

# COU Academic Colleagues Committee Report to the Ontario Tech U AC

Alyson King (COU Academic Colleague Representative for Ontario Tech University)

## Synopsis

This report provides an overview of two Academic Colleagues meetings held on April 3 and 4, 2024, and of the 317<sup>th</sup> Meeting of Council on April 4, 2024. The April 3 evening meeting was a presentation by an invited speaker followed by a brief discussion while the main COU colleagues meeting occurred on the Wednesday morning. Both meetings were held in a hybrid format (in-person and online) and I attended these on-line. The COU Council meeting was held on-line on the afternoon of April 4.

## Background

The objective of the COU Academic Colleagues committee is to support the COU Council, consisting of the executive heads of the institution members of the COU, with feedback from academic colleagues concerning COU initiatives.

## Meeting Summaries

Evening meeting, April 3, 2024

### **5 Thoughts about University Governance with Cheryl Foy**

Cheryl Foy spoke about five governance topics: 1) the relationship between university governance and autonomy; 2) shared governance as a system and its models; 3) the roles of boards and academic governing bodies; 4) why we need to pay attention to academic governing bodies (senates), and; 5) the role of faculty associations in governance.

1. Ms. Foy described university autonomy as being eroded by ineffective governance. If universities are 'protectors of ideas', then we need to protect the autonomy of universities from unnecessary interference by the provincial government and other sectors. Autonomy cannot be taken as a given; it must be striven for. In this regard, it is important to be constantly thinking about the impact of any decisions made on university autonomy. Universities must be autonomous if they are to play a role in protecting democracy, but many researchers have found that autonomy is being eroded and there are many recent examples of governance failures (e.g., Laurentian University). Anytime a failure happens, it provides an opening for the government to intervene. Universities need to be able to say "we've got this" so that there is little space for government intervention. It is also important to anticipate policies that might be imposed by government and to avoid internal strife.
2. Shared governance needs to be seen as a system, and we in universities need to act accordingly. ISO37000 is a governance standard that is intended to be used by all organizations, even if there are no shareholders. Good governance lays the foundation for fulfillment of the organization's mandate. We need to consider the implications of organizations being human-based. She noted that we cannot take for granted that everyone in the university really understands how universities are governed and it is important for everyone, including faculty to understand how governance in universities work, noting that every university will have differences in their

models (e.g., unicameral, bicameral, and tricameral). University Boards tend to be bigger than those organizations with shareholders, and their composition is made up of many stakeholders. The bodies within a university must get along if they are to avoid opening the door for government intervention. Because all universities have common governance challenges, finding a way for collaboration will make the system stronger.

3. Boards and academic governance bodies (e.g., Senate or Academic Council) need to see each other as partners in order to have an effective governance structure. Finding a way to work well together and to have the robust conversations about big questions is important for effective governance.
4. Academic governing bodies must act in the best interests of the university as a whole. While each member may represent the voices of each unit, when decisions are made they need to move past self-interest to care for the well-being of the university. Both Board members and Academic Council members must have clarity about their roles and responsibilities in the governance of the university.
5. Faculty Associations must play a supporting role in university governance. She argued that it is the Faculty members who should bring their voice, not the Faculty Association. It is important that the governance bodies do not become alternative places for bargaining. She noted that governance service tends not to be a “promotable” activity even though it takes a lot of time and energy, and that the burden tends to fall on the shoulders of certain groups of people more than others.

Discussion:

There was robust discussion about some of the gaps in the presentation and about the role of the Faculty Associations. One concern was that any reference to EDID considerations seemed to be an afterthought. Concern was also expressed about the idea of the FA as having only a supporting role since they also represent the voices of faculty members.

[Morning meeting, April 6, 2024](#)

### **1. Information Sharing**

The group shared some of the challenges that their universities have been discussing at their senate and/or academic councils. These issues varied among the institutions and topics such as some institutions are currently in contract negotiations, others are continuing discussions about their budgets given the Ontario government funding constraints, and student applications. When I mentioned that at Ontario Tech we have been discussing Activity Based Budgeting, there was laughter and the comment “Eat what you kill.” At one university, the member commented that the BB model never really worked.

Other topics mentioned include: austerity measures at some universities, freedom of expression focus groups, implementation of voluntary retirement programs, acting roles not being renewed, and concerns about Artificial Intelligence and exam security, positions not being filled when profs leave or retire, sustainability measures (e.g., removing cars from the centre of campus), and

shrinkages due to decline in international students. One colleague had been in India for a recruitment trip and had found that Canada is now seen as hostile and racist. Several universities have been experiencing cyberattacks, but their administrations have shared few details.

One university mentioned that academic consideration policies are problematic, noting that statements in syllabi need to be clear. They are finding that students have a lower tolerance for stress which is getting muddled or conflated with mental health when it is more about learning coping skills. I believe we are seeing something similar here at Ontario Tech.

