
STOP BILL 100

**STEPPING BACK FROM THE BRINK OF
DISASTER**

To Lena Metlege Diab, Minister of Justice

Canadian Federation of Students—Nova Scotia

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Introduction

The Canadian Federation of Students - represents over 600,000 students at colleges and universities in all ten provinces. The Federation is founded on the principle that post-secondary education is a right and advocates for a well-funded, affordable post-secondary education system.

Students care deeply about the accountability and sustainability of our universities. The Canadian Federation of Students – Nova Scotia has consistently called on the Government of Nova Scotia to introduce a universally accessible model of post-secondary education in Nova Scotia. This goal can only be made achievable if our institutions are held accountable to the public, and if the funding is present to adequately sustain them. We are disappointed to see that Bill 100, despite its name, does nothing to make universities more accountable to the province, nor does it deploy any framework for providing them with adequate funding. Instead, Bill 100 gives the government sweeping powers to restructure our schools and suppress stakeholder input.

The following pages outline the position of the Canadian Federation of Students-Nova Scotia in regards to *Bill 100: Universities Accountability and Sustainability Act*.

Student Consultation

Students were not consulted at any stage in the development of this bill. At no point did the Minister of Labour and Advanced Education, Kelly Regan, reach out to students to discuss what they wanted to see in accountability legislation from the province. Students met with Regan four times this year at Student-Government Roundtables, and not once did the minister discuss this legislation, despite one of the purposes of these meetings being for the government to inform students of the priorities of the provincial government during the legislative session.

Considering that this bill will have a direct impact on the learning experience of students, this was a major and unacceptable oversight by the Minister, and must be remedied. To address this concerning lack of consultation, students call on the government to immediately meet with students to discuss amendments before this bill is permitted to go forward.

Cutting our Universities to the Core

Bill 100 directly targets the autonomy of universities in Nova Scotia. Universities who are in a state of financial crisis would be required to enter a revitalisation period. In such a period they must present options for cutting entire faculties, departments, and/or programs. Gutting university programming is not a sustainable model for post-secondary education in Nova Scotia and will only diminishes this province's reputation as an attractive destination for students across Canada and around the world.

Students are concerned to see that as the bill is currently worded, a university could enter in a revitalisation period before ever experiencing an actual operating deficit or cash flow deficiency. The loose definition of “significant operating deficit” means that a university need only argue that such a situation may exist in the next 5 years. This is far too vague a definition, considering the massive changes that could be undertaken during revitalisation periods.

The bill also requires “proposals for partnerships, mergers, affiliations, federations or other arrangements” when entering into a revitalisation period. If there is no merger is proposed there needs be an explanation why. In the past, mergers have not saved universities or the province any money. Our universities and colleges already have many arrangements to share courses and services where it makes sense. Given this reality, it is unclear why the government is so focused on mandating potential mergers.

An Attack on Worker’s Rights

Section 8 of Bill 100 goes into great detail about removing the right of workers to negotiate a collective agreement, file a grievance, and strike. These measures seem to be an extension of the government's agenda to threaten the rights of workers and limiting collective bargaining rights, which have been repeatedly upheld by the Supreme Court of Canada.

The primary purpose of Bill 100 does not seem to be to make universities more accountable, but instead to infringe on the organising rights of workers. The rationale for stripping these rights is to enable university administrators and the provincial government to implement reforms to the post-secondary education system.

In Nova Scotia, the collective bargaining rights of faculty and staff have played a determinant role in upholding basic standards of academic quality and freedom. Once removed, students will have no guarantees about the integrity or quality of the education they receive. As result, Bill 100 will actually make it harder for groups that have traditionally been whistleblowers on internal malpractice at universities, specifically faculty, students and staff, to speak out. This will make our universities less accountable.

The potential loss of academic freedom will have broader implications for democracy in Nova Scotia. As has been established, the definition of “significant operating deficit” is so vague, that justification for entering into a revitalisation process could be made at any time. The threat of such a process, or engagement in it, could be used to suppress individuals or research that the Government of Nova Scotia finds undesirable. Nova Scotia will become the only province in Canada where a provincial government has such sweeping powers to suppress academic dissent like this.

The Folly of Linking Publicly Funded Research to Private Sector Aims

The University Accountability Act contains language specific to aligning the research outcomes of universities with private sector needs. This is concerning, as attempts to do this elsewhere in Canada have been an expensive failure. The Government of Nova Scotia should look closely at the disastrous outcomes of similar attempts made by the Federal Government.

