

Bill #100
Universities Accountability and Sustainability Act

CHANGES RECOMMENDED TO THE LAW AMENDMENTS COMMITTEE
BY THE MINISTER OF LABOUR AND ADVANCED EDUCATION

PAGE 1, Clause 2,

- (a) **paragraph (1)(c), line 2** - delete "20" and substitute "19";
- (b) **subclause (2), line 2** - delete "5 to 8" and substitute "6 to 8, 14, 16, 21 and 22";
- (c) **subclause (3), line 1** - delete "5 to 8" and substitute "6 to 8, 21 and 22";
- (d) **subclause (3), line 3** - delete "5 to 8" and substitute "6 to 8, 21 and 22".

PAGE 4, subclause 8(1) -

- (a) add "and" at the end of paragraph (b);
- (b) delete "; and" at the end of paragraph (c) and substitute a comma;
- (c) delete paragraph (d).

PAGE 5, subclause 8(4),

- (a) **paragraph (c)** - delete "15(4)" and substitute "14(4)";
- (b) **paragraph (d)** - delete "17(3)" and substitute "16(3)".

PAGE 6, Clause 12,

- (a) **subclause (1), line 1** - delete "A" and substitute "Subject to subsection (3), a";
- (b) add the following subclause immediately after subclause (2):
 - (3) In preparing a revitalization plan that meets the requirements of subsection (1), a university may consider the academic freedom of the university and faculty.

PAGE 6 - delete Clause 13.

PAGES 6 to 10 - renumber Clauses 14 to 26 as 13 to 25.

PAGE 8, Clause 17 (renumbered as 16),

- (a) **line 1** - delete "18" and substitute "17";
- (b) **line 2** - delete "16" and substitute "15".

PAGE 9, Clause 19 (renumbered as 18), line 1 -

- (a) delete "17(1)(a)" and substitute "16(1)(a)";
- (b) delete "18(2)(b)(i)" and substitute "17(2)(b)(i)".

PAGE 9, Clause 20 (renumbered as 19),

(a) subclause (2) - delete and substitute the following:

(2) An outcomes agreement between the Minister and a university must establish the strategic connection between the social and economic priorities of the Government and the university's funding decisions that enables and encourages the delivery of learning, research and knowledge, and must include

(a) a statement establishing the outcomes, as agreed between the university and the Minister, that support the social and economic priorities of the Government;

(b) the university's plan to achieve the identified outcomes and to demonstrate the financial sustainability of the university, including the sustainability of its existing and proposed programs; and

(c) any additional matters that may be prescribed.

(b) subclause (3), line 1 - delete "21" and substitute "20".

From: Leslie Ingraham <Leslie.Ingraham@Dal.Ca>
Sent: Wednesday, April 29, 2015 8:12 AM
To: Office of the Legislative Counsel
Subject: Bill 100

I believe Bill 100, while sounding positive, (who doesn't want accountability and responsible financial management?) is a flawed piece of legislature. To take away the rights of the people that are most invested in the universities, namely the faculty, staff and students is just plain wrong. This bill needs to go back to the drawing board.

Leslie Ingraham
Technician
Dalhousie University

From: Charles Gavel <cgavel@stfx.ca>
Sent: Wednesday, April 29, 2015 11:10 AM
To: Office of the Legislative Counsel
Subject: Bill 100

As a member of NSGEU 88, and a 40 plus year employee of St. Francis Xavier University, I strenuously object to Provincial government's attempt to remove my (and other unionized individual's) constitutional rights with passage of bill 100. Furthermore it is my understanding that such infringements of constitutional rights are not within the domain of Provincial authorities.

I urge you to re-think/re-draft a proposal which does not remove my rights as is attempted in section 8 of this bill.

A. Charles Gavel

Buyer, Procurement Services

St. Francis Xavier University

t. 902 867 5188 / f. 902 867 2118 / e. cgavel@stfx.ca



SIFX PREMIER EXPERIENCE
PREMIER PEOPLE

From: Cathy Mason <cmason@stfx.ca>
Sent: Wednesday, April 29, 2015 1:46 PM
To: Office of the Legislative Counsel
Subject: Bill 100

Hello, as a member of NSGEU 88 and a 34 year employee of St. Francis Xavier University, I am writing to express my very strong objection to Bill 100. I am very concerned about how this Bill could affect my rights as a unionized worker and a member of NSGEU. I ask for your support to remove Section 8 and all references to it in this Bill.

Sincerely,

Cathy Mason



Notes for a Submission

By

Robin MacLean
Interim Executive Director

And

Raymond Larkin, Legal Counsel
Nova Scotia Government and General Employees Union

To the
Law Amendments Committee
On

Bill 100 -
Universities Accountability and Sustainability Act

April 30, 2015

1. We thank the Committee for this opportunity to speak to you about Bill 100 – *Universities Accountability and Sustainability Act*. Our President (Joan Jessome) is unable to be here today to speak to this Bill. My name is Robin MacLean and I am Interim Executive Director of NSGEU, and with me is Raymond Larkin who is our Legal Counsel.

2. The Nova Scotia Government and General Employees Union (NSGEU) is the largest union in the province representing more than 30,000 workers across the public sector. We represent employees in the provincial government, corrections, health care, public schools, community colleges, universities, municipalities, and community organizations. In post-secondary education, we represent almost 2,600 women and men who work as support staff at seven universities and with the Nova Scotia Community College. Our members work in the universities and community colleges as library staff, as clerical and administrative support, in IT, in technical positions, in labs, in maintenance and trades, and also, includes instructors at Cape Breton University.

3. We are a member organization of the Nova Scotia Post-Secondary Education Coalition, along with the Association of Nova Scotia University Teachers (or ANSUT) and the Canadian Federation of Students – Nova Scotia (or CFS-NS), and in addition, more recently, the Dalhousie Faculty Association and the Dalhousie Students' Union.. Together as a Coalition since 2005, we have worked to raise the profile, and increase funding and accessibility for Post-Secondary Education. We've conducted public opinion polls, made submissions to legislative committees, met with elected members and candidates from all parties, and organized election forums.

4. Last October, the government announced that it was consulting on the future of the province's university system. In the backgrounder for this process, it was indicated that all university stakeholders would have the opportunity to "explore the opportunities and challenges facing Nova Scotia's universities, and

to help develop "...a strategic, long-term direction for Nova Scotia's universities". During this consultation process, our members were part of two focus group sessions: one on October 20 and another on October 30.

5. When the results were publicly reported on March 24 by the Minister, we did not see our members' main concerns and recommendations reflected in those results. In particular, we were hoping to see some confirmation that universities have a broader purpose, to serve the province and all Nova Scotians, and not just private sector, that there are limited support services for students such as those offered by our members, that the number of faculty and staff have not kept pace with the numbers of students who are enrolling at the universities, student retention is just as important as student recruitment, and must be addressed, the growth of the senior level of administrators at universities has to be taken seriously, and that universities are sustainable considering the significant contribution they made to the provincial and regional economy.

6. At the report back session on March 24, the Minister did confirm that "accountability" legislation was coming in this Spring Sitting to require more standard reporting and to give the government the authority to withhold grants in extreme circumstances. But there was no hint or indication of the details of what this legislation in the form of Bill 100 would contain. **I am now going to ask Mr. Larkin to outline why we have significant concerns with this Bill.**

7. Bill 100 rides roughshod over university collective agreements and the *Trade Union Act* rights of employees by permitting universities with an operating deficiency to initiate a restructuring process to produce a "revitalization plan" which must be approved by the Minister of Labour and Advanced Education for the university to qualify for funding from the Province.

8. The revitalization process in the Act is modeled on bankruptcy legislation. It will be overseen by a committee appointed by the Minister like the committee of creditors in a bankruptcy. It will be driven by a revitalization facilitator like the receiver appointed under the Bankruptcy Act or the Companies Creditors Arrangements Act. It is designed

to give the Minister the power to attach conditions to university grants that will override employee job security protections and to impose government's priorities for the delivery of education and research.

9. Universities are being offered a bargain with the devil. Government is telling them to restructure. To facilitate restructuring they will be free to ignore the commitments made in collective agreements that affect restructuring and any discussion about restructuring will take place by consultation instead of collective bargaining. Collective bargaining with the ultimate right to strike creates a level playing field for negotiating change; consultation where the ultimate power to dictate is held by the Minister is a recipe for wholesale erosion of employee rights .

10. University employers are given an option to apply Section 8 of the Act if they initiate a restructuring or if a university undergoing restructuring proposes to merge with another university. Section 8 has to be read in light of Section 2(3) which overrides the *Trade Union Act* and any collective agreements or employees' rights of any sort.

11. If a university employer wants to engage Section 8, it will be unlawful for employees to exercise their right under the *Trade Union Act* to strike and it will be unlawful to conclude a collective agreement until the restructuring process or merger process has been completed.

12. Section 8(1)(d) provides that "Neither the trade union nor any of the unionized employees shall commence or continue any grievance that relates in whole or in part to the development of the revitalization plan or the revitalization planning process". Essentially unions will not be able to enforce collective agreement provisions affected by the restructuring.

13. The revitalization plan process is extremely broad and covers the whole undertaking of the university. Section 12 provides that a university's revitalization plan must include "analysis of potential opportunities and cost savings that could be achieved through collaboration with the universities, including by elimination, consolidation and specialization of faculties, departments and program" and "proposals for partnerships, mergers, affiliations, federations or other arrangements".

14. Employees providing operational and administrative support to universities are covered by collective agreements which have elaborate job security protection for employees. Employees will be prohibited from grieving the employer's violations of these provisions if the university decides to eliminate programs or departments or even to merge with another university.

15. More broadly, a wide range of working conditions are covered by collective agreements and at the end of the revitalization process changes to those conditions will be a fait accompli because the funding of the University by government will depend on doing what the Minister wants.

16. There is little doubt that several Nova Scotia universities have been badly mismanaged. They have got themselves into financial trouble by embarking on ambitious but inadequately funded building programs and have piled up debt. Those universities are to be rescued by eliminating the jobs and employment rights of university employees without any fear of being held accountable under existing collective agreements.

17. The provincial government does not seem to realize that riding roughshod over people creates more problems than it solves. Treating people unfairly leads to turmoil and unrest. It lasts for years. Free collective bargaining requires the employer and the employees to confront issues and negotiate solutions that everyone can live with. The right to strike gives an incentive to both employees and employers to reach compromises.

18. Dictatorial actions like Bill 100 are aimed at preventing the resolution of workplace issues on a level playing field. They aim to free the university employers from negotiating changes in terms of employment by handing them unilateral powers to override employee rights and by denying access to the possibility of grievances or strike action to defend employee interests.

19. The recent decision of the Supreme Court of Canada striking down essential services legislation in Saskatchewan found that the right to strike is protected by the

constitutional guarantee of freedom of association in the Charter of Rights. The Court found that a scheme giving unilateral rights to employers and denying a collective bargaining level playing field could not justify infringing the right to strike. Bill 100 suffers from the same defect. In our opinion it is unconstitutional. If it goes forward it could only be saved if it is amended by deleting Section 8 and the related provisions.

20. Any university who accepts the deal with the devil by agreeing to the revitalization process will pay a very heavy price for using the Act to take away employee protections in collective agreements. That university will not only face employee unrest and labour relations turmoil. They will bear the stigma of having undergone the equivalent of bankruptcy and the consequences of that stigma for student recruitment. They will surrender their autonomy to decide their own priorities for teaching and scholarship and have to accept the dictates of the provincial government and they will bear the stigma of that when they try to hire and keep highly qualified faculty. The whole process is a recipe for the decline of a critical sector of the Nova Scotia economy.

21. This government seems to believe that it can dictate poorly considered policies affecting the public sector without harming public services and the Nova Scotia economy. They were wrong in health care. They were wrong in dealing with the film industry. They will do serious harm to higher education if this Bill is passed.

22. We call on the Committee and the government to amend the Bill by deleting Section 8 and the related sections that give university employers the option to use it.

We thank you for your time and attention, and we welcome any questions or comments from Committee members.

Submission to the Law Amendments Committee

By

Ian Johnson

Servicing Coordinator/Policy Analyst

Nova Scotia Government and General Employees Union

About

Bill 100 – Universities Accountability and Sustainability Act

Tuesday, April 28, 2015

Introduction

- Here to make an individual submission on Bill 100
- I am the Servicing Coordinator/Policy Analyst at NSGEU. In that role, I am one of three NSGEU reps on the Nova Scotia Post-Secondary Education Coalition.
- This Coalition was formed in 2005 by the Association of Nova Scotia University Teachers, the Canadian Federation of Students – Nova Scotia and NSGEU.
- The Coalition has worked to raise the profile, and increase funding and accessibility for Post-Secondary Education, especially through its regular polls and lobbying of provincial and federal politicians.
- I am particularly concerned with the process followed that led to this Bill, its provisions, and its likely impacts.
- I am opposed to the Bill and in particular, to Section 8.

The Process

- The process that led to Bill 100 started last fall with the university consultation process announced last October 8 when it was promised that Nova Scotians would have the opportunity to shape the future of our provincial university system.
- But from the beginning, the process seemed flawed and biased to yield certain answers. For example, it was suggested that Nova Scotia's university system was not sustainable, that is, by needing more than \$50 million in funding during the next few years. It was also suggested that "a sustainable university system helps businesses grow, export and create jobs, and prepares young people to fill and create jobs themselves. In other words, the main purpose of universities should be to help businesses grow.

- We participated in two focus groups: one for members of our Coalition and one for unionized support staff. In both sessions, those biases were confirmed in almost all of the questions asked.
- Worse still, when we asked for copies of the minutes at those sessions, it was very clearly stated that this was not possible. When I applied through FOIPOP for a copy of the minutes, I was then advised by the Department of Labour and Advanced Education that such minutes did not exist. In that same application, I asked for copies of all written submissions, I was told that they could not be released because they were considered to be advice to the Minister.
- There was no hint of the results of the consultation process until the Minister reported to a stakeholders' meeting on March 24 at which time, she indicated that there would be legislation coming forward this spring to increase universities financial accountability, and in extreme circumstances to have authority to withhold grants.
- All in all, this process seemed to be braised from the start and that the main outcomes of what was in the Budget and in this Bill were pre-determined, and not based on what was said during the consultation process. Worse still, the process was secretive and not really an open process.

The Main Provisions of the Bill

- Bill 100 seems to consist of two main parts: one requiring greater financial accountability in order for universities to receive grants, and the other dealing with what have been called situations of last resort when a university says it is dire straits and has a "significant operating deficiency".
- I have no problem with greater financial accountability for universities, but what is outlined is only part of what might be required. Section 4(c) only talks about financial sustainability that is, financial statements, projections and forecasts. But there is nothing about the growth of administrative positions and expenses, the wage gap between senior administration and the lowest paid staff at a given institution, or even, about student retention levels as well as enrolments. In other words, there is much more to accountability than is outlined in the Bill.
- But the most problematic part of the Bill is the provisions related to the revitalization plans where it is quickly apparent that the main reason for a university's financial difficulties seems to be the wages, benefits, and collective bargaining rights of its unionized staff.
- Worse still is giving a university under Section 8 broad, sweeping and unconstitutional powers to take away those rights, and to give the same powers to any other university under Section 13 with whom there might be a merger. It also gives the Minister broad powers under Section 12 to undermine its

autonomy and dictate how it is to run with a major emphasis on turning research into business opportunities and collaboration between the university and industry.