## **2. COU President's Report (Steve Orsini)**

- Very little new regarding the provincial budget other than capital funding, but funding for operating budgets has declined. Some base operating funds may be coming, but there will be a huge number of conditions attached to it (but no details yet). An application process in place for universities in serious trouble to receive some money. Funding announcements so far do not address real needs. While the Blue Ribbon Panel had a balanced approach, the government put in a blanket freeze of tuition.
- Regarding international student cap, the government froze the number for all universities even those who had a responsible plan. Applications from international students are down by 15% and over 2300 attestation letters have been sent out. The requirement of students having \$21,000 on entry to Canada is good because it helps to ensure that students do not arrive already impoverished.
- The government has been imposing directives related to (1) mental health, (2) disclosures regarding fees, and (3) processes dealing with hate. These are things that universities are already doing: (1) a one-pager showing that universities have mental health plans; (2) all universities are already disclosing fees, but the government may change the way it is disclosed; (3) dealing with hate on campus already follows human rights legislations. The government is starting to tell universities HOW to do these things which creates a tension, for example, between Minister Directives vs Expert advice re: the Human Rights Code. Because different universities have different structures we don't want to have a cookie cutter approach. COU is expressing concerns about unnecessary intrusion by the government which undermines university autonomy.
- Discussion/Questions:
  - A lot of students can't get into a medical program because spots are capped by the provinces. Medical school residencies go 1<sup>st</sup> to those in domestic programs, then to international students. There is a push from Ontario students who go to Ireland or the Caribbean to have priority access to residencies over other international graduates.
  - COU is advocating for more funding from the government, arguing that the \$1.26 billion is a "down payment". SMA4 negotiations are coming in the fall. COU is continuing to advocate for autonomy for universities regarding types of programs and how to deal with corridors.

### 3. Questions about ONCA in advance of Council

- The COU is transitioning to the Ontario Not-for-Profit Corporations Act (ONCA). Voting to happen in the Council meeting in the afternoon.
- Why is there no external member on the new Board of the COU? The Executive committee essentially became the Board. Do we want to have an external member?
- Why is U of Toronto automatically on the Board? To maintain existing structure.

### 4. COU Internal Updates

Reports were received from Government and Community Relations Committee (Kim Hellemans) and the Budget and Audit Committee (Jennifer Li).

### 5. Discussion on Future Topics / Planning for the May meeting

Council of Ontario Universities, 317th Meeting of Council  
Thursday, April 4, 2024, 12:30 to 2:30 pm

#### 1. Welcome from the Chair

#### 2. COU Transition to ONCA:

- a. At the Council meeting of October 13, 2022, Council gave COU a mandate to undertake efforts to modernize COU's governance structures and bring them into compliance with the federal or provincial legislation for not-for-profit corporations. During subsequent meetings, it was confirmed that COU would model its governance structure to be compliant with the Ontario-Not- For-Profit Corporations Act (ONCA).
- b. **Key Changes to COU Governance:** As discussed in the fall of 2023, COU proposed the following key changes to the organization to bring it into compliance with ONCA:
- c. **New Governance Structure:** ONCA does not allow for COU's current governance structure – whereby one body (i.e. Council) has oversight of policy and governance matters while another (i.e. the Board of Directors of COU Holding Association Inc.) has oversight of business matters. Accordingly, the most fundamental change required for COU compliance with ONCA is the dissolution of Council and its Constitution, and the development of new by-laws that enshrine the rights of voting members of COU – Executive Heads and Academic Colleagues – and the shift of all fiduciary responsibilities and liabilities to the Board of Directors.
- d. **New Corporate Name:** The corporation name will change from COU Holding Association Inc. to Council of Ontario Universities.
- e. Regarding having an external member on the Board, most member Boards do not have an external representative. A friendly amendment was proposed to allow for an external member.

#### 3. Meeting of the COU Holding Association Inc Board

- a. Board Members: Alan Shepard, Rhonda Lenton, Steven Murphy, Kim Hellemans, Bonnie Patterson, Steve Orsini



- b. Approval of Motions in Schedule A – Approved with friendly amendment about keeping an external member on the Board.
- 4. Meeting of the Members of COU Holding Association Inc.**
  - a. Approval of Motions in Schedule B – Approved
- 5. Resumption of the 317th Meeting of Council**
  - a. Approval of Motions in Schedule C – Approved
- 6. President's Report:**
  - Higher education institutions play a crucial role in society, and this is a pivotal moment for them. Despite tremendous support from various stakeholders (such as boards of chambers and media), government funding continues to fall short. The recent budget announcements do not adequately meet the needs of universities and colleges.
  - Tuition Freeze: While freezing tuition fees may seem beneficial in the short term for students, it poses long-term risks and could become difficult to address funding gaps in the future.
  - Enrollment Growth: Advocacy for more enrollment growth continues, even after receiving one-time funding of \$93 million last year.
  - Bill 166: New legislation requires universities and colleges to report on mental health, fees & costs, and hate incidents on campus. Balancing reporting requirements while opposing government intervention is essential.
  - Applied Master's Programs: Concerns arise about colleges expanding beyond their main mission, especially for applied masters programs, because it is pulling colleges' attention away from the trades.

