

UNIVERSITY AUTONOMY ON THE LINE

AUNBT's Response to the

"Action Plan to Transform Post-Secondary Education in New Brunswick"

After fifteen months' turmoil over the shape of post-secondary education in New Brunswick, are we better or worse-off than before this process began? Should UNB's partisans be heartened or dismayed by the **Action Plan** that the province released on 27 June?

Compared with the hopeful spirit in which UNB pressed the new Liberal government for an inquiry into post-secondary education, the result is disappointing. Conceived and promoted with the faith that any inquiry into the state of NB universities must inevitably recommend greater financial support, of which the province's flagship university would be the chief beneficiary, the post-secondary process has left UNB with modest funding gains. For this we are to pay a heavy price.

The PSE inquiry has become the occasion when New Brunswick's public universities have given up their autonomy. In parts of the **Presidents' and Principals' Report** [P & P] that were adopted without demur in the province's **Action Plan**, the presidents concede that universities will now align their priorities with the shifting enthusiasms of politicians, bureaucrats and corporations. What they asked in return was that politicians fund the universities adequately. Government accepted their surrender, while committing to higher education just one-fifth of the funding sought. In return for these few new millions the great principle of university autonomy has been lost.

But is not the saving of UNB Saint John cause for rejoicing? If submitting to servitude in order to escape destruction amounts to a victory, then the victory is a very modest one. Success in deterring politicians from a course of plain folly hardly redeems the PSE process for UNB.

Readers of the **P & P Report**, from which the province's **Action Plan** is largely drawn, will be dismayed to find higher education valued solely in terms of meeting the needs of the provincial economy. This human capital approach frames education as an instrumental learning process, where students are provided with technical skills necessary for labour market participation. From such a perspective graduates are "products". The only "transformative change" the **P & P Report** understands is the more effective training of workers for jobs. Ironically, neither the **P & P Report** nor the province's **Action Plan**, both touted as "student-focussed", offers a single word in celebration of the sort of "transformative change" that study at university brings the individual. The **Action Plan** also shows no appreciation that, to sustain its reputation as a "national university", UNB must have a research environment that is competitive nationally and internationally. In every other province, governments recognize that high quality, independent research is necessary to a modern economy.

CONTEXT

In September 2007 Commissioners Rick Miner and Jacques L'Écuyer issued **Advantage New Brunswick**, their much-leaked report on higher education. It proposed that the existing "hierarchy of differences" that characterized post-secondary education should become a true *system* the great object of which would be to facilitate in various ways the training of workers for jobs in industry and business. To accomplish this it recommended, in part, that several community colleges and university campuses be abolished and that their remains be fashioned into three hybrid "polytechnics". When indignant New Brunswickers responded with the largest demonstrations in favour of access to liberal education that Canada has ever witnessed, the government sought to diffuse anger by handing the report for reconsideration to a taskforce of the four university presidents and three community college principals (*ie*, public servants) working in secret and under close watch by a deputy minister. Like Miner and L'Écuyer's **Advantage New Brunswick**, the recommendations of these Presidents and Principals, released on 27 June, focussed on the perceived training needs of industry, filtered through the rhetoric of the "self-sufficiency" agenda. To mollify the presidents of UNB and Moncton, the group jettisoned the notion of turning the Saint John, Edmundston and Shippagan campuses into polytechnics. For the president of St Thomas University they introduced the word "catholic". And, as we have noted, to government they traded university independence in return for the dream of half a billion dollars of new public funding. Because the **P & P Report** and the province's **Action Plan** were published on the same day, the **Report** has been overshadowed and almost ignored. It is important therefore to note that, with a few exceptions (such as funding), the **P & P Report** is just a fuller version of the **Action Plan** .

While a number of the promises of the **P &P Report/ Action Plan** are positive, its main recommendations amount to an alarming attack on university autonomy in New Brunswick. When those who should defend university values most strongly are themselves complicit in the very proposals demanding scrutiny, AUNBT cannot and will not remain silent.