The Impacts

- The impacts of this legislation combined with the recent Budget will be devastating. As we have already seen at CBU, we will see significant staff cuts, tuition increases and wage freezes.
- We will see a significant outflow of students and faculty and the loss of meaningful and decent job opportunities for staff as we are now seeing in health care as a result of Bills 30, 37 and 1.
- This is the very opposite of what was envisioned in the election platform of the government when it said that: "Education isn't a line item in a budget, it's our future" and "a Liberal government recognizes our post-secondary graduates as the key to Nova Scotia's success".

Conclusion

- In conclusion, this Bill does nothing to address the fundamental problems of underfunding and understaffing of our universities.
- Nor is there anything to finally recognize that faculty, students and staff should be equal partners in the future planning and operation of universities in the MOU process and at the institutional level. As took place with this consultation process, universities have generally been secretive and closed to broad participation of all key stakeholders, which our Coalition has repeatedly recommended over the last ten years.
- At the very least, Section 8 and any references to it must be removed. Ideally, the Bill should be tabled until there has been broad public consultation on it and not just with university presidents. Students, faculty and staff have significant contributions to make to the future of post-secondary education in this province.

I appreciate this opportunity to speak with you. I welcome any questions or comments from Committee members.

From: Karen Crowell <karen.crowell@smu.ca>
Sent: Thursday, April 30, 2015 9:15 AM
To: Office of the Legislative Counsel
Cc: Marc Lamoureux
Subject: Bill 100 - Submission from SMUFU
Attachments: Submission from SMUFU.pdf

Hi,

Please accept the attached Submission on Bill 100 from Saint Mary's University Faculty Union .

Regards,
Marc Lamoureux
SMUFU President

Bill 100 - Law Amendments Committee

Submissions of the Saint Mary's University Faculty Union

These are the comments of the Saint Mary's University Faculty Union (the Union) with respect to Bill 100.

Overall, the legislation is a continuation of this government's casual willingness to limit collective bargaining rights as a panacea for the public sector's perceived ills. It is a further demonization of organized labour in Nova. The Bill is yet another unfortunate example of government overreach in the limitation of bargaining rights in the public sector. These measures are simply not necessary to achieve the stated aims of the Bill; rather, they are heavy-handed and punitive actions that are not only irrelevant to the objectives of the Bill, but may, in fact, impede it.

Legislation that provides a process by which a struggling university can remain sustainable is both necessary and admirable. The Bill gets into trouble, however, with certain aspects of the process. Parts of the Bill are not only bad policy but are likely contrary to the Charter of Rights and Freedoms.

In the recent *Mounted Police Association of Ontario* case, the Supreme Court of Canada stated that the Charter protects a "meaningful process of collective bargaining". If the legislature seeks to restrict that process, "the ultimate question to be determined is whether the measures disrupt the balance between employees and employer that s. 2(d) seeks to achieve, so as to substantially interfere with meaningful collective bargaining". The Court said, "A process that substantially interferes with a meaningful process of collective bargaining by reducing employees' negotiating power is therefore inconsistent with the guarantee of freedom of association enshrined in s. 2(d)."

In the *Saskatchewan Federation of Labour* case, the Supreme Court of Canada said "The right to strike is protected by virtue of its unique role in the collective bargaining process".

Sections 6, 8, 12, and 13 of Bill 100 most likely violate the Charter. In particular:

(1) Under s. 6, the Employer unilaterally determines whether to submit the revitalization plan and unilaterally determines whether to remove the union's right to file grievances and go on strike. This is a significant and substantial interference with s. 2(d) of the Charter. The Bill provides no third-party oversight of this decision. This tips the balance of power in favour of the employer to the detriment of the union.

(2) Under s. 8, the Bill removes the right to strike. The Bill weakly allows collective bargaining to continue, but without the right to strike, it will be of little value. The removal of the right to strike is in clear violation of s. 2(d) of the Charter, and will not be saved under s. 1. Here, there is simply no basis to justify the removal of the right to strike during a difficult financial period.

(3) Under s. 8, the Bill prohibits the filing or continuation of grievances. In other words, the collective agreement is suspended. The employer may breach the collective agreement without consequence. Again, this is clearly a breach of s. 2(d) of the Charter. It will not be saved by s. 1 because it is a disproportionate and unfair impairment of the employees' Charter rights. Many faculty collective agreements provide procedures for financial exigency. The parties have already a bargained process in place. Moreover, if the purpose of the suspension is to protect a financially vulnerable university, why does the Bill not prohibit third party creditors from bringing any claims against the University during the s. 8 period? Why should the cable company, for example, be allowed to bring an action to enforce its contract with the University, but its employees cannot grieve for their wages? Why does the Bill target only the employees? The Bill privileges all contracts but collective agreements.

The Minister of Labour wrongly drew an analogy with bankruptcy proceedings as justification for the suspension collective agreement rights. This is incorrect. Bankruptcy removes the right of all creditors to pursue their claims for debts owing up to the filing of the notice, not just employees. Moreover, bankruptcy permits employees to enforce their collective agreement rights after the filing of the notice of bankruptcy if the business continues to operate.

(4) Under s. 12, the Bill seeks to interfere with academic freedom, a right of individual faculty members. Faculty historically have enjoyed academic freedom in their collective agreements; indeed, academic freedom, along with tenure and sabbaticals, define academia. These rights frequently appear in collective agreements. Academic freedom permits faculty to choose their areas of research and teaching, and the freedom to criticize institutional and commercial interests in Nova Scotia and the world. This is in doubt under s. 12, which reads:

12 (1) A university's revitalization plan must include

(g) goals and objectives for contributing to social and economic development and growth in the Province, including ... *turning research into business opportunities, fostering a skilled, entrepreneurial and innovative workforce needed for economic growth in the Province ...;*

(h) a plan for the *effective exchange of knowledge and innovation with the private sector, including excellent collaboration between the university and industry;*

[italics added]

This provision has two effects. First, it is inconsistent with a collective agreement right of academic freedom to write and speak about areas of interest to faculty, including criticism of industry. The inconsistency of s. 12 of the Bill with the academic freedom provisions of many faculty collective agreements is a substantial interference with collective bargaining.

The Bill is also bad policy for two reasons. First, it will cause unnecessary labour relations turmoil, resentment and upset on campus. It will be readily apparent to all that the Bill is unfair to employees. It singles out workers by suspending collective agreements. It eliminates any meaningful collective bargaining by removing the right to strike. At the same time, it permits third parties full right to contract with the financially strapped employer and seek full redress for breach of their contracts.

Second, s. 12 of the Bill interferes with university autonomy. The university, through its Senate and faculty, has the responsibility to determine its course and program offerings, free of governmental interference. Bill 100 will interfere with that ability to decide which programs are in its best interests to offer. For example, universities have long offered liberal arts programs even though they may not be – indeed, they should not be – subject to commercialization. S. 12 impinges on that right. It is unlikely that any revitalization plan would support liberal arts programs in any struggling university. Those programs will not be able to turn research into business opportunities.

Conclusions

The Employer's right to unilaterally (a) remove the right to strike and (b) suspend its collective agreements disrupts the balance between employees and employers that s. 2(d) of the Charter clearly requires. Moreover, s. 12 arguably seeks to override academic freedom rights in collective agreements, which would be a substantial interference with collective bargaining. As in the *Mounted Police* and the *Federation of Labour* cases above, sections 6, 8, 12, and 13 of the Bill impair s. 2(d) rights more than is necessary. They are unconstitutional.

The Bill is further proof of the Government's willingness once again to breach the constitutionally protected rights of employees in the province. The Bill demonstrates the government's contempt and lack of respect for the rights of working people in Nova Scotia while favouring the rights of third parties.

Subject: Re: Bill 100

Date: Tuesday, April 28, 2015 10:14:13 AM AT

From: Myles McCallum

To: Karen Crowell

I agree with the content of the open letter.

Sincerely,
Myles McCallum

From: Karen Crowell <Karen.Crowell@smu.ca>

Date: Monday, April 27, 2015 at 1:47 PM

To: Karen Crowell <Karen.Crowell@smu.ca>

Subject: Bill 100

Dear members,

As many of you already know, the Liberal government of Stephen McNeil has tabled last Thursday Bill 100 which will provide unprecedented power to the University Administration under the so-call "revitalisation program" to suppress many rights to unionized employees at universities such as

- forbid the signing of any collective agreement,
- ban strikes, and
- remove the ability of unionized employees to start or continue any grievance that relates to the revitalization plan or process

SMUFU is beginning a petition to denounce Bill 100 and urge all members of SMUFU to sign the petition (see attached). The petition will be in the Faculty Union Office (MM221) and we asked that you sign the letter at your earliest convenience. You can also send an electronic signature by stating your name and that you agree to the open letter statement.

Finally, there is a demonstration at the NS Legislature scheduled for 4 pm this afternoon. We urge you to come in great number and rally behind the SMUFU Banner at the Legislature. Our very existence as a Union depends on this.

I look forward to seeing you this afternoon.

Marc Lamoureux
SMUFU President

Subject: RE: Bill-100

Date: Tuesday, April 28, 2015 10:06:11 AM AT

From: John Reid

To: Karen Crowell

My name is John Reid and I agree with the statement in the open letter. I would like my name attached to the petition by electronic signature. JR

From: Karen Crowell

Sent: April-27-15 1:47 PM

To: Karen Crowell

Subject: Bill 100

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Marc Lamoureux
SMUFU President

Subject: RE: Bill 100

Date: Tuesday, April 28, 2015 1:47:47 AM AT

From: Pierre Jutras

To: Karen Crowell

I am out of the country on sabbatical at the moment, but I wish to express that I strongly disagree with Nova Scotia's proposed Bill 100, and that I strongly agree with the open letter statement from SMUFU.

Sincerely,

Pierre Jutras
Professor of Geology
Saint Mary's University
Halifax, NS, B3H 3C3
Telephone (work): (902) 420-5749.
Telephone (home): (902) 477-1075.
FAX: (902) 496-8268.
E-Mail: pierre.jutras@smu.ca

From: Karen Crowell
Sent: Monday, April 27, 2015 1:47 PM
To: Karen Crowell
Subject: Bill 100

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Marc Lamoureux
SMUFU President

Subject: Re: Bill 100
Date: Monday, April 27, 2015 9:47:12 PM AT
From: Jeremy Lundholm
To: Karen Crowell

Hi Marc,
I agree to the open letter statement. I'm overseas so I hope this email can count as my signature.
thanks,
Jeremy Lundholm

Professor
Departments of Biology & Environmental Science
Coordinator, MSc and PhD in Applied Science Program
Saint Mary's University
Halifax, NS B3H 3C3 Canada
902-420-5506

<https://sites.google.com/site/lundholmlab/>
Associate Editor, Frontiers in Ecology and Evolution
Editorial Boards, Applied Vegetation Science & Ecological Research

On 2015-04-28, at 1:47 AM, Karen Crowell wrote:

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I look forward to seeing you this afternoon.

Marc Lamoureux
SMUFU President
<Open Letter[2].docx>

Subject: Re: Bill 100

Date: Monday, April 27, 2015 7:26:55 PM AT

From: Teresa Heffernan

To: Karen Crowell

I am away, but please add my name...Teresa Heffernan...to the petition. T

Sent from my iPad

On Apr 27, 2015, at 1:47 PM, Karen Crowell <Karen.Crowell@smu.ca> wrote:

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SMUFU is beginning a petition to denounce Bill 100 and urge all members of SMUFU to sign the petition (see attached). The petition will be in the Faculty Union Office (MM221) and we asked that you sign the letter at your earliest convenience. You can also send an electronic signature by stating your name and that you agree to the open letter statement.

Finally, there is a demonstration at the NS Legislature scheduled for 4 pm this afternoon. We urge you to come in great number and rally behind the SMUFU Banner at the Legislature. Our very existence as a Union depends on this.

I look forward to seeing you this afternoon.

Marc Lamoureux
SMUFU President

<Open Letter.docx>

Subject: Bill 100 open letter - please add my name
Date: Monday, April 27, 2015 5:53:13 PM AT
From: Kate Ervine
To: Karen Crowell

Dear Karen,

Can you add my name, Kate Ervine, to the open letter? Thanks.

Best,
Kate

Kate Ervine, PhD
Assistant Professor
International Development Studies
Saint Mary's University
Halifax, Nova Scotia, Canada

Tel: 902-491-6224
Fax: 902-491-8622

From: Karen Crowell
Sent: Monday, April 27, 2015 1:47 PM
To: Karen Crowell
Subject: Bill 100

Dear members,

As many of you already know, the Liberal government of Stephen McNeil has tabled last Thursday Bill 100 which will provide unprecedented power to the University Administration under the so-call "revitalisation program" to suppress many rights to unionized employees at universities such as

- forbid the signing of any collective agreement,
- ban strikes, and
- remove the ability of unionized employees to start or continue any grievance that relates to the revitalization plan or process

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Marc Lamoureux
SMUFU President

Subject: RE: Bill 100

Date: Monday, April 27, 2015 4:08:54 PM AT

From: Stella Gaon

To: Karen Crowell

Dear Karen,

I fully support the position expressed in the open letter statement, and wish to say NO to Bill 100.

I hereby authorize you to add my name to the petition.

Sincerely, Stella Gaon

—
Stella Gaon, Associate Professor
Department of Political Science
Saint Mary's University
Halifax, NS, CANADA
B3H 3C3

T: +1.902.420.5843

F: +1.902.491.8694

Email: stella.gaon@smu.com

<http://smu-ca.academia.edu/StellaGaon>

From: Karen Crowell
Sent: April 27, 2015 13:47
To: Karen Crowell
Subject: Bill 100

Dear members,

As many of you already know, the Liberal government of Stephen McNeil has tabled last Thursday Bill 100 which will provide unprecedented power to the University Administration under the so-call "revitalisation program" to suppress many rights to unionized employees at universities such as

- forbid the signing of any collective agreement,
- ban strikes, and
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I look forward to seeing you this afternoon.

Marc Lamoureux
SMUFU President

I am here today specifically on behalf of the Cape Breton University Faculty Association (CBUFA) and the Association of Nova Scotia University Teachers (ANSUT) though all unions have reason to be concerned about the precedent that Bill 100, "The University Accountability and Sustainability Act," would set were it to become law.

Of course we are entirely supportive of making post-secondary institutions in N.S. accountable and sustainable. But we feel that very few elements of this proposed bill actually aim at that those worthy ends.

Our concern is that this bill will be used to lay the blame for any economic difficulties our universities may be in at the feet of faculty, librarians, lab instructors, and so on. And the bill, as laid out in sections 8, 22, and 23, is prepared to revoke the constitutional right of unionized employees to take job action—in the event that it is necessary—within the collective bargaining process.

Moreover, we believe that Bill 100 will undermine key democratic principles fundamental to the common good, such as: academic freedom in the public interest to offer programs of instruction and to conduct research independent of 'the social and economic priorities of the Government' of the day [cf. sections 12(1), (g),(h) and 20 (2)]. In the end, Bill 100 will favour programs that are currently in fashion, and which, not coincidentally, are the ones most conducive to a corporate agenda. More traditional programs in the arts and sciences will bear the brunt of any program cuts that come about under the auspices of this bill. And that is bad for both students and faculty.