Questions:

- The Premier's comments on April 5<sup>th</sup> conflated issues related to international students and medical schools. Very few international students go to Ontario medical schools because of government caps. Ontario universities have less than 18% of international students.
  - Need for a careful strategy that demonstrates the value of universities in innovation using anecdotes or stories as well as evidence. Evidence-based decision-making vs decision-making evidence – the government is drawn in by anecdotes so we need to continue to demonstrate with evidence our value using stories.
- 7. Academic Colleagues Report** (Kim Hellemans and Jennifer McArthur)



# 5 Thoughts about University Governance

A presentation for the consideration of Council of Ontario University  
Academic Colleagues

By Cheryl Foy, LLB, BAH

April 3, 2024

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Academic Colleagues



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## 5 thoughts about:

- 1) the relationship between university governance and autonomy;
- 2) shared governance as a system and its models;
- 3) the roles of boards and academic governing bodies;
- 4) why we need to pay attention to academic governing bodies (senates), and;
- 5) the role of faculty associations in governance.

And then ... discussion and questions.



**First Thought** : Autonomy is eroded  
by ineffective university governance

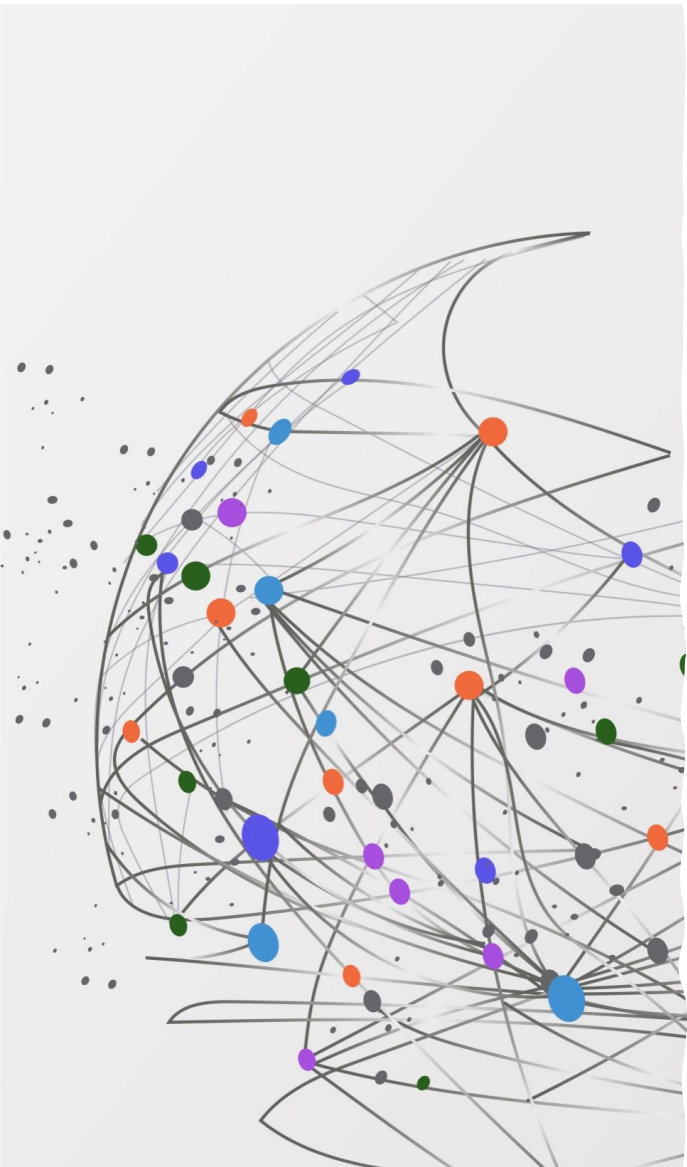


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# Democracy and Autonomy – Universities as protectors of ideas and free thought

The university [not only continues] the process of building democratic character [in its students] – [democratic character being “the ability to think carefully and critically about problems, to articulate one’s views and defend them before people with whom one disagrees” ] but **the fundamental democratic purpose of a university is protection against the tyranny of ideas**. Control of the creation of ideas ... subverts democracy. As institutional sanctuaries for free scholarly inquiry, universities can help prevent such subversion. [Universities are] “**sanctuaries of non-repression**”.


George Fallis, Multiversities, Ideas and Democracy, p. 351



(The) governance of knowledge and knowledge-based institutions is shared and often contested between the state, the market and academic institutions. Boundaries are permeable and movable... Institutional and individual academic autonomy is not given under these circumstances, so much as continually to be striven for and won. It is, therefore, conditional but ... it is not something over which academics and their institutions have no control. Rather, they should regard themselves as protagonists in the struggle for the redefinition and sustenance of academic autonomy.

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Henkel 2007



We are seeing high profile  
governance failures across  
the country ...

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# Inviting the government to tea?