UNIVERSITY AUTONOMY AND ACADEMIC FREEDOM UNDER ATTACK

The University of New Brunswick brands itself as the oldest public university in Canada. Here "public" means publicly supported. In 2007-08, 57% of UNB's operating budget comes from taxpayers in the form of a provincial grant. Despite such subsidies New Brunswick's universities, like Canadian public universities generally, have never been considered creatures of the province. No one thinks of them as government departments or Crown corporations. Explaining why government-subsidized universities were nevertheless not "government", the Supreme Court of Canada has held that:

The universities are legally autonomous. They are not organs of government even though their scope of action is

limited either by regulation or because of their dependence on government funds. Each has its own governing body, manages its own affairs, allocates its funds and pursues its own goals within the legislated limitations of its incorporation. Each is its own master with respect to the employment of professors. The government has no legal power to control them. **Their legal autonomy is fully buttressed by their traditional position in society. Any attempt by government to influence university decisions...would be strenuously resisted by the universities on the basis that this could lead to breaches of academic freedom:** *McKinney v. University of Guelph* [headnote].

So as recently as 1990 the Supreme Court thought it inconceivable that universities would let government determine their direction. Why? Because public universities are a preserve of “academic freedom”, the right to teach and research without fear of job reprisal by the powers that be, including the political party in the Centennial Building. In the same decision, the Supreme Court held that, “The preservation of academic freedom is also an issue of pressing and substantial importance,” because it is “the **freedom necessary to the maintenance of academic excellence which is or should be the hallmark of a university.**” It added, “the desire is to **maximize academic freedom by minimizing interference and evaluation.**”

Those who doubt that independence from government has practical meaning should recall last year’s campaign against Miner-L’Écuyer’s **Advantage New Brunswick**. University employees were at the forefront of public resistance. Community college and high school teachers were conspicuously silent. They do not have academic freedom.

For the New Brunswick government now to seek control over university priorities and policies is dismaying. For universities to submit is alarming. To what have our four university presidents agreed in their **Report**? What has the government decreed in its **Plan**?

- ▶ Public universities and colleges will now be subject to a Post-Secondary Education Agency, to which they will look for “coordination, planning and **governance**”. The Agency is to ensure that universities are responsive to “**community and labour market needs**”, where “community” is a euphemism for the business community.
- ▶ Each university’s act of incorporation is to be revised to reshape the institution as government sees fit. Likewise, the university funding formula will be “modernized” so that universities can “effectively plan and manage their

operations **in line with provincial priorities**". We are to do what this year's crop of politicians want or we will be punished financially.

- ▶ To ensure rapid attainment of government's educational goals, each university is to submit to government a five-year strategic plan "supported by **performance-based contracts and indicators reflecting the strategic priorities of New Brunswick's Self Sufficiency Action Plan**". Typically, these "performance-based contracts" will instruct universities how many students they can take and in what programs, what tuition they can charge, what deficit level they can incur, what they can pay their senior management, how they must pursue energy conservation, and on and on. They will direct university decision-making in a multitude of ways, some laudable but all in violation of university autonomy.
- ▶ For a grim, real-life example of such government impositions, see http://www.aved.gov.bc.ca/budget/08_09/unbc_gle.pdf It must be read to be believed. Already the **Action Plan** identifies eleven "performance indicators" against which we will be measured for conformity to NB government policy. Among them is responsiveness to "changing socio-economic conditions", another euphemism for just-in-time programs training just-in-time workers for industry. Universities that fail to toe the line will be made to suffer.

Each of these proposals erodes both the institutional autonomy of universities and the academic freedom of faculty, acting through senates and faculty councils, to set objectives and programs designed to meet not only the human capital requirements of industry but also the knowledge, understanding and dispositions consistent with meaningful democratic citizenship. If implemented, the **Action Plan** would leave university senates, and indeed university management, with only nominal control over the academic agenda. Government, acting through the Post-Secondary Education Agency, the "performance-based contracts and indicators" and the "modernized" funding formula would call the tune.

WHAT IS TO BE DONE?

In days and weeks ahead AUNBT will continue discussing the legal and political implications of the **Action Plan** with our sister faculty unions in the province, with the Federation of New Brunswick Faculty Associations (FNBFA) and with the Canadian Association of University Teachers (CAUT).

From last year's crisis over the Miner-Écuyer report our members emerged empowered and energized. But the fight is not over. UNB's very character as a university is now in issue.