Faculty ranks in the province have mostly either remained stagnant or decreased and our pay increases have typically been at or below the inflation rate. Hence, if our universities have become unsustainable, then the cause of that lies elsewhere. We suggest that we look to two areas: increasingly bloated administrations, as was made clear in ANSUT's 2012 report, *A Culture of Entitlement*

() and some truly outlandish decisions made by senior administrators and their Boards. Some of these, like Acadia's 'Advantage' Program, chased students away as Acadia priced itself out of the market, while others have been the result of irresponsible building projects – as has been the case, for example, at Dalhousie, NSCAD, and StFX. How else, for example, are we to explain the approximately \$125 million debt at StFX during a time of lean faculty raises and increasing enrolment?

While Bill 100 speaks of some ways to address these matters, it will still require senior administrators, those who have been mostly responsible for the problems, to find 'solutions.' And if unions working on campus don't like those solutions (read, "downsizing" or layoffs and wage freezes) then they will take away our right to grieve and to strike, which is the only leverage labour has in collective bargaining.

Scott Stewart

President

Vice President

Cape Breton University Faculty Association

Association of Nova Scotia University Teachers

Sydney, Nova Scotia

Halifax, Nova Scotia

902 322 8538

STOP BILL 100

**STEPPING BACK FROM THE BRINK OF
DISASTER**

To Lena Metlege Diab, Minister of Justice

Canadian Federation of Students—Nova Scotia

APRIL 29, 2015

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.

Submissions to Law Amendments - Bill 100

International Union of Operating Engineers, Local 721

The International Union of Operating Engineers, Local 721 represents employees at Acadia University and Mount St. Vincent University. These are the union's submissions on Bill 100.

1. Sections 6, 8, 12, and 13 should be deleted

These provisions are subject to constitutional challenge because they breach section 2(d) of the Charter of Rights and Freedoms. The Bill disrupts the level playing field between employers and unions by giving the unilateral right to the employer to invoke section 8, which removes the right to strike and suspends collective agreement provisions. It would be difficult to imagine a more grievous unbalancing of the constitutionally protected right to meaningful collective bargaining. The playing field is completely tipped in favour of the employer.

Section 12 of the Bill has the effect of interfering with collective agreement rights on academic freedom, a substantive and significant interference with collective agreement rights of faculty. Section 13 applies s. 8 to a receiving university in a merger. If s. 8 is unconstitutional, so is s. 13.

2. The Bill unfairly targets unions

Bill 100 unfairly targets unions if a university is struggling financially. Based on the Minister's comments in the Legislature on Monday, the intent of the Bill is to provide protection to financially struggling universities analogous to the protection afforded to an insolvent company in bankruptcy.

But this is an erroneous analogy. Unlike Bill 100, Bankruptcy legislation is not anti-worker. When a company files a notice under the *Bankruptcy and Insolvency Act*, a company is protected from all claims of its creditors that existed up to the date of the filing. Bill 100, however, only freezes the claims of workers under the collective agreement. Other creditors have unfettered right to pursue their unlimited creditor rights. Workers may be owed thousands of dollars in wages and can do nothing about it, while Costco can sue in court. Moreover, if the company continues in operation, as would a university, the Bankruptcy Act permits employees and third parties to sue for debts that arose subsequent to the date of notice of bankruptcy. In Bill 100, however, debts owed to workers cannot be claimed under penalty of fines.

3. The Erosion of University autonomy

In s. 12, the Bill makes continued funding dependent on the university meeting certain criteria relating to the functioning of the University. At present, universities have autonomy in academic matters such as degrees offered, curriculum, methods of teaching, scope of areas of research. They also enjoy autonomy in acquiring and spending funds, setting tuition fees, and

accumulating surpluses; they make contracts, and elect decision-making bodies such as senates that establish curricula and other academic matters in consultation with faculty; and they have staffing autonomy, to recruit and employ employees and set wages and promotions consistent with their collective agreements.

Section 12 will place restrictions on that autonomy, with widespread repercussions. It is the first time in Canada that a provincial government has dictated the direction and operation of a university. It is an unprecedented trampling on university autonomy.

Universities are “bottom up” rather than “top-down” institutions. Decision-making for day-to-day operations is diffuse, rather than centralized. Universities are based on fields of knowledge, organized by semi-autonomous departments, such as history, chemistry, or economics. Highly educated skilled academics and staff in each department carry out “the production” of the university. As has been said, “all teaching, research and student learning is localized... department by department”. The university is organized around and dependent upon a range of academic groups. If these workers don’t do their job, the university won’t run.

This unique decision-making requires significant collegial participation. Faculty is in charge of departmental decision-making, and faculty and departments have substantial input in the operations at the center of the university. This collegial decision-making is reflected in the faculty collective agreement.

S. 12 attempts to dictate to the university how it will run and what programs and courses will be offered. Not only does the government lack the expertise to direct how a university will operate, it is attempting to overturn its very institutional structure established through collective bargaining history..

All of which is respectfully submitted at Halifax, Nova Scotia, this 30th day of April, 2015.

Submission to the NS Law Amendments Committee re Bill 100
April 30, 2015

Submitted by Professor Alvin Comiter
President, NSCAD University Faculty Union

My name is Alvin Comiter. I'm a Professor in the Media Arts Division at NSCAD University and I'm the President of FUNSCAD, the Faculty Union of the Nova Scotia College of Art and Design, which represents about 40 full-time faculty, 70 part-time faculty and 30 technical, library and gallery staff members. I'm here to speak against the provisions in Bill 100 which would eliminate the right to strike and the right to file a grievance. Together, these provisions would end our right to fair collective bargaining and undermine the foundational principle of Academic Freedom.

In the first NSCAD Collective Agreement which was negotiated in 1986, the parties agreed on a Financial Exigency article which remains intact to this day. The article recognizes the need for the university to remain "financially healthy" and goes on to state that under some circumstances it may even become necessary for employees to be "laid off". The article goes on to define "financial exigency" and sets out a timeline for exploring financial options and even goes so far as to set out the process for an orderly downsizing of the university. We also have an article in our Collective Agreement that establishes the employer's right to modify or discontinue programs after a brief period of consultation. I suspect that the other Universities in Nova Scotia have similar provisions in their Collective Agreements. FUNSCAD's Collective Agreement for Bargaining Unit II, which represents our technical, library and gallery staff, allows the employer to lay off our members without even having to claim financial difficulty.

My question for the government is as follows: If, as a

product of free collective bargaining, the parties have been able to mutually agree on a fair process for making sweeping changes to programs and staffing levels when faced with serious financial problems, why on earth would the Liberal government find it necessary to completely undermine the right to fair collective bargaining, to eliminate the right to grieve violations of our legally binding contracts, to threaten academic freedom, and to endanger university arts programming that is not in the service of the government's narrow business agenda. Why? From my perspective, this is not about accountability, this is about demonizing both labour unions and universities.

I have another question that I think I know the answer to: Why is NSCAD University facing tough financial times? The previous government took away over 10% of our funding during a period when inflation totaled around 10% - a cut of over 20%. At the same time, the public attack on our University left parents and students wondering whether NSCAD had a future as an autonomous university, and not surprisingly, our enrolment suffered because of the government's anti-NSCAD agenda. After severe cuts to staffing and programming we're still running a small deficit - not because of financial mismanagement, and in our case not because of a bloated administration, but because the government engineered a financial crisis by cutting our funding. Had the government merely maintained funding with no increases, my University would be in the black.

At a time when everyone should be focused on strengthening Nova Scotia's highly respected University System - an achievement built over decades - the government is forcing us all - students, faculty, staff, administrators, Boards - into a lengthy and expensive legal battle over the constitutionality of Bill 100. This is not the kind of attention that will allow us to continue to attract high quality faculty and students to our province.

When the Liberal government was in opposition, I met with the Liberal critic on Post-Secondary education on a number of occasions. His support for NSCAD and post-secondary education in general was unequivocal. How surprising and disappointing to find that we've gone from the proverbial frying pan into the fire. No one is questioning the need for Universities to be accountable. But, the government must also be accountable for the damage that they're doing to post-secondary education in Nova Scotia.

Bill 100 is a nasty, mean spirited piece of legislation and I urge you to withdraw this bill which not only threatens our confidence in the government's ability to support a knowledge-based economy, but which threatens to even further escalate the tensions on campuses that have resulted from years of underfunding.

Submitted by John Hutton - April 30th, 2015
Vice President Academic & External
902-460-8875 (c) - JohnHutton@Dal.ca

Hello, and thank you to the honourable members for having me here today. I have copies of my presentation with recommended amendments summarized at the end for your consideration. My name is John Hutton, I'm a 5th-year student in economics and international development studies at Dalhousie and I'm the incoming VP Academic and External of the Dalhousie Student Union. In the past I've sat on Dalhousie's Board of Governors and its Budget Advisory Committee. It's in the perspective of the last two roles I mentioned that I'd like to speak to the government's goal of increasing accountability and sustainability for Nova Scotia's universities.

I'm the first person who'll tell you that university administrators need to be more accountable. The public deserves to know that their tax dollars are being spent properly, and students, faculty and staff deserve to be able to meaningfully participate in the governance of our institution with full access to information. Together, students, faculty and staff have called for better reporting, for more representation on university boards and committees, to be part of MOU negotiations, for meaningful consultation, and for greater democratization of the university. Students, faculty and staff are the best resource available to government for making university administration more accountable. We have every reason to want the limited funds going into universities to be used for delivering top-quality teaching, learning and research in an environment of academic freedom. We are watchdogs at the institutions, speaking out when we see spending being wasted on administrative bloat, needless duplications, or exposing the university to financial risk in the drive to build ever more buildings.

A university is its students, faculty and staff and they should be empowered. That is what accountability looks like.

This bill makes a few tiny changes to require better financial reporting- which is excellent- but the majority of the bill is not related to accountability. In fact, it gives the people with financial decision-making power considerably less accountability. Universities these days are under considerable financial challenges: because both the federal and provincial government choose -yes, choose- not to adequately fund universities, their budgets are pinched between funding cuts and rising costs. In such a context, you would hope the university administrators would prioritize the academic mission, but what we've seen is a growth of administration and spending sprees on new buildings, which is what has put our universities into much of their recent troubles. NSCAD's ill-advised Port campus purchase comes to mind. Dalhousie scandalously discovered very late in the construction process of the LeMarchant Place that snowloads blowing from its roof would collapse the hockey arena roof, forcing it to be demolished, and the university exposed to financial risk in having to plan a new arena site. It goes on- several years ago the president of King's purchased property on Coburg road without even getting board approval. These multi-million dollar, high-risk endeavours are what will put universities in precarious positions. Not students,

not faculty, not staff. But what this bill does is, in the case of significant operating deficit, is it suspends collective bargaining rights. This makes no sense.

It wasn't workers that brought NSCAD to the brink, it was mismanagement by administration. Bill 100 will only give administration a tool to make faculty and staff pay the price for poor administration. Paired with the government's tuition deregulation, they've give administrators a wide range of options to make everyone but themselves responsible for the messes they create. I agree with the CFS' position that this government is giving administrators a "get out of jail free card" rather than new accountability expectations. It gets worse: those that dispute these so-called revitalization plans are liable to be fined hundreds of dollars per day, be they organizations or individuals. I refuse to pay for mismanagement in the form of higher tuition, program cuts, and fines for doing my job as a student advocate. A further point is that it's just plain unconstitutional. Rulings from BC and Saskatchewan have shown that collective bargaining and striking is a charter-protected right. No amount of anti-union ideology from this government can take that away. So save yourself the embarrassment and taxpayers the lawyer fees and drop the anti-union provisions. Section 8 cannot remain in this bill. **Amendment: Section 8 should be deleted entirely.**

Another unintended consequence of the law is its threat to academic freedom. Collective agreements are what enshrine academic freedom in the university, and the bill lets that be suspended. This is unacceptable, especially given the mandated Outcomes Agreements to have greater ties with the private sector. The valuable thing about university research is that we can do socially useful work that isn't necessarily profitable- for example, restoring Nova Scotia salt marshes. Shifting universities towards corporate research puts academic freedom at risk because corporate money comes with strings: it's no secret that Shell, which Dal just signed a \$600,000 contract with, isn't the biggest fan of climate science. When cash-strapped universities are approached by corporate donors to alter curriculums for funding, and academic freedom provisions can be suspended as this bill allows for, I see great reason to be concerned. The university exists for the people of Nova Scotia, not so corporations can get the taxpayer can fund their for-profit research. **Amendment: Section 12 of this act should be amended to include language recognizing the overriding importance of academic freedom. Sections 12 (c), (g), and (h) should be deleted as they conflict with academic freedom principles.**

University accountability is about empowering the public and motivated stakeholders. This legislation does not do that. This legislation in its current form is an illegal violation of workers rights and puts academic freedom at risk. The committee must take this seriously and seriously amend this legislation.

Summary of Recommendations:

- **Delete all of Section 8 and clauses referencing it [Section 6(1)(b); Section 13(1); 13(4); Section 23].**
- **Amend Section 12(1) to: "Subject to the overriding importance of academic freedom and university autonomy in academic matters, A university's revitalization plan must include"**
- **Delete Section 12(c), 12 (g), and 12(h).**

Rick Clarke



ANSUT
ASSOCIATION OF NOVA SCOTIA UNIVERSITY TEACHERS

CUPE NSGEU



cfs fcée
NOVA SCOTIA NOUVELLE-ÉCOSSE

April 24, 2015

MEDIA RELEASE: Joint Statement Against Bill 100

Halifax, NS – Students, Faculty, Staff and the Labour Movement are united against Bill 100 introduced on April 22. According to Rick Clarke (President of Nova Scotia Federation of Labour), “This Bill raises serious concerns for all of us, and will be legally challenged if not changed from its present form”.

At the very least, we think that Section 8 and references to it throughout the Bill must be scrapped. Ideally, Bill 100 should be put on hold until there has been full and broad public consultation before it goes any further in the legislative process.

This Bill will infringe on the rights of students and workers and in the end, provide no new measures to present fiscal mismanagement at Nova Scotian universities. Instead, under the guise of making universities more accountable, the McNeil government is using this legislation to attack workers’ rights. In the same way that Bills 1 and Bill 37 attacked healthcare worker’s rights, Bill 100 (the Universities Accountability and Sustainability Act.), introduced on April 22, will create a tool to do exactly the same thing to unionized workers throughout the University sector.

Under this Bill, if a University wants to enter into a revitalization process and if it determines it has a “significant operating deficit”, the University gets broad, sweeping powers under Section 8 with respect to workers’ rights. It can forbid the signing of any collective agreement, ban strikes, and take away the ability of unionized employees to start or continue any grievance that relates in whole or in part to the development of the revitalization plan or process.

This Act does nothing to improve accountability of university administrators, but seriously undermines the rights of students and workers. Collective bargaining plays a pivotal role in protecting academic freedoms and quality education in Nova Scotia, and it should never be at risk.

Students and workers are the whistle blowers for administrative malpractice at our universities. This Bill will muzzle internal criticism and give university administrators an easy way out if they jeopardize the fiscal health of their institutions through mismanagement.”

We called for financial oversight during the university consultation last fall to ensure that money is not diverted from universities’ core operating budget, which fund academic programs, to capital investment, administrative compensation, and other non-academic budgets. Bill 100 does not reflect this key concern. It substitutes generic accountability to the taxpayer” political advertising for educational priorities. Do we want a post-secondary education system that primarily satisfies business interests, or one that educates people?

Rick Clarke

In giving Universities these unprecedented powers with this Bill, the McNeil Liberals are once again attacking workers, while at the same time, eroding the relative autonomy of our Universities. How many court challenges and Supreme Court of Canada decisions will it take for this Government to realise that the right to strike is a Constitutional Right?