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- Provincial governments are inclined to get involved
- Failures of governance open the door and invite government to tea
- Failures include:
  - Failure to ensure financial sustainability (E.g. Laurentian)
  - Failure to protect IT infrastructure (Vancouver Island University)
  - Failures in leadership and issues management (UBC, Memorial)
  - Failure to protect culture (UPEI)
  - Failure to anticipate and respond to societal expectations (sexual violence policies, freedom of expression policies)
  - Internal strife (Memorial, York)







**Second Thought:**  
Shared Governance  
is a system and we  
need to act  
accordingly


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# What is Governance?

- The system by which organizations govern themselves
- The whole decision-making and accountability structure

## **ISO 37000**

- Good governance lays the foundation for the fulfilment of the purpose of the organization in an ethical, effective, and responsible manner in line with stakeholder expectations” (p. vi)
- “a human-based system by which an organization is overseen and held accountable for achieving its defined purpose” (p.1)



# What makes university governance different?

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- Created by individual legislation or charters (older universities)
- Shared governance:
  - Different models of shared governance (unicameral, **bicameral**, tricameral)
  - Board size and composition – “representatives” or stakeholders on boards
  - Academic governing body – size, composition
  - More complex, unique relationship, jurisdictional questions between the governing bodies
  - Board role in hiring
- Different culture
  - Dispersed control (internal autonomy, academic freedom, commitment to freedom of expression etc.)
  - Collegial decision-making and collegial processes

# Common University Governance Challenges

- Full engagement of members of the board and senate
- Fostering an effective relationship between the board and senate
- Senate effectiveness and its ability to serve as a governance partner to the board
- Ensuring the board and senate are focused on the right work
- Effective integration of the governance players particularly board and senate
- Administrators (outside the secretariat) understanding governance and their role in supporting the board and senate
- Governance professional recognition as a leader in governance within the university and properly resourced to provide the right level of support to both bodies



# Common University Governance Challenges

- Members wear the right hat – perspective NOT representative when at any governance table
- Board and senate culture
- Relationships between president and board, president and senate
- Structuring agendas and workflow to ensure that the board is fulfilling its obligations
- Ensuring that the board has access to independent governance and legal advisors
- Effective management of stakeholder relationships
- Preserving institutional autonomy
- Governance model evolves to allow the university to respond to the changing “public interest”?
- And many more ...





For you to consider: What are the preconditions to maintaining a good governance system?

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A 3D rendering of a compass with a gold arrow pointing towards the word '-LEADER'. The compass is detailed with a central pivot, multiple directional needles, and a circular scale with fine markings. The word '-LEADER' is written in a large, bold, sans-serif font above the compass. The background is a light gray gradient.

**-LEADER**

**Third Thought:**  
Boards and  
Academic  
Governing Bodies  
must understand  
and fulfil their roles.

# The Board's role in university governance effectiveness

## The Board:

- is responsible for making university governance effective
- Is responsible for the system and all its parts
- Is responsible for its own effectiveness, and that of its members, committees
- Ensures effective relations with others within the governance system (president and administration, senate)
- Is clear about its roles within governance and fulfils those roles (strategy and oversight)
- Works with the academic governing body as a partner in governance

## ISO 37000:

“The governing body is accountable for establishing and maintaining an integrated organizational governance framework across the organization that coordinates these governance activities such that the organization realizes effective performance, stewardship and ethical behaviour” (p.7)

Governing body must be competent: skills, knowledge & experience, criteria to measure progress, criteria for objectives, must assess its own competence/structure, must report to stakeholders (p.9)



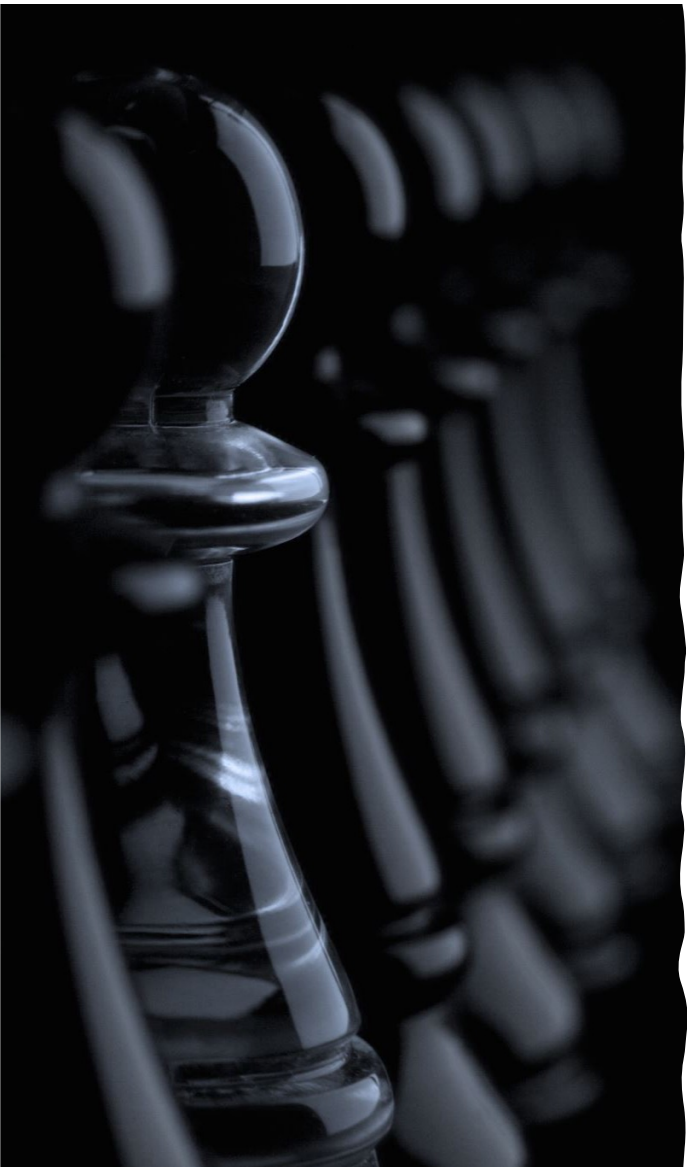
# The Academic Governing Body's role in university governance effectiveness?

