would be autonomous, with a budget allocation sufficient to allow it to carry out its responsibilities. It would monitor the progress of the government in relation to the goals and objectives cited in our proposed Post-Secondary Act, and it would prepare recommendations on ways to improve performance the quality and effectiveness of post-secondary instututions in the province.

To ensure that the COPE functions autonomously, the part-time councillors should be selected through some mechanism other than direct government appointment. MOFA proposes that the COPE have fourteen members, including one from each of the post-secondary education institutions. The representatives would be elected by and from the students, faculty members and support staff. An additional seven

members would be elected or appointed by the government to represent community interests.

The proposed composition of the COPE and the proposed method of selection would produce a council which is representative of all the main constituencies with a direct interest in safeguarding and strengthening the post-secondary education system in Manitoba. The proposed mechanism for selecting representatives would contribute to greater accountability and transparency in the system, since elected representatives would be obliged to report on developments to their respective constituencies.

A primary responsibility of the council should be the administration of a Post-Secondary Education Act to ensure the viability of the Post-Secondary Education system in the province.

#### **A POST-SECONDARY EDUCATION ACT**

A Post-Secondary Education Act should provide that:

1. Post-secondary institutions in Manitoba will be governed on a not-for-profit basis and public funds directed to public-sector universities and colleges.
2. All individuals with the capacity and desire to acquire post-secondary education and/or skills will have equal opportunity to do so, irrespective of their backgrounds.
3. A public system designed to ensure accessibility in fact, as well as in principle, will be put in place, providing potential students with a complete range of options at universities, community colleges and professional schools and opportunities for vocational training and adult education.
4. Credits acquired in public-sector institutions in Manitoba will be transferable between all public-sector institutions in the province, and the barriers which prevents or deter the movement of students between institutions and programs will be eliminated.

#### **ACADEMIC INTEGRITY, AUTONOMY, AND FREEDOM**

The Act should also protect the institutional arrangements and practices developed over time in response to both external pressures and internal problems. The precise set of arrangements and practices varies from university to university, but there is a core common to all universities. These are:

5. University autonomy, which means freedom from control (even undue influence) by external bodies or segments of society, such as government, the church, commercial and corporate interests, and local elites in the communities in which universities are located.

6. Academic freedom, which gives faculty members autonomy in their research and teaching activities, and protects them from reprisals for publishing and disseminating the results of research and scholarly deliberations which may offend powerful interests - governments, commercial and corporate interests, the entire community, or even peers and administrators within the university (or, as Bernard Shapiro, Deputy Minister of Ontario Colleges and Universities, has put it, "the freedom to think, seek, teach, publish and criticize.")

7. Tenure, which secures academic freedom by protecting faculty members from reprisal and/or dismissal without just cause. (Contrary to popular mythology, tenure is not a job guarantee. The bulk of university faculty members do not obtain tenure until they are in their thirties, and then only after a long laborious process involving careful scrutiny of their teaching, scholarly activities and service to the community by their peers. Faculty members may be dismissed from their jobs for *just cause* or lose their jobs because of a severe fiscal crisis which necessitates the elimination of programs. It should be noted as well, that tenure is clearly an inadequate measure for protecting the academic freedom of individuals who do not have tenure - individuals in probationary or term contracts, and it doesn't protect individuals from reprisals in other aspects of administrative and peer review processes.)

8. Collegial decision-making, which is based on the recognition that the university is a community of scholars sharing common values and commitments relating to the role and purposes of the university, and has the resources required to make open and democratic decisions which are in the interests of its members and in the interests of society. Senate and faculty bodies are crucial elements in this process; they ensure the protection of academic standards, and academic values.

These institutional arrangements are vital to the protection of the academic integrity of universities and colleges and vital to sustaining the academic project in Manitoba. The Manitoba government should endorse these principles in the Post-Secondary Education Act in recognition of its responsibility to guarantee Manitobans attending universities and colleges an education second to none.

ALDEN TURNER,  
PRESIDENT

#### UWFA OFFICE SUMMER SCHEDULE

*Kim Best will be on holidays from July 2nd to September 6th. Judy Walker, formerly of UMFA, will be replacing Kim for this period. Judy will be on campus Mondays and Thursdays from 9:00 a.m. to 3:30 p.m.*

*Voice mail messages will be checked on a daily basis. If you have any questions or concerns, please contact the UWFA office or call any member of the Executive Council.*

#### REPORT OF THE VICE-PRESIDENT

Since the election of the new Executive Council In April the Executive of UWFA has met four times. Much of its work could, predictably, be called house-keeping. Committees have been staffed and appointments made to two important Joint Consultative Committees on Exigency and Redundancy, and Salary Structure.

Another item growing out of this last negotiations and still in the process of a final destination is the future and disposition of the UWFA's part of the University Pension Plan. Three members of the UWFA Executive have been appointed for varying terms to the present Joint Pension Committee: Tim Babcock (1 year), Mike Benarroch (2 years) and Ron Norton (3 years).

Two other matters are of note. First, the Executive has struck a new, ad-hoc committee, chaired by Alden Turner, called the Policy and Planning Committee. This was the suggestion of Claudia Wright. She believes that UWFA needs to be clear about some of its longer term goals, instead of being reactive and limited in its response to issues. The purpose here is not just to encourage a sense of broader, long-term thinking within the Executive, but to create a process that Members can participate in whereby we all develop a sense of overall priorities and how these inter-relate to each other in troubled and complex times.

Finally, an instance of the latter is the provincial government's recent legislation, Bill 32, The Council on Post-Secondary Education Act. Apart from continuing cut-backs and the appointment of the Roblin Commission, this legislation is the most precise measure we have to date of the intention of the Government towards the universities. It is not encouraging. The Bill replaces the Grants Commission with a Post-Secondary Council. The Government's purposes are clear in some respects: to use the Council to obliterate what it deems to be overlap in the system; to promote greater integration between community colleges and universities; and altogether to pursue more

interventionist policies in the universities. The Bill gives the Minister and Cabinet unprecedented power to intervene in university affairs through the Council and even in spite of the Council. The post-war independence of Manitoba's universities is clearly about to be compromised.

UWFA and MOFA will lobby intensively to bring amendments to this legislation and Members' support in whatever way will be greatly appreciated.

On many sides in recent weeks there have been genuine declarations of the need for more effective and sensitive ways of resolving issues between the administration and UWFA. The present Executive Council wants to play its part in this outcome. There will no doubt be differences of opinion between UWFA and the administration. These can be dealt with frankly and with civility we feel. Where we can work together in joint projects in the name of the university, we will do so.

For itself the Executive wishes that UWFA will continue to be as open and representative as we can make it: to consult and be responsive and inclusive. It is easier said than done but it is, at least, what we aspire to.

**ALLEN MILLS  
UWFA VICE- PRESIDENT**

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## **UWFA REPRESENTATION ON JOINT CONSULTATIVE COMMITTEES**

### **Joint Consultative Committee - Redundancy and Exigency**

Claudia Wright, Political Science  
Jim Silver, Political Science  
Bill Martin, Mathematics/Statistics  
Christopher Leo, Political Science

### **Joint Consultative Committee - Review of the Compensation System**

Hugh Grant, Economics  
Michael Benarroch, Economics  
John Braun, Mathematics/Statistics  
Geraldine Sweet, Geography  
Scott Forbes, Biology  
Ken Gibbons, Political Science  
Don Kerr, Physics

### **Joint Employee Benefits Review Committee**

Dennis Noble, Theatre/Drama  
Grace O'Farrell, Administrative Studies/Business Computing  
Howard Mathieson, Collegiate