In conclusion, Section 8 and any references to it in Bill 100 must be scrapped. As the government is clearly rushing to end the Spring Sitting of the Legislature, the best immediate step to take would be to table the Bill so that there can be full and broad public consultation before it goes any further in the legislative process.

-30-

For more information, please contact:

Deedee Slye, NSGEU: 902.497.6761	John McCracken, CUPE: 902.880.8057
Loretta Melanson, SEIU: 902.247-0296	David Etherington, CFS: 902.425.4237
Matthew Furlong, ANSUT: 902.414.8578	



Saskatchewan Federation of Labour
#220-2445 13th Avenue
Regina, SK, S4P 0W1

p: 1 (306) 525-0197
f: 1 (306) 525-8960
w: www.sfl.sk.ca

FOR IMMEDIATE RELEASE

March 2, 2015

SFL SUPREME COURT DECISION INFLUENCES INTERNATIONAL LABOUR LAW

After months of advocacy from workers and their unions, the right to strike has been recognized by the employers' group and the government group at the International Labour Organization (ILO) following a crucial tripartite meeting in Geneva, Switzerland from February 23-25, 2015.

The Saskatchewan Federation of Labour (SFL) was invited by the International Trade Union Confederation (ITUC) to attend the tripartite meeting in Geneva. SFL president, Larry Hubich, was able to attend the meeting and talked with many ILO representatives (worker, employer and government) about the recent Supreme Court of Canada ruling, which determined that Canadians have a constitutional right to strike.

"The worker, employer, and government groups at the ILO were interested in hearing about the SFL's Charter Challenge with regards to the Saskatchewan Party government's unconstitutional Bill 5," said SFL president Larry Hubich, "in fact it was our Charter Challenge win that helped end the deadlock at the ILO – as up until now there was a stalemate between the worker, employer, and some government groups," he added.

Since 2012, the employers' groups have been challenging the right to strike because they argue it is not explicitly expressed in ILO Convention 87, even though for years it has been universally accepted by governments, workers, and employers alike. This has meant that cases of serious labour violations in many countries have been left unaddressed by the ILO as the employers' group refused to budge on the issue.

The statement follows a global protest day in defense of the right to strike by union federations on February 18th, involving more than 100 actions in over 60 countries. The protests were designed to put pressure on both governments and employers at the ILO. Significantly, the government group also strongly endorsed the right to strike at the February meeting. The statements are available here:

http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_346764.pdf

"We knew the SFL's Supreme Court win would have major implications both provincially and across the country," said Hubich, "but now we see our win having a major positive impact for workers around the world. This is a very significant development, and all working families in Saskatchewan should be proud of what we've been able to accomplish," he added.

- 30 -

The SFL represents over 100,000 working people across the province in 37 affiliated unions.

For additional information, contact:

Kent Peterson
Strategic Advisor
Saskatchewan Federation of Labour
o: 1 (306) 525-0197
m: 1 (306) 570-1855
e: k.peterson@sfl.sk.ca

PETITION FROM SAINT MARY'S UNIVERSITY FACULTY UNION
DENOUNCING BILL 100

We the undersigned demand that Bill 100 be rescinded.

Name (Print)	Name (Sign)	Name (Print)	Name (Sign)
Gwin Fridell		Marc Lamoureux	
JASON MASUDA		Shana McGuire	
Bill Sewell		Victor McCartney	
JEFF POWER		Hansol Cook	
LARRY CORRIGAN		Ki Ylijoki	
Andres Arteaga		Mary Sheppard	
MARC PATRY		Mike L. Turley	
Marc Poucet		Brian Higgins	
Eric Henry		Jamie Livingston	
Elissa Asp	Elissa Asp	Tupiana Turewa	
Dawn Tuzek		John Munro	
Mahmoud Mohel		Sara Veses	
Michael Zhang		ALBONA WACEK	
Stavros Konstantinidis		Melroy Wang	
Adam Piorho		Rahim Sami	Rahini Banderjee
Cindy Harrigan	Cindy Harrigan	Votter Soley	PORTER SCOBEE
Paul Muir		BERT HARTNELL	
James Morrison		Lori Francis	
Nicole Conrad		Francis Boabang	
Ron Houtiker		ROBERT KONOPREK	
Alison Barclay		Mohamamad Rahaman	
Medine VanDerPlant		RAHMAN KHAKHAR	
Sally Wood	swood	ASHRAF AL ZAHID	
Nickie Young		R.N. ANSELL	R.N. Ansell

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DENOUNCING BILL 100

We the undersigned demand that Bill 100 be rescinded.

Name (Print)

Name (Sign)

Name (Print)

Name (Sign)

Stephen Schneider

[Signature]

PÁDRAIG Ó SIADHAIL

[Signature]

G. NAHREBECKY

[Signature]

K. Crowell

[Signature]

Subject: Re: Bill 100

Date: Tuesday, April 28, 2015 10:14:13 AM AT

From: Myles McCallum

To: Karen Crowell

I agree with the content of the open letter.

Sincerely,
Myles McCallum

From: Karen Crowell <Karen.Crowell@smu.ca>

Date: Monday, April 27, 2015 at 1:47 PM

To: Karen Crowell <Karen.Crowell@smu.ca>

Subject: Bill 100

Dear members,

As many of you already know, the Liberal government of Stephen McNeil has tabled last Thursday Bill 100 which will provide unprecedented power to the University Administration under the so-call "revitalisation program" to suppress many rights to unionized employees at universities such as

- forbid the signing of any collective agreement,
- ban strikes, and
- remove the ability of unionized employees to start or continue any grievance that relates to the revitalization plan or process

SMUFU is beginning a petition to denounce Bill 100 and urge all members of SMUFU to sign the petition (see attached). The petition will be in the Faculty Union Office (MM221) and we asked that you sign the letter at your earliest convenience. You can also send an electronic signature by stating your name and that you agree to the open letter statement.

Finally, there is a demonstration at the NS Legislature scheduled for 4 pm this afternoon. We urge you to come in great number and rally behind the SMUFU Banner at the Legislature. Our very existence as a Union depends on this.

I look forward to seeing you this afternoon.

Marc Lamoureux
SMUFU President

Subject: RE: Bill 100

Date: Tuesday, April 28, 2015 10:06:11 AM AT

From: John Reid

To: Karen Crowell

My name is John Reid and I agree with the statement in the open letter. I would like my name attached to the petition by electronic signature. JR

From: Karen Crowell

Sent: April-27-15 1:47 PM

To: Karen Crowell

Subject: Bill 100

Dear members,

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I look forward to seeing you this afternoon.

Marc Lamoureux
SMUFU President

Subject: RE: Bill 100

Date: Tuesday, April 28, 2015 1:47:47 AM AT

From: Pierre Jutras

To: Karen Crowell

I am out of the country on sabbatical at the moment, but I wish to express that I strongly disagree with Nova Scotia's proposed Bill 100, and that I strongly agree with the open letter statement from SMUFU.

Sincerely,

Pierre Jutras
Professor of Geology
Saint Mary's University
Halifax, NS, B3H 3C3
Telephone (work): (902) 420-5749.
Telephone (home): (902) 477-1075.
FAX: (902) 496-8268.
E-Mail: pierre.jutras@smu.ca

From: Karen Crowell
Sent: Monday, April 27, 2015 1:47 PM
To: Karen Crowell
Subject: Bill 100

Dear members,

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Marc Lamoureux
SMUFU President

Subject: Re: Bill 100

Date: Monday, April 27, 2015 9:47:12 PM AT

From: Jeremy Lundholm

To: Karen Crowell

Hi Marc,

I agree to the open letter statement. I'm overseas so I hope this email can count as my signature.

thanks,

Jeremy Lundholm

Professor

Departments of Biology & Environmental Science
Coordinator, MSc and PhD in Applied Science Program
Saint Mary's University
Halifax, NS B3H 3C3 Canada
902-420-5506

<https://sites.google.com/site/lundholmlab/>

Associate Editor, *Frontiers in Ecology and Evolution*
Editorial Boards, *Applied Vegetation Science & Ecological Research*

On 2015-04-28, at 1:47 AM, Karen Crowell wrote:

Dear members,

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I look forward to seeing you this afternoon.

Marc Lamoureux
SMUFU President
<Open Letter[2].docx>

Subject: Re: Bill 100

Date: Monday, April 27, 2015 7:26:55 PM AT

From: Teresa Heffernan

To: Karen Crowell

I am away, but please add my name...Teresa Heffernan...to the petition. T

Sent from my iPad

On Apr 27, 2015, at 1:47 PM, Karen Crowell <Karen.Crowell@smu.ca> wrote:

Dear members,

As many of you already know, the Liberal government of Stephen McNeil has tabled last Thursday Bill 100 which will provide unprecedented power to the University Administration under the so-call "revitalisation program" to suppress many rights to unionized employees at universities such as

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I look forward to seeing you this afternoon.

Marc Lamoureux
SMUFU President

<Open Letter.docx>

Subject: Bill 100 open letter - please add my name

Date: Monday, April 27, 2015 5:53:13 PM AT

From: Kate Ervine

To: Karen Crowell

Dear Karen,

Can you add my name, Kate Ervine, to the open letter? Thanks.

Best,
Kate

Kate Ervine, PhD
Assistant Professor
International Development Studies
Saint Mary's University
Halifax, Nova Scotia, Canada

Tel: 902-491-6224
Fax: 902-491-8622

From: Karen Crowell
Sent: Monday, April 27, 2015 1:47 PM
To: Karen Crowell
Subject: Bill 100

Dear members,

As many of you already know, the Liberal government of Stephen McNeil has tabled last Thursday Bill 100 which will provide unprecedented power to the University Administration under the so-call "revitalisation program" to suppress many rights to unionized employees at universities such as

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I look forward to seeing you this afternoon.

Marc Lamoureux
SMUFU President

Subject: RE: Bill 100

Date: Monday, April 27, 2015 4:08:54 PM AT

From: Stella Gaon

To: Karen Crowell

Dear Karen,

I fully support the position expressed in the open letter statement, and wish to say NO to Bill 100.

I hereby authorize you to add my name to the petition.

Sincerely, Stella Gaon

—
Stella Gaon, Associate Professor
Department of Political Science
Saint Mary's University
Halifax, NS, CANADA
B3H 3C3

T: +1.902.420.5843

F: +1.902.491.8694

Email: stella.gaon@smu.com

<http://smu-ca.academia.edu/StellaGaon>

From: Karen Crowell
Sent: April 27, 2015 13:47
To: Karen Crowell
Subject: Bill 100

Dear members,

As many of you already know, the Liberal government of Stephen McNeil has tabled last Thursday Bill 100 which will provide unprecedented power to the University Administration under the so-call "revitalisation program" to suppress many rights to unionized employees at universities such as

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Marc Lamoureux
SMUFU President

Subject: RE: Bill 100

Date: Monday, April 27, 2015 1:56:42 PM AT

From: Mary Sheppard

To: Karen Crowell

Dear Karen

I am sending an electronic signature affirming that I agree with the open letter statement.
Mary Sheppard

If required I can physically sign the document as well.

Best regards,
Mary Sheppard

Chemistry Lecturer

C3 2015 Conference co-organizer (Halifax, NS)

Conference Website: <http://collegechemistry.ca/conferences/15conf/conf2015.html>

Office: Science 231

Saint Mary's University

Halifax, NS, Canada

Phone: (902) 491-6470

"Don't only practice your art, but force your way into its secrets; for it and knowledge can raise man to the Divine." - Ludwig van Beethoven, 1812

From: Karen Crowell

Sent: April-27-15 1:47 PM

To: Karen Crowell

Subject: Bill 100

Dear members,

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Subject: RE: Bill 100

Date: Monday, April 27, 2015 1:55:02 PM AT

From: Val Johnson

To: Karen Crowell

Sign me up Karen. I'm out of town.

Thanks,

Val Marie Johnson

From: Karen Crowell

Sent: Monday, April 27, 2015 1:47 PM

To: Karen Crowell

Subject: Bill 100

Dear members,

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Marc Lamoureux
SMUFU President

Subject: Re: Bill 100
Date: Monday, April 27, 2015 1:50:24 PM AT
From: Russell Westhaver
To: Karen Crowell

Hi Karen--
Is it enough for me to say that I support this letter?
Augie

Dr. Augie (Russell) Westhaver | Chair & Associate Professor
Department of Sociology and Criminology | Saint Mary's University
Halifax, Nova Scotia, Canada

Office Hours: Wednesdays, 1:30 to 3:30
Want to meet at another time? Consider using SMU Outlook calendar to request a meeting.

Follow the Department of Sociology and Criminology on Twitter

Q: Why is this email five sentences or less?
A: <http://five.sentenc.es>; <http://zenhabits.net/snore/>

On Apr 27, 2015, at 1:47 PM, Karen Crowell <karen.crowell@SMU.CA> wrote:

Dear members,

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I look forward to seeing you this afternoon.

Marc Lamoureux
SMUFU President
<Open Letter[2][1].docx>

Subject: RE: Bill 100

Date: Monday, April 27, 2015 2:02:13 PM AT

From: Alexandra Dobrowolsky

To: Karen Crowell

Hi Karen,

I am still on half sabbatical in Ottawa, but would like to sign this petition. So will this do?...

I, Alexandra Dobrowolsky, have read the attached statement, agree to it, and would like to add my name to the list.

Best,
Alexandra

From: Karen Crowell
Sent: April 27, 2015 1:47 PM
To: Karen Crowell
Subject: Bill 100

Dear members,

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Marc Lamoureux
SMUFU President

Subject: RE: Bill 100

Date: Monday, April 27, 2015 2:14:45 PM AT

From: Cathy Driscoll

To: Karen Crowell

I agree to the open letter statement.

Cathy Driscoll

From: Karen Crowell

Sent: Monday, April 27, 2015 1:47 PM

To: Karen Crowell

Subject: Bill 100

Dear members,

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Marc Lamoureux
SMUFU President

Subject: RE: Bill 100
Date: Monday, April 27, 2015 2:10:22 PM AT
From: Hugh Millward
To: Karen Crowell

I agree to the Open Letter statement regarding Bill 100.

Hugh Millward

Dr. Hugh Millward

Professor, Dept. of Geography & Environmental Studies
School of the Environment, Saint Mary's University
923 Robie St., Halifax, NS, Canada B3H 3C3

Phone: office (902) 420-5739, mobile (902) 462-3058
Fax (902) 496-8213
<http://smu-facweb.smu.ca/~hmillward/>

From: Karen.Crowell@smu.ca
To: Karen.Crowell@smu.ca
Subject: Bill 100
Date: Mon, 27 Apr 2015 16:47:06 +0000

Dear members,

As many of you already know, the Liberal government of Stephen McNeil has tabled last Thursday Bill 100 which will provide unprecedented power to the University Administration under the so-call "revitalisation program" to suppress many rights to unionized employees at universities such as forbid the signing of any collective agreement, ban strikes, and remove the ability of unionized employees to start or continue any grievance that relates to the revitalization plan or process

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I look forward to seeing you this afternoon.