## **The Academic Governing Body:**

- Works with the board as a partner in effective governance, advances and defends good governance
- Fulfils its mandate and ensures its own effectiveness and accountability and that of its members, committees
- Has effective relationships with others within the governance system, in particular its relationships with administration and faculties
- Supports the board in ensuring good integration across the governance system
- Sees itself as a governing body and demonstrates the leadership that being a governing body entails (not operationally focused)
- Is clear about its role within governance and fulfils that role (oversight of academic matters)

# Ensuring the right work focus :

- ❑ The challenge of maintaining effective governance for the governing bodies is an ongoing challenge – it’s never “one and done”.
- ❑ For both board and academic governing body focus on **accountability not responsibility (stay out of operations/administration)**.
- ❑ The board is to ensure:
  - ❑ effective and integrated governance
  - ❑ the board remains focused on its two key jobs and avoids spending time on operations:
    - ❑ Strategy and strategic Planning - does the organization have a direction and a measurable way to get there and does the board have the means to hold the organization accountable? and;
    - ❑ Oversight – is the organization financially sustainable, compliant, and engaged in risk management?
- ❑ The academic governing body to ensure:
  - ❑ support for effective and integrated governance
  - ❑ Academic governing body remains focused on its role in ensuring high academic quality and standards and works at the level of policy-making and oversight



**Fourth thought:** to fulfil their role, academic governing bodies must conceive of themselves as governing bodies

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# Senators on Senates: Study by Glen Jones, Lea Pennock, Jeff Leclerc & Sharon Li, 2016

	Senate should do	Senate does
Regularly review the performance of the university in academic areas	93%	48%
Defend and protect autonomy	93%	49%
Play a role in determining university's future	91%	49%
Final authority for approving major academic policies	92%	66%
Play a role in establishing research policies and strategic research directions	72%	37%
Periodically review its own performance	94%	26%

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# What does it mean to act as a governing body?

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- Very different from the role of a faculty member or administrator in that:
    - Perspective moves outward to consider the interests of the whole university and all of those interested in or affected by university decisions
    - Focus of work changes
    - Self-interest has no place
    - Representation of specific interests has no place
    - The work is done reflectively – how healthy is our system? Are we playing the right role? And ....

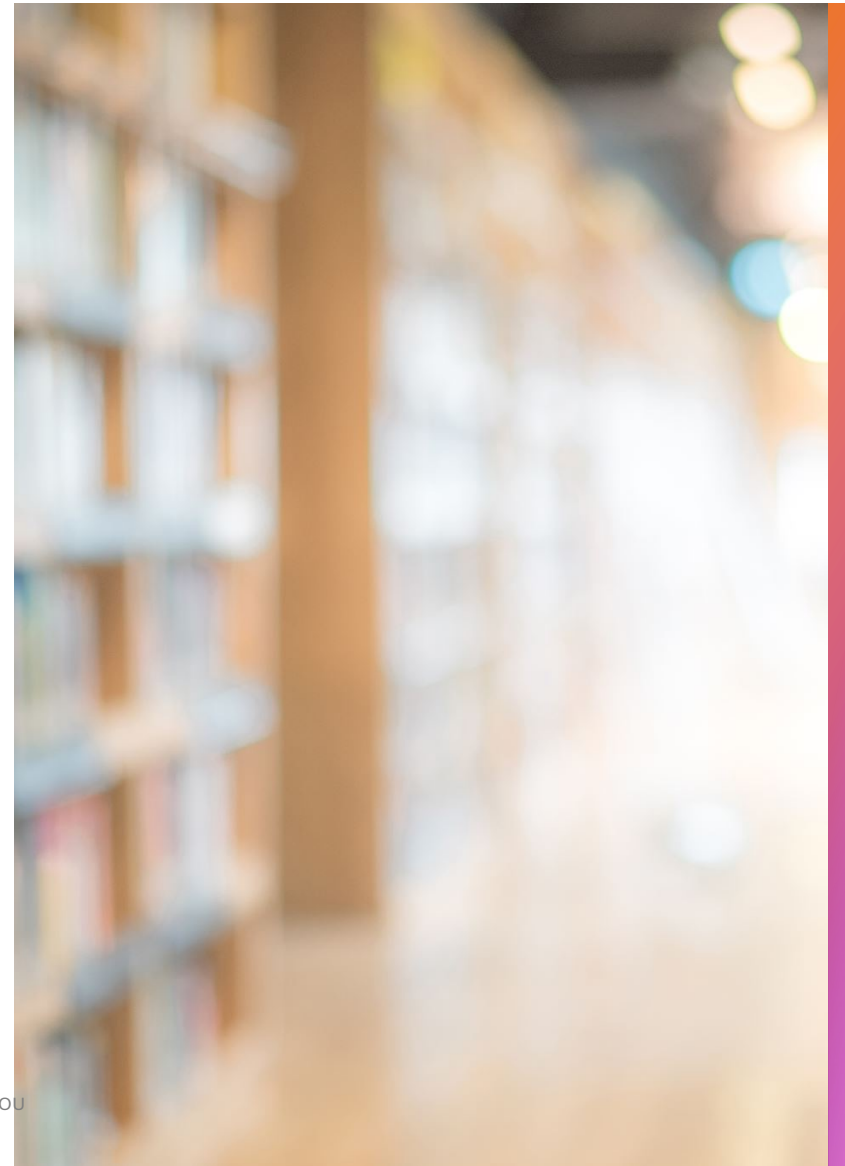
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## Revisiting a Key Governance Concept: Fiduciary Responsibility