Since the late 1990s, a number of initiatives have been undertaken to bend public university infrastructure to meet the government's commercialisation objectives, such as requiring publicly funded research to secure direct, private sector investment. University research geared towards commercialisation is focused on generating products that may yield short-term results, with little consideration of long-term research and innovation goals. As research funding is increasingly directed in this way, basic research and academic pursuits are undermined.

Shifting the motivation for university research away from the public interest and towards commercial interests has resulted in the private sector increasingly relying on public infrastructure at universities for research and development, rather than investing in their own infrastructure. This dependence contributes to lower private sector investment in research and development in Canada than in comparable countries. Canada has fallen from 22nd to 27th in the world for private sector spending on research in the last 5 years, according to the 2014 World Economic Forum annual competitiveness report.

The result of this policy is that Canada has consistently ranked low on measurements of innovation. The World Economic Forum highlighted the need for Canada to increase the sophisticated and innovative nature of private sector research and development. This year, Canada was ranked 15th for the quality of scientific research institutions – a sharply declining trend over the past five years from Canada's 2009 ranking of fourth.

As this trend continues, private sector research and development infrastructure is being replaced with a publicly-backed university system that is forced to advance private sector research, a collaboration that does not have a consistent track record of successfully bringing innovations to the marketplace. Since 2009, Canada has slipped from 18th to 26th in its capacity for innovation.

The private sector's encroachment on universities undermines the independence of the academy, as money for research is increasingly tied to entities outside the academic system. These corporations often influence decisions that are normally left to the research community, such as investment in maintenance, research facilities, and new infrastructure. The research community can also come under pressure from private funders of research when outcomes are not commercially favourable for those funders.

The Government of Nova Scotia should learn from the mistakes made by the federal government, and not require universities to set outcome agreements that link public research with the goals of the private sector.

What Accountability Legislation Should Look Like

The government of Nova Scotia is right to assume increased accountability at our institutions is needed. This year, students called on the government to introduce standardized financial reporting procedures.

Students have been saying for years that internal governance bodies at our universities lack enough stakeholder representation to really hold senior administration to account. Instead, they are filled with individuals who are only loosely attached to the institution, and who lack the background knowledge to stand up to the university's senior administration who appoint them. Time and again students, faculty, and staff have warned against dangerous investments and questionable priorities in our universities, but lacked the mechanisms to stop them. Accountability legislation should reform university governance models so as to prevent a small group of individuals from having the power to jeopardize the fiscal health of their institution, but as it currently stands, Bill 100 does not.

A lack of accountability also exists in the way our provincial government oversees the post-secondary education system. The most senior level discussions about the future of our universities happen at the Partnership Board, which is made up exclusively by representatives from the Government of Nova Scotia and the 10 university presidents. These meetings exclude students, faculty, and staff from discussions about the future of the post-secondary education system in Nova Scotia, and are kept strictly confidential. This exclusionary model of governance is likely responsible for the recent and disastrous decision to deregulate tuition fees in Nova Scotia. A decision condemned by student organisations across the province. The government should lead by example and give stakeholders and increased say in decision about the post-secondary education system in Nova Scotia.

Conclusion

No amount of amendments will make Bill 100 salvageable. This Bill is too radical and dangerous to achieve its stated aims. If the Minister of Labour and Advanced Education is correct in her claims that this bill is meant to serve as a last resort to hold universities to account, then there is no need to hastily pass it in its current form. Instead, the Government of Nova Scotia should delay passage of this Bill until all interested parties can meet to agree on what this legislation should look like.

Students are willing to work with the government over the summer to develop accountability legislation that will:

- Enshrine the right of students, faculty and staff unions to exist, grieve and strike in Nova Scotia;
- Enshrine the academic freedom of students and faculty to learn and research without interference from the senior administration, the provincial government, and the private sector;
- Make public the standardised financial reports of post-secondary institutions in Nova Scotia;
- Review the respective university acts to increase student, faculty, and staff representation on internal governance bodies;
- Abolish the Partnership Board and to re-establish the Nova Scotia Council on Higher Education with a majority of its seats being given to organisations representing students, faculty and staff in Nova Scotia.

Thanks you for reviewing our submission. For more information please contact Michaela Sam at (902) 425-4237.