Subject: RE: Bill 100
Date: Monday, April 27, 2015 2:43:04 PM AT
From: Muhong Wang
To: Karen Crowell

Hi, there:
Yes, I agree to the open letter of statement.
Muhong Wang
FISMS

-----Original Message-----

From: Karen Crowell
Sent: April-27-15 1:47 PM
To: Karen Crowell
Subject: Bill 100

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Marc Lamoureux

SMUFU President

Subject: RE: Bill 100

Date: Monday, April 27, 2015 3:10:45 PM AT

From: Marty Zelenietz

To: Karen Crowell

Please add my signature to the petition. I agree to the open letter statement.
Marty Zelenietz

From: Karen Crowell
Sent: Monday, April 27, 2015 1:47 PM
To: Karen Crowell
Subject: Bill 100

Dear members,

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Submissions of the Canadian Association of University Teachers on **Bill 100**, as introduced on April 22, 2015

Submitted by David Robinson, Executive Director, CAUT

Before the Law Amendments Committee,
Province House, Halifax, Nova Scotia

April 30, 2015

Background

The Canadian Association of University Teachers is the national voice of 68,000 academic staff members at 124 post-secondary institutions across Canada. CAUT's member associations include academic staff associations representing several thousand academic staff working at all of Nova Scotia's universities.

Nova Scotia universities are justifiably proud of their long tradition of academic excellence. Students from across the country and all over the world are drawn to Nova Scotia's campuses by the diverse range of academic options available to them and by the distinct character of each institution. While many factors have contributed to the development of Nova Scotia's ten universities, the role of academic staff in the governance of those institutions (protected by academic freedom) and the autonomy of the institutions themselves have ensured the success of Nova Scotian universities.

While the exercise of academic freedom and the autonomy of the institutions have enabled Nova Scotia's universities to preserve and maintain their unique characteristics, the same universities have demonstrated that they can and will respond as necessary to changing economic and other circumstances. However, even in times of challenge and change, academic staff at Nova Scotia's universities have always determined the content of teaching and research, and have decided how teaching and research will be done. Bill 100 seeks to change these long held rights and traditions.

Bill 100

CAUT is disappointed that Bill 100 was introduced without any consultation with academic staff associations in Nova Scotia. The quick introduction and rapid passage of this bill, including the limited and last-minute opportunities to appear at committee and make representations, are undemocratic.

The bill links the Minister's authority to provide operating or capital grants to universities to the submission of a revitalization plan prepared by the university with the assistance of a government-appointed revitalization committee and a revitalization facilitator. The university is required to "consult" with affected trade unions, but during the consultation process, the unions are subject to a broad and sweeping prohibition against striking or enforcing much of their collective agreement.

The revitalization plan is required to include a number of terms set by the government which could affect collective agreement rights of employees, including job security related rights.

From start to finish, the duration of the revitalization plan process (and the period during which important union and worker rights are suspended) could last well over a year.

Bill 100 Violates the Charter Rights of University Staff and Creates Labour Relations Problems

CAUT adopts and reiterates the submissions of the academic staff associations and unions who assert that Bill 100 violates important and recently-confirmed rights of workers to collectively bargain and to strike. The Supreme Court of Canada has held that these rights are necessary to equalize the power between unions and employers when conditions of employment are negotiated. In the face of this recent and important statement of principle, Bill 100 deliberately creates an uneven playing field, overturning years of labour board and court jurisprudence, by reducing employees' rights and power precisely at a time when plans which could affect their terms and conditions of employment, and collective agreement rights are being developed.

By weakening unions during the revitalization process, CAUT also believes that this bill will at best postpone labour relations problems, rather than avoid them. We assume this is not the intention of government. Presumably, the legislative objective behind Bill 100 is to enforce financial restructuring by over-turning hard-won collective agreement rights by taking away the strike threat

or the right to arbitrate disputes about the collective agreement. This strategy is short-sighted, because it does not account for the fact that the rights taken away by the bill will eventually be restored. Even under Bill 100 in its current form, the right to grieve and the right to strike are not removed forever. The current collective agreements will expire and the parties will return to the bargaining table and the unions will undoubtedly seek changes to their collective agreements to address the effects of the revitalization plans. Since the legislature does not have the power to end collective bargaining rights in perpetuity, at the end of the revitalization period unions will rely on these rights, including the constitutional right to strike, to address the changes brought about by the revitalization plans. Bill 100 does not and cannot eliminate opposition to unfair revitalization plans; instead, it postpones the possibility of strike actions to enforce demands until the next round of bargaining.

Bill 100 Violates Principles of Academic Freedom, Collegial Governance and Institutional Autonomy

The CAUT *Policy Statement on Academic Freedom*, adopted with the support and agreement of academic staff associations including those in Nova Scotia, provides that the common good of society is served by the advancement of knowledge through teaching and research, and that academic freedom protects the right to teach and research without interference. Academic freedom also requires that academic staff participate meaningfully in the governance of universities through collegial governing bodies of the institutions.

Academic freedom predates the existence of collective agreements, although it is often acknowledged in collective agreements which cover academic staff. Collective agreements covering Nova Scotia universities include provisions which require that academic freedom in teaching and research be protected from threats from both within and outside the university.

Governing statutes provide that university senates have authority to determine the academic direction of the institution, including determinations about discontinuance of faculties or programs. As reflected in the CAUT *Policy Statement on Academic Freedom*, institutional autonomy requires that senates should operate independent of outside interference.

Furthermore, the collective agreements currently in place between Nova Scotia universities and academic staff associations already contain provisions which address many of the issues that are required to be covered by a revitalization plan. A cursory review of current agreements would have demonstrated to this government that the collective agreements already in place and negotiated by universities and academic staff associations contain provisions which require the disclosure of financial information and the consideration of measures to address and relieve financial exigency or financial constraint. Some agreements expressly provide for procedures and rights in the event that programmes are reduced or eliminated, or the university is amalgamated or merged with another. The fact that these provisions already exist causes CAUT to question the government's motives behind Bill 100.

Bill 100 mandates the contents of revitalization plans and ties those revitalization plans to decisions about operating and capital grants. In this way, the bill effectively coerces universities to effect changes to research and teaching. The bill itself presumes that the revitalization plans will have an effect on the collective agreement rights and/or conditions of employment of university employees, including academic staff.

Importantly, the revitalization plans are not content-neutral. The bill requires that a university's revitalization plan must include the following elements:

- "(a) a strategic assessment of the university's strengths and weaknesses and the opportunities and risks that may affect the university's future, taking into account where the university fits within the national and international university environment and expected future changes in post-secondary education;

- (b) a description of the university's long-term strategy for financial sustainability, including present and projected student enrolment and plans for student retention;
- (c) a plan to achieve a focus on high-quality, efficient and effective learning through appropriate delivery channels for students;
- (d) a plan to achieve access and inclusiveness for students and faculty from a wide range of backgrounds, communities and groups;
- (e) an assessment of the potential impact of the proposed revitalization plan on students;
- (f) an assessment of the potential impact of the proposed revitalization plan on employees;
- (g) goals and objectives for contributing to social and economic development and growth in the Province, including through world-class research and development that is internationally competitive, turning research into business opportunities, fostering a skilled, entrepreneurial and innovative workforce needed for economic growth in the Province and improving the quality and inclusiveness of courses and program offerings and their relevance to students and the wider society and economy;
- (h) a plan for the effective exchange of knowledge and innovation with the private sector, including excellent collaboration between the university and industry;
- (i) analysis of potential opportunities and cost savings that could be achieved through collaboration with other universities, including by the elimination, consolidation and specialization of faculties, departments and programs;
- (j) human resources, financial, capital and operating-expenditure plans designed to achieve long-term competitiveness and sustainability, including outlines of the relevant assumptions and risks;
- (k) proposals for partnerships, mergers, affiliations, federations or other arrangements;
- (l) anything that the Minister requires to be included; and
- (m) a description of any contingent factors that may be necessary to achieve the plan." (s. 12(1))

CAUT wishes to comment on two aspects of s. 12(1) as contrary and offensive to the principles of academic freedom.

Bill 100's Concept of Research Is Limited to Economic Development Instead Of the Expansion of Human Understanding and Knowledge

A university's revitalization plan is required to include:

"[g]oals and objectives for contributing to social and economic development and growth in the Province, including through world-class research and development that is internationally competitive, turning research into business opportunities, fostering a skilled, entrepreneurial and innovative workforce needed for economic growth in the Province and improving the quality and inclusiveness of courses and program offerings and their relevance to students and the wider society and economy" (s. 12(1)(g)) and "a plan for the effective exchange of knowledge and innovation with the private sector, including excellent collaboration between university and industry" (s. 12(1)(h)) (emphasis added)

The language of sections 12(1)(g) and (h) is troubling for a number of reasons.

Section 12 expressly connects research to social and economic development. Academic staff understand and agree that university research advances the common good of society by expanding human understanding, as reflected in the CAUT *Policy Statement on Academic Freedom*. However, this bill connects only what is commonly known as applied research to social and economic growth. By implication, this suggests that basic research is not as important. This assumption is false, and for that reason, the legislative emphasis on applied research and industry collaboration is at least short-sighted and at worst harmful. CAUT has examined and considered this issue carefully, and has concluded that basic investigator-driven, peer-reviewed research is essential to social and economic development ([Open for Business](#), CAUT, November 2013; [CAUT Response to Industry Canada's 2014 S&T Strategy](#), February 2015). Basic research should not be relegated to second class status as it is by this bill.

By prioritizing applied research the bill is infringing the academic freedom of academic staff to conduct research free from external influence. Decisions about what kind of research will be pursued, and how the research will be done, is within the authority of academic staff and they are entitled to make those decisions free from coercion or limitation by outside forces.

The clear preference for certain kinds of research seeks to change the focus of universities. An emphasis on the importance of applied research and industry collaboration will relegate universities, faculties and academics whose research interests do not align with corporate interests to a second-class status, at least when funding decisions are made.

The emphasis on applied research to the exclusion of basic research is misguided and it undermines the academic freedom of researchers and the autonomy of universities.

Revitalization Plan Directs Discontinuance of Programs Displacing University Senates

The revitalization plan must also include:

"[a]nalysis of potential opportunities and cost savings that could be achieved through collaboration with other universities, including by the elimination, consolidation and specialization of faculties, departments and programs" (s. 12(1)(i)) and "proposals for partnerships, mergers, affiliations, federations or other arrangements" (s. 12(1)(k)) (emphasis added)

Section 12(2) makes it clear that partnerships, mergers, affiliations, federations of universities or other similar arrangements are a priority for this government: the law requires a written explanation from the university if these options are not included in a proposed revitalization plan. By singling out these reorganization provisions for special treatment, the government makes it clear that proposals for mergers or merger-type arrangements should be part of the revitalization terms that will determine grant decisions.

Very few issues are more central to the authority of a university senate than decisions about continuation of faculties, departments and programs. The right to make these types of decisions is typically expressly listed among a senate's statutory or constitutional authority.

From time to time, university governing bodies deal with the difficult and often contentious issues of mergers and discontinuance of programs, in accordance with traditions and practices of collegial governance. But that tradition and practice is wiped out by Bill 100. By forcing these issues onto the agenda of the revitalization plan while simultaneously depriving academic staff of their rights, and connecting a grant decision to its outcome, the bill ignores these traditions of collegial decision making and institutional autonomy.

Conclusion

CAUT respectfully submits that Bill 100 cannot continue in its present form and we ask that it be withdrawn. CAUT shares the view expressed by many others before you that the bill violates the freedom of association of academic staff and unions, and would not survive a Charter challenge. We believe that if this bill becomes law it will increase labour relations problems, rather than reducing them. Finally, CAUT believes that the academic traditions and rights which have supported the growth and development of Nova Scotia's universities are threatened by this bill. Academic freedom and collegial governance are core principles of Nova Scotia's universities, weakening them weakens the province's universities.

All of which is respectfully submitted.



David Robinson,
Executive Director
Canadian Association of University Teachers

Thank you for the opportunity to speak. My name is Jason Haslam; I'm an associate professor at Dalhousie, President of the Association of Canadian College and University Teachers of English, and a past president of the Canadian Association for American Studies; I grew up in Nova Scotia, and began my university studies at the University of King's College.

I am deeply concerned that this Bill will not only set back education in this province and significantly harm the reputation of our universities and their graduates, but that it will also significantly, perhaps irreparably, damage the long-term economic development of Nova Scotia.

Before moving on to that, however, I want to quickly address the labour provisions in this Bill, that I know others have discussed. It's clear that Section 8 attempts to restrict the right to strike, a right three months ago upheld by the Supreme Court of Canada. I understand section 13 will now be deleted, which is good as it made section 8 even more egregious. But even now the only possible result of section 8 is a losing legal fight that would cost Nova Scotia money that our government insists we don't have. I also want to say that bringing unpublished amendments to this proceeding seems a clear violation of the rights of citizens to comment on impending law. The role of this Committee should not be to provide cover for decisions made without proper public scrutiny.

But I want to turn now to my educational and economic concerns. I will make two points: first, this Bill actually enshrines a lack of financial accountability on behalf of universities; second, the Bill serves to redirect taxpayers' money away from public investment in necessary basic research and into the research needs of private industry, a practice that undermines both the educational and economic future of this province.

1) Bill 100 betrays a lack of understanding of university governance, which is determined variously according to specific legislative acts and statutes.¹ Generally speaking, most statutes governing universities designate the board as governing financial interests while senate governs academic interests.² If there is a need for financial accountability, then, it is the Boards of Governors who must be held accountable. And yet this Bill makes no reference whatsoever to Boards of Governors, to Senates, or to any actual structures of university governance. While there is reference to a third party verification of accounting of the financial situation, nowhere is there a reference to a third-party assessment of *how that financial situation came to be, of whether that financial situation truly threatens the university's academic integrity, or even what level of debt constitutes a problem*. The Bill therefore assumes the Board's opinion on the state of the university is correct; it takes the financial managers' word on finances, not looking into whether they are spending the money correctly, and at no point addressing the academic health of the institution. That's precisely the *opposite* of accountability. This is especially worrying given that during the second reading of the Bill, the Minister said "a university could proactively use this process if future trends point to financial trouble." In other words, *no actual financial trouble has to be found to trigger provisions of the Bill*. With respect, that's not accountability; that's gullibility.³

¹ See Wright, Julia M., "Professionalism, Citizenship, and the Problem of University Governance," *Profession*, 2013, <https://profession.commons.mla.org/2013/12/09/professionalism-citizenship-and-the-problem-of-university-governance/>

² See, e.g., the definition of Dalhousie's Board of Governors in the 1863 statutes, and subsequent revisions in 1935 and 1967, and the definition of Senate in the 1988 revisions.

³ As evidence, I would point to the fact that Dalhousie predicted downfalls in enrollment several years running that did not materialize, and that the operating budget of the Dalhousie President's office alone went up by nearly a million dollars between 2009 and 2014 according to its own operating budgets, even as the University

2) This Bill also works against the financial interests of the province. Section 12.1 (g) and (h) encourage partnerships with industry and “turning research into business opportunities.” This might seem like an economically sound decision, but it’s in fact the opposite. Making industry-oriented research overly central to university activities has two economic effects: first, it reduces the expenditure industry puts into its own research and development, which thus serves to transfer public, taxpayer money into the profits of private individuals, something this government has said time and again they don’t want to do. Second, as private companies stop putting their own money into R&D, economic innovation and growth slows. According to the Conference Board of Canada, Canada ranks 15th out of 16 peer nations in industry R&D, which has significantly negative effects on the economy, and it’s happening because governments are overfunding industry research in universities at the expense of basic research. Moreover, as the Conference Board again states, “public [university] R&D spending is critical precisely because it is often focused on the basic research that underpins an innovative economy but that businesses are less inclined to conduct themselves.” By focussing so strongly on industry desires at the expense of public need for basic research, this Bill ensures a failure of economic innovation and ensures economic and social stagnation. Using public money to turn us into the R&D wing of industry will be a drain on our economy; the power of basic research, conversely, is what makes Nova Scotia’s investment in its universities a driving force for our society and economy.⁴

Had I more time, I would focus on the many problems this Bill brings to the academic and educational integrity of our universities, but I know many others have and will speak to that, so I wanted to address the government’s economic worries, which this Bill will exacerbate. I trust I’ve shown that this Bill is bad for education and the universities it is intended to help, and that it’s as bad for business and for the future economic health of this province. As the government apparently recognized this morning, huge swaths of the Bill simply need to be struck, but that points to the need for the government to take the wiser and bold approach of tabling this Bill for a complete rewrite after a true consultation with the experts we have in our universities.