- ❑ Highest trust obligation at law. It's a strict standard of conduct pursuant to which Board members must:
  - ❑ Act honestly
  - ❑ Act in good faith
  - ❑ Act with a view to making decisions in the best interests of the university
  - ❑ Act with care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances
  - ❑ Avoid conflicts of interest and abusing the position for personal or business gain
  - ❑ Maintain confidentiality
  - ❑ Serve the organization selflessly, honestly and loyally
- ❑ Corresponding obligation in senate/senators “act in the best interest of the whole University”

## Why are academic governing bodies in need of focus?

- Widespread need for governance education among faculty (CUFA BC, January 2024, Conference: Can Governance Survive? The Future of the University.
- Leadership and vision – the role of the president
- Lack of understanding of governance as a system – too much siloing
- Boards to commit to advancing integrated and healthy academic governance
- Administration – role clarity and commitment to supporting academic governing bodies
- Faculty association perception that they are lost causes
- And ...





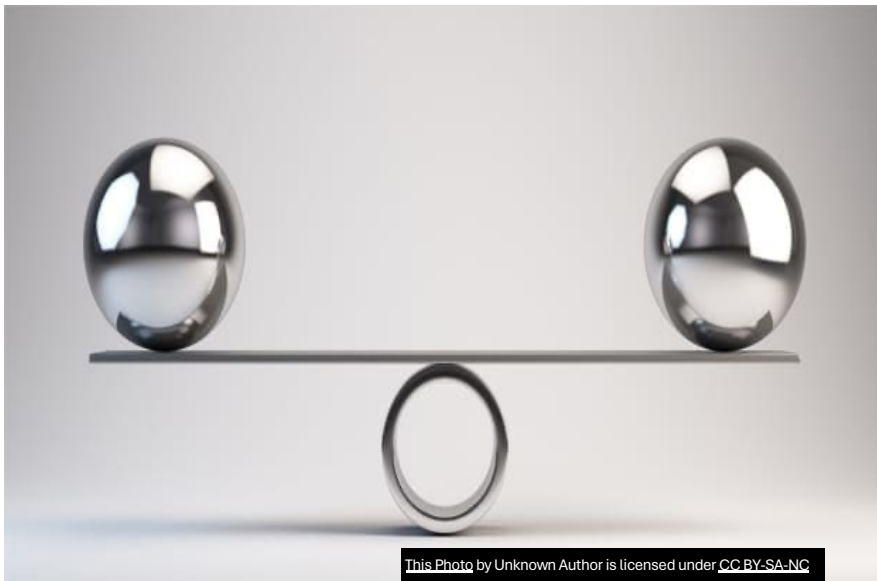
# **Fifth Thought: Faculty associations play a supporting role in university governance**



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# The fine balance ... “a symbiotic dual-track approach”



While there have been positive and negative views about unionization in the academy, the reality is that it exists in many institutions and national contexts. The most critical issue therefore is the way in which it works with traditional internal governance systems, such as the faculty senate. With regard to traditional faculty governance processes, Bucklew et al. (2013) contend that a **symbiotic dual-track** approach to governance is required where traditional labor issues – wages, benefits, working conditions, etc. are the purview of the union, while the senate retains control over academic issues. However, Bucklew et al. acknowledge that this symbiotic relationship may sometimes be challenging, particularly in instances when the union encroaches on the territorial domain of the senate. In so doing, the senate’s role is usually diminished (DeCew, 2002). Thus, governing becomes a **delicate balancing act** between the traditional collegial faculty governance and the faculty union.

# Support means:



Education for members about university governance and how to support it to be effective

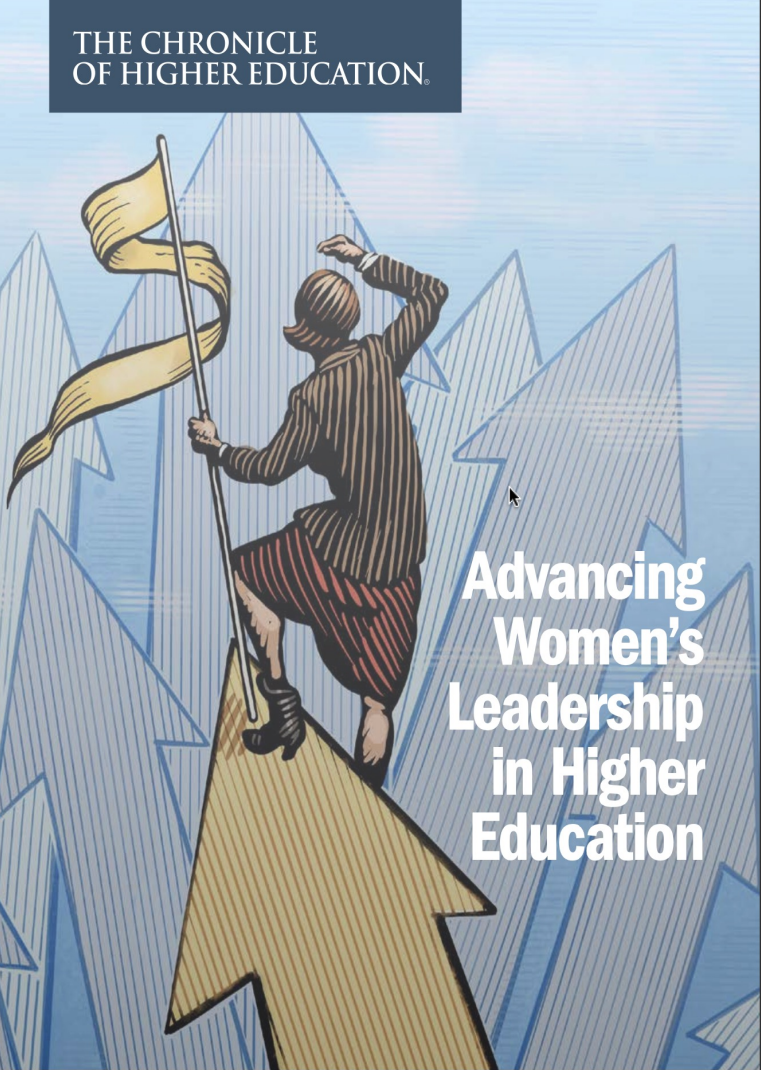


Focus on the employment conditions that would support effective faculty participation in governance



Striving for role clarity - faculty association focus on terms and conditions of faculty employment