Thank you.

Dr. Jason Haslam
Dalhousie University
Jason.Haslam@dal.ca
<http://myweb.dal.ca/js592681/>

administration was explaining to students and faculty alike that the library would be purchasing no more books for the largest faculty on campus (a decision only partially reversed after significant outcry by students, and the creation of a library budget review committee chaired by a *faculty member*). Faculty and students want real accountability: this Bill does nothing for that accountability. See <http://www.dal.ca/dept/financial-services/reports/operating-budget-report.html> and <http://dalgazette.com/slider/library-budget-cuts-somewhat-explained/>

⁴ See <http://www.conferenceboard.ca/hcp/details/innovation/publicrandd.aspx>

print this page

account summary

Welcome [REDACTED]

Your customer number is: [REDACTED]
Last signed in: April 22, 2015 - 15:23 EDT

accounts & products	bank card designation	funds available	balance	?
no fee bank account [REDACTED]	Chequing	\$358.77	\$358.77	

#41
Dr. Julia Wright

My name is Julia M. Wright and I'm a Professor of English. I came to Dalhousie in 2005 as a Canada Research Chair; I already held a Canada Research Chair and tenured position in Ontario, but I moved here, to Dalhousie, to Halifax, to Nova Scotia, and I have brought over a million dollars in federal research money to this province. I'm currently an Associate Dean Research and I was recently elected to the Board of Directors for the Canadian Federation for the Humanities and Social Sciences, though I do not speak here as either a university administrator or a Federation Director but rather as a Nova Scotia taxpayer who happens to know a lot about universities.

I want to start by saying that I fully support the title of Bill 100. I work in the Faculty of Arts and Social Sciences at Dalhousie, and current estimates indicate my Faculty's operating budget next year will be about a million dollars less than the tuition revenue our programs generate. Our thousands of students won't benefit from the provincial block grant and haven't for a while, and many of us hoped the consultations on universities in Nova Scotia would lead to some accountability from university presidents and boards of governors on matters like this.

But I want to focus today on the requirements of the revitalization plan in section 12(1), and its failure to recognize the statutes and regulations that govern university decision-making, particularly since university governance is a research area of mine.

The Bill as a whole is written as if a university is a blob of professors teaching a blob of students under a blobby central administration, with only collective agreements to define the relationships between them. A university is actually run like a government, on terms you'll all find very familiar: departments, within faculties, within a university, like municipalities, within provinces, within Canada. Governance processes are largely in place via university policies and regulations, but also entrenched in principle in provincial statutes, such as the 1988 Nova Scotia statute beginning, "The internal regulation of Dalhousie College and University is committed to the University Senate."

Changes or additions to university regulations, research centres, and graduate and undergraduate programs must all go through multiple levels. Proposals to alter or add undergraduate programs, for instance, go through committee reviews in the Department and then Faculty, then to Senate, and then, if approved by a full meeting of Senate, to the Board of Governors for final approval. If it's a graduate program, it also goes to the Maritime Provinces Higher Education Commission or MPHEC—an interprovincial body that is nowhere mentioned in the Bill and is not under the Minister's purview but is "an agency of the Council of Maritime Premiers."

All of these rigorous processes, from departments to the MPHEC, are in place to ensure quality and the international recognition of Nova Scotia degrees: a degree in Chemistry must mean principally the same thing from year to year, from province to province, and beyond, for the degree to have any meaning to employers or other universities. New, innovative programs must go through the same processes as long-established programs to have the same credibility. It is for this reason that, on a regular basis, our departments and our faculties are subject to external reviews, including on-site assessments by academics from other provinces or countries: it is for this reason that tenure and promotion for faculty typically depend on national and international review; it is for this reason that there are best-practices documents on university governance from various national organizations.

Some of the items in section 12(1) ask for extensive analysis, say b and c, and so could be put together by a team of staff in a few weeks or months. But e, g, and i involve students' learning, courses, and programs, and so fall under the responsibility of Senate and the lengthy deliberative processes leading to it. A group can draft a "plan," but the plan is just words on paper until it is broken into program-specific pieces and sent through multiple governance processes within a university, in which various committees can change, approve, or reject, based on their expertise. The revitalization plan process here, bluntly, looks like a massive amount of work that only leads to a meaningless document without any force in a university except as a starting point for years of multi-level discussion and decisions. The hopelessly vague wording in sections 21 and 25 might give some latitude for more draconian measures to circumvent normal university regulations, but doing so would risk the reputation and even credibility of degrees—and, in the case of external accreditation or MPHEC approval, the very viability of degrees.

If the government proceeds with this Bill, at a minimum Section 12(1) and others should be extensively reframed after consultations with people knowledgeable in basic university governance. I would also suggest that language be added to recognize that a significant portion of university programs in Nova Scotia must regularly meet criteria set by out-of-province bodies. John Donne famously declared, "No man is an island . . . every man is a piece of the continent"—well, no university is a stand-alone operation either, but part of a larger academic network and, in the case of some programs, professional bodies as well. Only finances stay within provincial and board responsibility.

The pervasive disconnect between this Bill and how universities actually work, as internally and externally regulated multi-level institutions, simply makes it impractical to implement. It's like suggesting we play Scrabble with Monopoly pieces. I urge the government to rewrite the Bill so that the pieces match the playing board, and with a practical focus on financial accountability and transparency as a regular part of normal university governance.

Selected References:

- MPHEC Mandate: <http://www.mphec.ca/about/mandateandact.aspx>
- Dalhousie Statutes (pdf link on this page):
http://www.dal.ca/dept/university_secretariat/board_of_governors/statutory_provisions.html
- American Assoc. of University Professors' "Statement on Government of Colleges and Universities": <http://www.aaup.org/report/statement-government-colleges-and-universities>
- Canadian Association of University Teachers' "Governance": <http://www.caut.ca/about-us/caut-policy/lists/caut-policy-statements/caut-policy-statement-on-governance>
- Institute for Effective Governance (US): "Best Practices in University Governance" (incl. substantial section on the need for Boards to self-assess, e.g. on their "fiscal oversight")
http://www.goacta.org/images/download/best_practices_in_university_governance.pdf
- Some examples of accredited university programs in Nova Scotia (all involve non-NS Canadian or US accrediting bodies):
<http://www.dal.ca/faculty/healthprofessions/socialwork/about/accreditation.html>;
<http://www.smu.ca/academics/sobey/sobey-mba.html>;
<http://www.msvu.ca/en/home/programsdepartments/professionalstudies/appliedhumannutrition/accreditationfordietetics/default.aspx> ; <http://www.stfx.ca/news/view/5831/>

Nova Scotia Legislature Law Amendments Committee
Re: Bill 100, *Universities Accountability and Sustainability Act*
Province House, 1726 Hollis St., Halifax, NS
April 30, 2015

Françoise Baylis, Professor and Canada Research Chair
in Bioethics and Philosophy
Faculties of Medicine and of Arts and Social Sciences
Dalhousie University
Email: Francoise.Baylis@dal.ca
Tel: (902) 494-6458

My name is Françoise Baylis. I am a Professor and Canada Research Chair in Bioethics and Philosophy at Dalhousie University.

Earlier today the government amended Bill 100. In explaining some of the changes, Kelly Regan, Minister of Labour and Advanced Education is reported to have said “We didn’t want professors to think that they were going to be forced to do research.” That may be so, but the Minister seems quite happy for those who choose to do research to have this research be driven by commercial interests; this is a serious threat to academic freedom. Moreover, with this Bill, not only is academic freedom at risk, but so too is academic integrity – the second pillar of advanced education in a free and democratic society. In the limited time available to me today, I will focus my comments on one critical aspect of the Bill.

Bill 100 includes provisions for Universities that anticipate certain financial difficulties to develop a revitalization plan. The Minister describes this as “a last-ditch effort to keep the university from going into receivership.” This last ditch effort, however, will have the University become a shell for industry. The “revitalized organization” will not be a University – that is, it will not be a place where students go to engage in free academic inquiry.

This is not just vitriol – look at the wording in Sections 12(1)(g) and 12(1)(h) of Bill 100:

12(1) A university’s revitalization plan **must** include
(g) **goals and objectives for contributing to social and economic development and growth in the Province, including** through world-class research and development that is internationally competitive, **turning research into business opportunities**, fostering a skilled, entrepreneurial and innovative workforce needed for economic growth in the Province and improving the quality and inclusiveness of courses and program offerings and their relevance to students and the wider society and economy;

(h) a plan for the effective exchange of knowledge and innovation with the private sector, including excellent collaboration between the university and industry;

With these clauses, Bill 100 in effect instructs University Administration to sell something that it has no moral right to sell – the faculty and the students. To be sure, this is not a new idea, but never before has it been overtly embraced and legitimized by a government in the way that Bill 100 makes possible. The clauses cited above undermine free academic inquiry by faculty and students, and privilege a narrow homogenous view of what a university education can be. I am here today to urge you in the strongest way possible to delete sections 12(1)(g) and 12 (1)(h) of the Bill. And, to the extent that section 20(2) can be used for the purpose of directing or orienting research priorities, I recommend that it too be eliminated.

I can best illustrate my concerns by highlighting for you current problems with existing university-industry contracts. This will allow you to begin to imagine how much worse things might be if you do not eliminate the problematic clauses. At Dalhousie we are already in the business of selling our students to be billboards and ambassadors for industry. We do this by having their access to valuable “hands-on experience” contingent on their (i) wearing commercial logos on their

person, (ii) using tools branded with commercial logos, (iii) receiving instruction in labs and classrooms plastered with commercial logos, (iv) having their course content reviewed and approved by employees of commercial companies, (v) having their field trips directed by company employees, and (vi) having their research projects subject to review and approval by company employees. As evidence for these claims please look at the terms of the contract between Dalhousie University and Shell Canada Limited, starting on page 7 (a complete copy of the contract is available at <http://www.halifaxexaminer.ca/wp-content/uploads/2015/04/Dalhousie-Shell-Canada-Donor-Agreement.pdf>). This deeply problematic incursion into the academic enterprise is made possible by a commitment to “turning research into business opportunities” and to fostering “excellent collaboration between the university and industry” (quotations from Bill 100).

If you believe that a University is a place to nurture free thinkers (that is, a place where young people are encouraged to think for themselves, not for particular interests; a place where the job of faculty is to open people’s minds, not to funnel their thinking), then amend Bill 100. If you believe that a University is a place where the pursuit of social justice is a legitimate aim, then amend Bill 100. Don’t

push the University any further along the path to becoming a vocational school, selling itself to the highest bidder.

You have before you concrete evidence of what at least one University has freely traded away in terms of academic freedom and academic integrity; and we have done this without the imprimatur of Bill 100. Imagine how much worse things will be as a direct result of your government formally encouraging Universities to partner with industry for both research and teaching. No University will wait till the ship is sinking and a revitalization plan is need. Rather, Universities will preemptively go down this path to stave of the need for this dire option.

I did not become a University professor to be a shill for industry. My vision of the University is as a place of civic engagement where students learn to become independent contributing members of society, not strategic targets for business interests.

I am a philosopher, I teach people to think critically. My specialization is ethics – a normative discipline that looks at right and wrong. I ask you to use your critical thinking skills and your ethical compass to do right by the next generation. Start by eliminating sections 12(1)(g), 12(1)(h), and 20(2).

Appendix

Below are examples of how the Dalhousie University and Shell Canada Limited contract allows Shell to exert inappropriate control over academic matters:

1) Shell is given authority over important aspects of senior course content and evaluation:

- a. Student research projects, to be completed by students in senior Engineering and Earth Sciences classes or co-op programs, require "final approval by Shell".
- b. "Dalhousie [is] to provide a list of projects for approval prior to funding" for the Senior Mechanical Engineering Design project courses, and, "Shell and [the] Head of [the] Mechanical engineering Department [are] to select funded projects/courses each year."

2) Shell is provided with multiple means to participate in the Engineering and Earth Sciences curricula. As required by the contract:

- a. One or more Shell representatives must be invited to attend every field trip (the annual fall and spring trips must each invite two representatives);
- b. Shell representatives will be given opportunities to give guest lectures in the Faculty of Earth Sciences, the Department of Engineering and the School of Business;

3) All Mining and Civil students are required to use Shell-branded rock and mineral kits “throughout their time at Dal.”

a. “Mineral Resource Engineering will purchase rock and mineral kits for all Mining Engineering students, and will look to purchase oil sands sample kits as well...Every Mining and civil student will use them throughout their time at Dal.”

b. “The Shell logo will be displayed on the kits”

4) The Shell logo is placed on hardhats, in a core teaching facility, lounges, and more. Even events are to be branded. e.g., the “Shell Spring Field Excursion”

a. “The Shell logo will be displayed prominently on the hard hats”

b. “Shell’s name/logo [must be] displayed in the room”

c. Shell provides funding for the “Shell Spring Field Excursion” to be run each year

5) Shell requires Dalhousie to hold a Symposium every year, during the visit of the CAP team to Dalhousie, “for Shell-funded projects that cross [disciplinary] boundaries”

a. “Shell representatives may make a presentation to profile a Shell operation”

b. “Selected students [who have received Shell funding] to provide a brief update on their projects”

6) Dalhousie faculty are to work with Shell directly when distributing funds, are to report to Shell on how funds have been used (in detail and several times a year), and must involve Shell representatives on an ongoing basis in matters of faculty administration.

- a. Mineral Resource Engineering Initiative "Shell and Mineral Resource Engineering to collaborate on funding decisions each year"
- b. Funding distributed by the Earth Sciences Shell SELF Committee must "be sent to Shell's Science CAP team members for approval"
- c. "Dalhousie Engineering will form an internal committee to oversee the allocation of all Shell SELF funds within the Faculty of Engineering... This internal group will work closely with the Shell Engineering CAP team representatives... to oversee the allocation of all Shell SELF funds within the Faculty of Engineering."

Total Gift Agreement \$545,000

Dalhousie contribution \$45,000
 Cash contribution to Engineering General Fund. Entire \$45k will be added to the fund for allocation to student initiatives. NOTE: all administrative costs associated with the gift agreement will be absorbed by Dalhousie and will not be deducted from these funds.

TOTAL Shell Contribution \$500,000

NOTES:

Student Research Projects:

- To encourage projects from all areas of Earth Sciences from students in third year, honours students and graduate students. Projects can include co-op and graduate projects with defined deliverables less than 4 months.
- Projects are to be given final approval by Shell. The Earth Sciences Shell SELF Committee (ESSSC) will endeavour to encourage projects from all fields of geoscience in the department, not just the oil industry.
- Up to \$1K available per project to be used by the faculty sponsor in support of the research project, larger amounts may be available with approval from the ESSSC and Shell.
- The number of projects and amount allocated per project may vary, but no one project is to exceed an allocation of \$10,000.

Shell Spring Field Excursion:

- Funding for a trip to be run each spring in conjunction with the geophysics field school (part of EARTH 2270 - Intro to Applied Geophysics, end of April each year) to facilitate use of equipment and other logistics.

Field Trips/Field Schools:

- Funding for the following field trips, in order of priority: honours trip (ERTH 4000 Advanced Field School), graduate student trip, and Trinidad petroleum trip (ERTH 4156, Petroleum Geology Field Methods); allocation to each group each year to be determined by the ESSSC, depending on need, subject to approval by Shell
- Funds to cover travel costs and to purchase safety equipment (e.g. safety gloves, goggles, etc.)

Teaching Facility Improvement Fund:

- Funds to be used to improve the core lab/teaching facility, core storage and core viewing
- Funding is conditional on: the room to be allocated by Dec 31, 2012, construction beginning by Q1 2013, Dalhousie to provide any additional funding required to complete the renovations, and the facility to be used by petroleum and all other Geoscience labs requiring access to core.
- If the facility is not constructed by 2013, the funds will be allocated to another project as mutually agreed by Shell and Dalhousie.

Earth Science General Fund:

- Discretionary fund to be administered by the Department of Earth Sciences to fund student learning opportunities related to their studies and/or the oil & gas industry e.g. field trips, student projects, conference participation (e.g., Atlantic Undergraduate Geology Conference to be held at Dalhousie in October 2012) and miscellaneous projects (e.g., AAPG Imperial Barrel Award competition to be held in Calgary in March 2012; student-focused workshops and short courses) that will benefit the department and students.

Dal In-kind support:

- Costs incurred by Dalhousie in support of the Campus Ambassador Program. Includes staff

time, lunches and administrative expenses. To avoid confusion, no dollar amounts will be built into the gift agreement as Dalhousie will cover these administrative costs.

Any savings from the above allocated amounts may be reallocated to other projects upon agreement with Shell.

Engineering General Fund:

- Fund to be administered by the Faculty of Engineering to support student learning opportunities related to their studies and/or the Oil & Gas industry e.g. design competitions, conference attendance, field trip participation, etc. within the scope of the established funding criteria and review process.
- Conference admission fees will be eligible for funding to a maximum of \$1,000 per year per conference. Limited to engineering undergraduate students.

Hard Hats

- Dalhousie Faculty of Engineering will purchase industry/CSA approved hard hats to be kept in a central store for loan to engineering students for lab work, site visits, etc. Dalhousie Engineering will maintain an adequate supply of hats for students use, and replace hats prior to expiration date or if the hats become damaged.

Senior Mechanical Engineering Design Projects:

- funds to support mechanical engineering design projects/courses MECH 4010/4020
- Shell and Head of Mechanical Engineering Department to select funded projects/courses each year
- The amount provided is allocated across all design projects in this course.
- Funding request is made by the course instructor.
- Dalhousie to provide a list of projects for approval prior to funding.

Chemical Engineering Initiative:

- Dalhousie Engineering to administer the fund to support experiential learning opportunities within Chemical Engineering. Funds will support design projects and competitions, as well as field trips, and possible facility tours to Shell operations/facilities.
- Funds may also be directed towards safety initiatives (Eye protection, lab coats, etc.) to build a culture of safety amongst Dalhousie undergraduate students.
- Shell and Chemical Engineering Faculty to collaborate on funding decisions each year.

Mineral Resource Engineering initiative:

- Dalhousie Engineering to administer the fund to support experiential learning opportunities within Mineral Resource Engineering that focus on oil and gas/oil sands. Funds will support design projects and competitions, field trips, and facility tours.
- Mineral Resource Engineering will purchase rock and mineral kits for all Mining Engineering students, and will look to purchase oil sands sample kits as well. These kits are to remain with the school and will be used within multiple labs. Every Mining and Civil student will use them throughout their time at Dal. Kits are expected to have a 7 to 10 year lifespan.
- Funds may also be directed towards safety initiatives (ear protection, eye protection, etc.) to build a culture of safety amongst Dalhousie undergraduate students.
- Shell and Mineral Resource Engineering to collaborate on funding decisions each year.

Women in Engineering:

- The funds will be allocated directly to the Dalhousie Women in Engineering Student Society, to support experiential learning opportunities for female engineering students. Examples may include attendance at Women in Oil and Gas, Canadian Coalition of Women in Engineering, Science, Trades and Technology, and the National Conference on Women in Engineering.

Spending of the \$45k Dalhousie Engineering Faculty contribution will be determined by the Faculty of Engineering, to further support students and projects that relate to the oil and gas industry and to the overall intent of the Shell SELF program.

Business Case Competition Prize:

-Oil Sands Business Case competition prizes, funds carried over from 2009-11 gift agreement (\$5,000 x 3 years)

- The business case must be completed and the first competition held in 2012 or unspent funds will be redirected to another project as mutually agreed by Shell and Dalhousie.

Oil Sands Business Case Competition development:

- funds carried over from 2009-11 gift agreement (\$6,800) and to be used to finalize the development of the Oil Sands Business Case Competition

- The business case must be completed and the first competition held in 2012 or unspent funds will be redirected to another project as mutually agreed by Shell and Dalhousie.

Aboriginal Student Support Program:

- Dalhousie to develop peer coaching and counselling resources for Aboriginal students at Dalhousie University and to provide training and employment for two senior Aboriginal students to enhance their skill set, future employability, and incomes.

A committee, the Earth Sciences Shell SELF Committee (ESSSC) to be formed within the Earth Sciences department to steer and allocate funds across the department. The committee will consist of the Department Chair (currently R. Jamieson), one of the Associate Chairs (currently J. Gosse or M. Gibling), one additional faculty member decided upon by the department (position would rotate yearly (Sept-Aug); initially G. Wach for continuity with present system), and department Administrator (A. Bannon). The committee will invite, receive, review, and rank proposals 3 times a year, solicited from across the entire department, including student societies.

Recommendations for funding will be made in advance of the academic term for which the funds are requested. All projects recommended by the committee must be within the criteria identified above, and be sent to Shell's Science CAP team members for approval.

A financial report, broken down by the above categories highlighting where the funds have been spent, and plans for unspent funds to be sent to Shell's Science CAP team members and Sr. Social Investment Representative three times per year. The reports will be prepared by Financial Services, with specific categories as requested by the Department of Earth Sciences and will include a summary of expenditures for each project.

Dalhousie Engineering will form an internal committee to oversee the allocation of all Shell SELF funds within The Faculty of Engineering. This committee will meet regularly to review all funding applications from across the faculty. Membership of the Dalhousie Engineering Shell SELF committee will consist of: Steve Kuzak (Professor, Process Engineering and Applied Science), Ruth Murray (Financial Administrator, Dean's Office) and Chris Locke (Development Officer, Engineering). This internal group will work closely with the Shell Engineering CAP team representatives (M. Williams, J. Coady, S. Hagmann) to oversee the allocation of all Shell SELF funds within the Faculty of Engineering.

Faculty members on this committee will be responsible to inform all students and faculty of the funding criteria and application process for the SELF program.

A quarterly financial report, broken down by the above categories highlighting where the funds have been both approved and spent, to be sent to Shell's Engineering CAP team members and Sr. Social Investment Representative.

Should Dalhousie be unable to allocate funds outlined in the Engineering section, unspent funds will be redirected to the Engineering General Fund.

Schedule B

Recognition Plan:

<p>Student Research Projects:</p> <ul style="list-style-type: none">- Reports will be prepared at the end of each academic term (end April, August, December) summarising all the projects funded by Shell for that term, with 1-2 page summaries of specific projects where appropriate, and itemising related expenditures.
<p>Shell Spring Field Excursion:</p> <ul style="list-style-type: none">- Opportunity for two Shell representatives to participate in each trip.
<p>Field Trips/Field Schools:</p> <ul style="list-style-type: none">- Opportunity for Shell representative to attend. Shell is responsible to pay the costs associated with the Shell employee's participation.
<p>Teaching Facility Improvement Fund:</p> <ul style="list-style-type: none">- Shell's name/logo displayed in the room
<p>Hard Hats:</p> <ul style="list-style-type: none">- The Shell logo will be displayed prominently on the hard hats.
<p>Senior Mechanical Engineering Design Projects:</p> <ul style="list-style-type: none">- Representatives of the Shell CAP Team will be invited to observe student presentations and provide feedback on the finished projects
<p>Mineral Resource Engineering initiative:</p> <ul style="list-style-type: none">- Shell logo will be displayed on the kits.
<p>Symposium:</p> <ul style="list-style-type: none">- Dalhousie and Shell to develop a cross-discipline gathering for Shell-funded projects that cross boundaries. The purpose of this gathering is for Shell CAP team members to meet Dalhousie students who have received Shell funding. Selected students to provide a brief update on their projects. Shell representatives may make a presentation to profile a Shell operation.- Dalhousie and Shell to plan the gathering each year to coincide with CAP team visit to Dalhousie.- Dalhousie to coordinate all event logistics.
<p>Lectures:</p> <ul style="list-style-type: none">- Up to two Shell representatives invited to attend and participate in Shell Fall field excursion- Guest lecture opportunities in Faculty of Earth Sciences, Department of Engineering and School of Business- Opportunity to judge business case competition- Opportunity to judge design courses- Opportunity to participate in symposium
<p>Additional Recognition:</p> <ul style="list-style-type: none">- Science<ul style="list-style-type: none">o Gift featured in annual Science Calendar.

Nova Scotia Legislature Law Amendments Committee
Re: Bill 100, *Universities Accountability and Sustainability Act*
Province House, 1726 Hollis St., Halifax, NS
April 30, 2015

Matthew Herder, JSM LLM
Assistant Professor, Faculties of Medicine and Law
Health Law Institute, Dalhousie University
Email: Matthew.Herder@dal.ca
Tel: (902) 494-2567

I'm an Assistant Professor in the Faculties of Medicine and Law at Dalhousie University. I share many of the concerns others have raised with Bill 100. For the sake of time I will focus my remarks exclusively on the sections of the Bill that require university-industry collaboration as part of a "university's revitalization plan" or require universities to align funding decisions with the government's social and economic priorities in the form of an "outcome agreement". I am referring specifically to sections 12(1)(g), 12(1)(h), and 20(2) of the Bill.

University-industry relationships fall squarely within my research expertise. I am the Principal Investigator on a multi-year grant from the Canadian Institutes of Health Research studying the impact of university-industry relationships. I have been commissioned to write reports for the federal government as well as key international institutions like the OECD, the Organization for Economic Co-operation and Development, on this topic. And I completed my graduate studies at Stanford University, the pinnacle of university-industry collaboration.

Based on all my work to date, I implore you to delete sections sections 12(1)(g), 12(1)(h), and 20(2) from the Bill. Requiring universities to

evaluate the research they do in terms of the business opportunities it affords fundamentally underestimates the value of university research. And, it won't work to achieve the underlying goal of generating innovation or improving the economy, much less the welfare of Nova Scotians and others.

Let me explain those two overlapping points.

Point one: Section 12(1)(g) requires universities to set out their goals and objectives, in part, by "turning research into business opportunities". Asking universities to evaluate and prioritize the research they do in terms of the business opportunities they foresee will be immensely damaging. It will mean that a lot of research that stands to have a major benefit will not be pursued.

Here's a simple but powerful example. More than a decade ago, a physician researcher at Johns Hopkins University named Peter Pronovost came up with a simple checklist for health care providers to use in the operating room in order to prevent surgical infections. The idea was simple but Dr. Pronovost didn't know if checklists would actually reduce infections. It cost about a \$1 million to do the research to figure out if the checklist actually helped reduce infections across hospital settings.

Do you think industry was interested in funding that research? No, because industry couldn't see a way to "monetize" checklists.

Pronovost's research was government funded and its ultimate value far exceeded its cost. In the US, use of the checklist is now estimated to save about 15,000 lives and over \$1 billion in treatment costs per year.

This is one example but there are many others. The point is this: If you require universities to prioritize research through the lens of what research will lead to business opportunities, then you risk losing a lot of academic research that may or may not be of interest to industry, but nevertheless has huge social and economic value.

The value of university research is in asking the hard questions, the radical questions, the questions that others won't, or can't, ask. As the famed UK economist Marianna Mazzucato has shown in sector after sector—from pharmaceuticals to green technology, even Apple's iPod and iPad technology—the idea that the private sector is the source of most innovation is a myth. Government funded university research is more often the origin of breakthrough, society-changing innovation. You need industry to pick things up, refine and develop them, but you can't let industry drive the car. Bill 100 gives industry the keys and I urge you not to go any further down that road.

My second point: The available evidence shows that forcing greater university-industry collaboration from the top down, by passing this Bill, won't achieve the underlying goal of generating more innovation.

Take Silicon Valley, which I've studied closely. Many regions and cities have tried to emulate Silicon Valley by adopting policies that demand university-industry interaction. But those who've studied Silicon Valley in

depth generally conclude that Silicon Valley's success stems from a) massive injections of government funding for research in the post World War 2 period, and b) the presence and free flow of a critical mass of individual labour. Some of the research funding was targeted toward certain areas, such as military research. But even in those areas university researchers retained a great degree of autonomy. The research they did, did not have to fit into a company's plans or market projections. Rather, new companies and fields of commercial activity emerged in response to insights and discoveries from academic researchers free to work away on their interests. That's how the entire biotechnology sector was born.

Studies have also shown that having the workforce to contribute to all kinds of research and innovation, in both public and private sectors, is essential. But using industry's current needs to determine how the workforce of tomorrow is trained is misguided. We've been hearing for years that industry wants more individuals with training in the so-called "STEM" fields (science, technology, engineering and mathematics). But major reports published last week in the US and just today by the Council of Canadian Academies show that there actually isn't a shortage of graduates from the STEM fields. Rather, these reports say that what's needed to succeed in the workforce today is nimbleness, openness to change, to having multiple careers, not one. I'd suggest that one of the best ways to foster that—as a government—is to create the conditions whereby students can pursue a postsecondary education without fear of crippling debt so that they have the freedom to pursue multiple career trajectories, continue to learn, and stick around Nova Scotia.

There's nothing in Bill 100 that does that kind of work.

For all these reasons, I implore the members of this Committee to remove sections 12(1)(g), 12(1)(h), and, to the extent that an outcome agreement could be used for the same purpose, section 20(2) from Bill 100.

Thank you.

To: Members of the Law Amendments Committee

From: Dr. Bruce Greenfield, Associate Professor, Department of English, Dalhousie University

Regarding: Universities Accountability and Sustainability Act

Thank you for considering my concerns about the proposed "Universities Accountability and Sustainability Act." I am not convinced that this legislation will be beneficial.

1) There appears to have been no public consultation about such legislation prior to its proposal; I expect certain interests have been talking, but it's a surprise to faculty and students at Dalhousie, for example. So who has defined the "problem"?

2) What are the motives for such legislation? At least for the Halifax universities, I think the record of value for tax-payer dollar is good, better than when I began to work at Dalhousie thirty-two years ago. During my working life at Dalhousie, the provincial grant, as a percentage of the operating budget, has declined from somewhere in the 70% range to about 51%. Meanwhile, Dalhousie, and I think most Nova Scotia universities, have grown and become stronger. Speaking about what I know, purely in terms of numbers, my department now has fewer full-time faculty than in 1983, but many more students.

3) Most of the goals of the Act are, or should be, part of the normal planning and management of a university. To quote the Act (12/1/a): "A university's revitalization plan must include assessment of the university's strengths and weaknesses and the opportunities and risks that may affect the university's future, taking into account where the university fits within the national and international university environment and expected future changes in post-secondary education."