THE CHRONICLE  
OF HIGHER EDUCATION

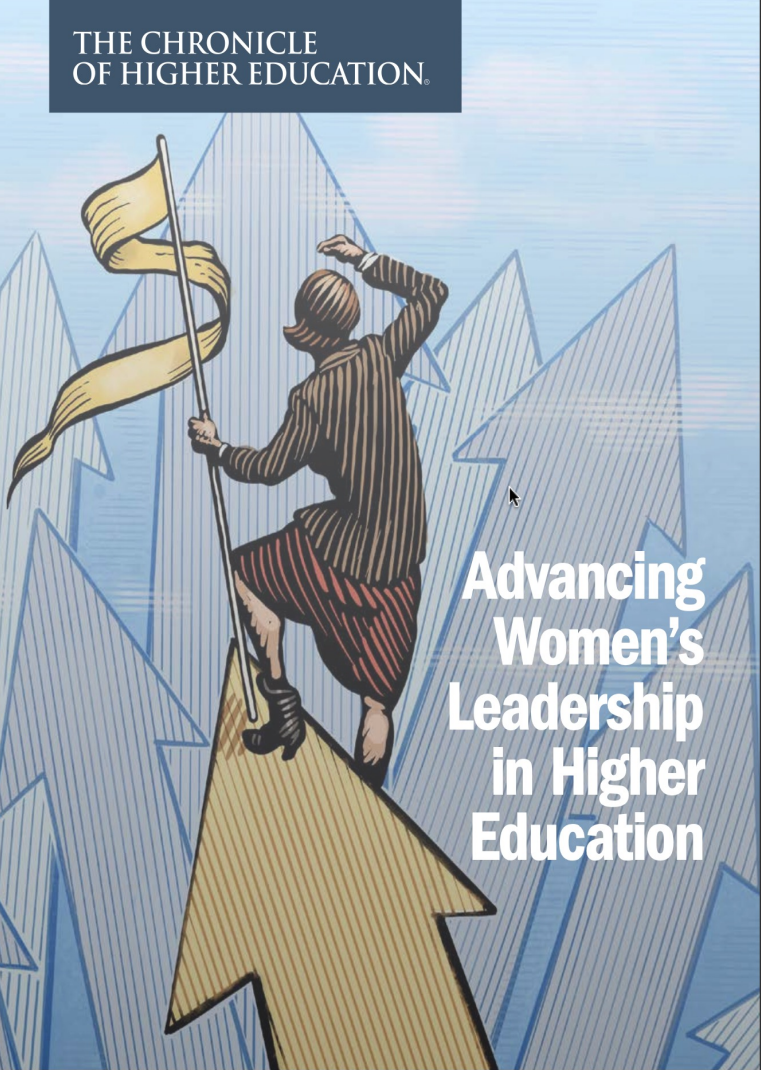


Advancing  
Women's  
Leadership  
in Higher  
Education

Linda Babcock, Brenda Peyser, Lise Vesterlund, and Laurie Weingart bemoaned the “**non-promotable task**” — things like serving on behind-the-scenes committees or institutional review boards and mentoring junior staff. “**Compared with men,**” they write, “**women are 48 percent more likely to volunteer (when a volunteer is sought), 50 percent more likely to say yes when asked directly, and 44 percent more likely to be asked.**”

From: *Women Do Higher Ed's Chores. That Must Change* by Liz Mayo pp. 10 to 14 at p. 13 in [Advancing Women's Leadership in Higher Education](#) (see left frame).

THE CHRONICLE  
OF HIGHER EDUCATION



Advancing  
Women's  
Leadership  
in Higher  
Education

In short, female faculty are not only asked or told to do the **campus “housekeeping,”** they are also seen through the prism of maternity — a perspective that results in an expectation of saintly sacrifice. That expectation then becomes internalized. How could we even begin to catalog the service work we do if it is just a part of who we are as women?

From: *Women Do Higher Ed's Chores. That Must Change* by Liz Mayo pp. 10 to 14 at p. 13 in [Advancing Women's Leadership in Higher Education](#) (see left frame).

# Example: Service and Governance

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If it's not defined and it's not measured and there's no extra reward for certain types of Service why would faculty engage in governance? Particularly if the experience itself may be more demanding or less rewarding. Are women academics more disadvantaged by this?



Governance service as “non-promotable”. **Question:** How many of you have been told to focus on your research and teaching and not worry about service because it's not valued?



**Question:** How might we change the approach to Service to promote greater involvement in university governance? What are the implications of that?

BUT ... CAUT  
sees a strong role  
for faculty  
associations in  
university  
governance.

Academic staff associations have a role to play in strengthening systems of shared governance at their institutions, and in protecting and fostering the voice of the academic staff within them.

<https://www.caut.ca/about-us/caut-policy/lists/caut-policy-statements/policy-statement-on-governance>

... we need to protect **the collegial role of our members by building provisions into our collective agreements that clearly set out where boards of governors and senates fit into the picture**

<https://www.caut.ca/bulletin/2017/03/governance-rocks>

Our task force has concluded we must finally recognize that university senates have not provide to [be]reliable and consistent vehicles through which academic staff can ensure their proper role in the academic governance of their institutions. We believe that academic staff associations must turn to collective bargaining to ensure their position in academic decision-making as part of their terms and conditions of employment ...

What is needed now is to be more explicit in considering how we can use the collective bargaining arena to secure governance rights. This means recognizing gains made already and developing a plan for helping associations to build on provisions they have and to make advances in new areas.

2009: <https://www.caut.ca/docs/default-source/reports/report-of-the-caut-ad-hoc-advisory-committee-on-governance-%28nov-2009%29.pdf> (pp. 1 and 4 respectively)






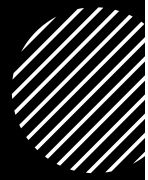

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## What do faculty members think?

Our survey uncovered no evidence of widespread agreement with the CAUT position among senate members; in fact, the responses show ambivalence about the role of faculty unions. Forty-one percent disagreed with the statement that “The role of our senate has been strengthened by the work of the faculty association/union”; 30% were neutral, and only 28% agreed. The percentages were similarly divided (37%, 35%, and 27%) in response to the statement: “The influence of the faculty association on academic matters is increasing in comparison to that of our senate.” In response to the question about issues facing senates, several senate secretaries mentioned unions, one observing that faculty unions are “trying to make Senate seem ineffectual.” Among the senate members who mentioned the role of unions in academic governance, one was positive, one was neutral, and five were negative. It does not appear that most sitting senate members are looking to their bargaining units to supplant the collegial governance model. Nevertheless, any movement to enshrine governance matters in the clauses of collective agreements is one that bears watching. (Pennock et al, 2016)



The  
governance  
system is not  
supported by  
the following:



Declaring academic governing bodies as failed



Blurring the lines between academic labour relations and governance



Dominating academic governing body agendas



Using academic governing bodies to advance faculty association interests



Creating adversarial cultures in academic governing body spaces



Your comments  
and questions ...



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