Dalhousie, at least, has for many years consistently balanced its budget, grown its student population (including lucrative international students), revised its programs, attracted increasing amounts of research funding, carried out mergers with other post-secondary institutions (TUNS and the Agricultural College). All without extraordinary legislation.

4) Making the existence of a long-term – or merely a one-year – operating deficit the criterion for the application of the Act's "Revitalization" provisions seems potentially an INVITATION TO MISMANAGEMENT. Administrators and Boards, having created, or failed to anticipate, problems, are then afforded extraordinary means, added authority. At the very least, the criteria for the imposition of the terms of the Act constitute a VERY LOW BAR for access to extraordinary powers by University Governors and the Department of Education.

5) The Act's provisions to suspend collective agreements are unnecessary. (Thus, they arouse suspicion that the main motivation of the government is to enable wholesale interference with collective agreements.) If the incentive for the creation of a revitalization plan is an additional grant to enable its realization, why put Administrators and Boards at odds with students, staff, and faculty as the plan is developed? As I said, this approach seems to further empower administrations and boards who have failed up to this point to properly run the university.

My experience of faculty members is that they are well aware of the benefits of collaborating widely, and that pretty much all of the creative changes in how programs are delivered and how research is carried out originate with faculty members and students.

6) While I think that universities in Nova Scotia have been, necessarily, modernizing their administrative structures, there has also been an increasing lack of connection between administrative decisions and those carrying out the core missions of the university. The proposed ACT seems to encourage top-down decision making.

7) The bill seems to impose government priorities on university research and teaching. Although there is a clear link between vibrant research cultures at universities and economic growth, there is very little evidence that research can be effectively directed to serve top-down economic priorities. Research can be directed to the solution of specific problems or challenges, but there is little evidence that research can be effectively focused on short-term economic goals. THE FREE MARKET APPLIES TO IDEAS, as well as to the organization of economic activity. Foster and support research culture, but don't distort the "market" for creativity. The Province of Nova Scotia has a poor record of fostering economic development; part of the way forward is to encourage, collaborate with, and respect the creative research and teaching that goes on in the province's universities.

Effective reorganization of a university, a complex entity with its own institutions for carrying out such changes, will only happen with the full participation of all members of the institution. I'm disappointed that the government seems to encourage a top-down, externally imposed model of reform, with little apparent consultation of the stake-holders.

Thank you for considering these comments.

Bill #100
Universities Accountability and Sustainability Act

CHANGES RECOMMENDED TO THE LAW AMENDMENTS COMMITTEE
BY THE MINISTER OF LABOUR AND ADVANCED EDUCATION

PAGE 1, Clause 2,

- (a) **paragraph (1)(c), line 2** - delete "20" and substitute "19";
- (b) **subclause (2), line 2** - delete "5 to 8" and substitute "6 to 8, 14, 16, 21 and 22";
- (c) **subclause (3), line 1** - delete "5 to 8" and substitute "6 to 8, 21 and 22";
- (d) **subclause (3), line 3** - delete "5 to 8" and substitute "6 to 8, 21 and 22".

PAGE 4, subclause 8(1) -

- (a) add "and" at the end of paragraph (b);
- (b) delete "; and" at the end of paragraph (c) and substitute a comma;
- (c) delete paragraph (d).

PAGE 5, subclause 8(4),

- (a) **paragraph (c)** - delete "15(4)" and substitute "14(4)";
- (b) **paragraph (d)** - delete "17(3)" and substitute "16(3)".

PAGE 6, Clause 12,

- (a) **subclause (1), line 1** - delete "A" and substitute "Subject to subsection (3), a";
- (b) add the following subclause immediately after subclause (2):
 - (3) In preparing a revitalization plan that meets the requirements of subsection (1), a university may consider the academic freedom of the university and faculty.

PAGE 6 - delete Clause 13.

PAGES 6 to 10 - renumber Clauses 14 to 26 as 13 to 25.

PAGE 8, Clause 17 (renumbered as 16),

- (a) **line 1** - delete "18" and substitute "17";
- (b) **line 2** - delete "16" and substitute "15".

PAGE 9, Clause 19 (renumbered as 18), line 1 -

- (a) delete "17(1)(a)" and substitute "16(1)(a)";
- (b) delete "18(2)(b)(i)" and substitute "17(2)(b)(i)".

PAGE 9, Clause 20 (renumbered as 19),

(a) subclause (2) - delete and substitute the following:

(2) An outcomes agreement between the Minister and a university must establish the strategic connection between the social and economic priorities of the Government and the university's funding decisions that enables and encourages the delivery of learning, research and knowledge, and must include

(a) a statement establishing the outcomes, as agreed between the university and the Minister, that support the social and economic priorities of the Government;

(b) the university's plan to achieve the identified outcomes and to demonstrate the financial sustainability of the university, including the sustainability of its existing and proposed programs; and

(c) any additional matters that may be prescribed.

(b) subclause (3), line 1 - delete "21" and substitute "20".

Members of the Committee:

Thank you for providing me with the opportunity to speak to you today. My name is Joy, and I am a student at the University of King's College and Dalhousie University. I have been studying here, part-time, for seven years. I have a learning disability and come from a low-income, very broken home, and it has been a great struggle for me to progress through my degree, particularly as tuition has become more and more unaffordable.

There are a number of major points in Bill 100 which concern me deeply, but I will address only two of them in the time that I have been allotted.

Firstly, I fear for the fate of our universities in their ability to exist as universities per se. Bill 100 would require any university seeking a revitalization plan to orient its programming and research towards "contributing to social and *economic development and growth* in the Province", by "turning research into *business opportunities*", and by "improving... their [programs'] *relevance* to students and the wider society and *economy*" (Section 12 (1-g), Bill 100, emphasis my own). In effect, this legislation would turn university (and student) interests exclusively towards the market, and away from studies which concern our primary thinking about and understanding of humanity. This would transform our universities radically, and take them away from their essential role as a "universitas magistrorum et scholarium", or "community of teachers and scholars", who come together in the spirit of inquiry to search for truth.

Students who wish to go to trade schools, go to trade schools. Students who wish to enter the diminishing salaried professional class already make their way into the dentistry, medical, and law programs that we have on offer in Nova Scotia. These goals, though very honourable, are not meant to exist at the core of the university mandate. Students go to university because they want to question the functioning of society and the world at large, to grow as people, to develop their general intellectual skills and literacy, and to acquire the functional critical tools they need to participate in the daily lives of their communities. These are the skills and changes that are, broadly speaking, brought about by the study of arts, the humanities, and the social sciences, at least some of which every student at a university in Nova Scotia is required to study. These faculties, however, would in no way fall under the mandate of "economic development" (nor should they), and will therefore fall to the axe of Bill 100. Universities will instead be forced to focus on programs that exist to advance the interests of various industry and business concerns, in the name of buoying a slumped market.

Secondly, and very relatedly, I am alarmed by the power that this bill would give government to underwrite the independence of our universities, which will inevitably effect the ability of our scholars to criticize (or even to conduct research on) the contentious issues of the

day. Bill 100 dictates in Section 12 (1-h): “[A university's revitalization plan must include] a plan for the effective exchange of knowledge and innovation with the private sector, including excellent collaboration between the university and industry”. This again lays our universities at the foot of market interest, and will lead only to the promotion and domination of some theories, questions, and models, while suppressing dissenting arguments and areas of research concerned with alternative, though perhaps less saleable, ideas. Academic freedom is a foundational part of our democracy, and it is being needlessly repealed with this bill.

My statement on these points should not be taken apart from the rest of Bill 100. Concerns over academic freedom and the independence of universities do, of course, come hand-in-hand with concerns about the proposed disposal of collective bargaining and agreements between the universities and their unionized employees and professors. For these reasons, and for the many which have been presented to you today, I ask you to strike down Bill 100. At stake here is truly the heart and soul of the university, as an institution oriented towards the formation of engaged citizens, rather than automatons. What we face is the death of creativity, questioning, criticism, risk, and experimentation, in the name of an economically secure future that none of us believes is coming. It is surely worth noting that I am able to speak to you so eloquently, and am indeed able to do my civic duty here, because I have received an education in the humanities at a university, and because I have a national students' organization and a union here to support me as I advocate for students. If this bill passes, both of these things may indeed be taken from me.

Thank you for listening.

Dear Members of the Law Amendments Committee:

I am writing to request that you withdraw Bill 100 immediately. I am a graduate of Acadia University and Dalhousie University and I am currently employed as an archivist at Dalhousie University, where I am a member of the Dalhousie Faculty Association. The following letter reflects my personal opinions regarding Bill 100.

This bill is flawed in many ways. In the first place, it does absolutely nothing to address the issue of tuition fees, which remains the largest problem facing Nova Scotia's post-secondary education system. We have the highest fees in the country! It is irresponsible to assume that international students and graduate students will continue to come to Nova Scotia if there is no plan to control fees. The bill is a way of legitimizing the chronic underfunding of Nova Scotia's universities, some of which are facing financial issues that are directly related to the government's underfunding and avoidance of the tuition fee problem.

Like other pieces of legislation proposed by this government, the bill is a thinly-veiled assault on collective bargaining rights and other rights of workers. The right to strike is constitutionally protected and there is no imaginable case to be made that university workers are "essential services." The bill has no provisions to ensure accountability of senior administrators and provincial bureaucrats who are ultimately responsible for the financial stability of our post-secondary education institutions.

The bill also undermines academic and intellectual freedom of employees and students. A quick scan of course offerings is all you need to see that universities already offer extensive learning opportunities that are directly relevant to Nova Scotia. I understand that the Labour and Advanced Education Minister has already proposed some amendments to fix some of the most egregious aspects of the bill. But Section 8 still allows the government to force universities to ensure their teaching and research activities "align" with the province's social and economic priorities. The language around academic freedom is still too weak. The government cannot expect to have a reasonable and informed dialogue about a university's "revitalization plan" when the process curtails academic freedom and so many constitutionally protected rights. I also share Maureen MacDonald's concerns that these amendments were introduced just as people started making appearances before the Law Amendments Committee. You should not "rush" through this important legislative process in this manner.

The Ivany report found that Nova Scotia's post-secondary education system was one of the province's strongest assets and a key component to our ability to attract international investment. Research in Nova Scotia's universities accounts for the vast majority of the province's external research and development funding. An open and global view on research and development is vital for continued success in this area. This view does not at all preclude emphasis on local issues; in fact, many faculty members at Nova Scotia universities regularly conduct research that engages with high priority social and economic issues. Furthermore, universities are already required to develop strategic research plans to qualify for federal research funding. These plans clearly address the same social and economic issues facing this province, as well as other areas where Nova Scotia faculty are among the most qualified experts in the world.

This government has established a dangerous pattern of implementing dramatic and sweeping changes

to some of the province's most important industries without consultation and without readily available evidence. Bill 100 demonstrates that the government sees our universities as a liability that must be addressed by attacking workers and making vain attempts to direct the knowledge economy.

The post-secondary system in Nova Scotia is robust but there are many inefficiencies that could be resolved. It was disappointing, for example, to see that there was no support to develop a shared storage facility for library and archival collections. Extensive work went into the feasibility study and the idea was widely supported among my colleagues in the province's libraries and archives, but funding was not provided to build the facility. Now each university is left incurring the same costs to store and preserve their collections. I would support legislation that establishes shared services of this nature that would help cut costs and foster collaboration without attacking workers.

As a young faculty member hoping to raise my family in Nova Scotia and spend my career working at Dalhousie University, I am very much in favour of improving the post-secondary education system in this province. But the government's austerity philosophy attacks the very people for whom it claims to be working. We need to retain young people and creative people and intelligent people and we need to support the ability of our universities to attract research funding and the best students we can recruit. Quite simply, this bill will inhibit my own ability to help students, to help work towards a sustainable and innovative post-secondary education system in Nova Scotia, and to generally help make this province a better place to live, work, and pay taxes.

I apologize for the lengthy letter, but I hope these points will help make it clear that Bill 100 must be withdrawn and replaced with an open and honest dialogue about the future of Nova Scotia's post-secondary education system. Let's start with a provincial commission focused on the sustainability and growth of our universities.

I have already sent a copy of this letter to Honourable Stephen McNeil, Diana Whalen, and Kelly Regan, and I have written another letter to my MLA.

Respectfully,

Creighton Barrett

Halifax, Nova Scotia

Creighton Barrett
Digital Archivist
Dalhousie University Archives
Tel: 902.494.6490 | Email: Creighton.Barrett@Dal.ca
www.dal.ca/archives

**Presentation by Catrina Brown
President, Dalhousie Faculty Association
Law Amendments Committee hearing on Bill 100
April 30, 2015**

On behalf of the Dalhousie Faculty Association, I would like to thank the Committee for this opportunity to express our concerns about Bill 100, the Universities Accountability and Sustainability Act. We welcome the amendments proposed by the Minister this morning, but we still have concerns about Sections 8, 12, and 20 and ask that they be deleted from the legislation.

We agree that university administrations need to be more accountable, not only to government but also to their employees, their students and the broader public. We have spoken out many times about the diversion of operating funds into capital projects. The number of senior administrators has increased dramatically while academic programs and faculty positions are being cut back. Class sizes have increased, tuition has increased, universities are more dependent on temporary and part-time employees, and a growing number of departments are trying to run their programs on a shoestring. There is nothing left to cut. Yet new buildings keep going up. Bill 100 does not address these issues.

Throughout all this, our universities remain, in the words of the Ivany Report, “one of Nova Scotia’s greatest comparative advantages.” But we will lose that advantage if Bill 100 comes into effect. Students, who are attracted to the wide range of high-quality programs our

universities provide, will not come here if their university has a revitalization plan.

World-class scholars, who value their academic freedom and ability to pursue independent research, will not come here if their research is dictated by government. Donors will think twice before donating to a university that is undergoing a revitalization process.

With regard to labour relations, we share with many others the concerns expressed about Section 8 of the legislation. Removing Section 8-1-d is a step in the right direction, but we would like to see the rest of Section 8 deleted as well. Clause 2 and 3 of Section 8 both interfere unduly with the collective bargaining rights of unionized employees. This section violates the fundamental principles of labour relations enshrined in the Nova Scotia Trade Union Act, and we believe that it is unconstitutional.

But our concerns about Bill 100 go beyond labour relations. This legislation strikes at the heart of the purpose of a university and its core mission of teaching and research. Universities exist to promote critical thinking, curiosity and discovery and professional judgment. They are there to help young people develop the thinking, learning and research skills that will serve them well in their lives.

In order to carry out that mission, universities must have autonomy in academic matters. Faculty must have the freedom to teach and conduct research without interference from either administrators or government. Academic freedom is to professors what freedom of the press is to journalists.

In the debate on the Bill earlier this week, the Minister herself spoke about respect for “the university’s autonomy and the principles of academic freedom.” But to say that a university *may consider* the academic freedom of the university and faculty is not an adequate protection for academic freedom.

Both Section 12 and Section 20 of the Bill make specific reference to alignment with government priorities in research and teaching. The notion that a university – and by extension, its faculty – would align its academic priorities to *any* government agenda is contrary to both university autonomy and academic freedom. In short, you can’t tell universities what to teach and research.

For these reasons, we believe that Bill 100 will have a devastating impact on our universities and will make them less sustainable, not more so. We strongly urge the Government to withdraw Bill 100 and replace it with something that would make administrators and government truly accountable to everyone who holds a stake in our universities.

Thank you.