A New UNB Act? — Key Points

The UNB Act has played and continues to play a foundational role in shaping UNB:

• the original Act was passed in 1859 transforming King’s College into the University of New Brunswick
• it is a public act, currently SNB 1984, Chapter 40, with subsequent amendments
• it incorporates UNB as a public institution, defines its governance structures, and anchors its identity as the provincial university of New Brunswick
• its major modernization in 1968 transformed a unicameral governance structure into a bicameral governance structure of separate but overlapping jurisdictions: a Board of Governors responsible for financial matters and a Senate responsible for academic matters
• several specific amendments to the 1984 Act have been passed including: creation in 1986 of the Saint John Senate structured in parallel with the Fredericton Senate; in 2003 a title change for the vice-president principally responsible for research matters

Because the UNB Act is a Public Act, major revisions require full consultation and public hearings and therefore the current Act provides legislative protection for all matters contained in the body of the Act, including:

• the public interest, as represented by provincial Cabinet oversight in important matters like the sale or long term lease of real property and the appointment of the president and of the chancellor
• the maintenance of academic standards through the consultative and deliberative processes of the Senates and the Faculty Councils
• collegial rights of academic staff, specifically deliberative, consultative, and democratic governance with parity between the Board and the Senates on joint committees, including search and review committees for presidents
• collegial representation and due process for students

The September 2014 proposal from the Board of Governors UNB Act Revision Steering Committee makes radical changes to the current UNB: it removes rights of academic staff and of students from legislative protection and also removes public interest oversight. It does this by two devices: critical wording changes to Act sections, and removal of sections
and placing them instead in bylaws that can be changed unilaterally by the Board at any
time. AUNBT is responding with a proposal that respects the historical role of the Act and
its link to UNB’s role as the provincial university and the Province’s only Anglophone
national comprehensive university; protects the public interest; and preserves legislative protections of democratic representation and shared (bicameral) governance.

The Board Committee proposal could in effect through Board fiat return UNB to a
unicameral governance structure such as existed before 1968; disenfranchise academic
staff, students, alumni, and the public; remove the checks and balances that currently
protect UNB’s reputation and mission, and the public interest. For instance

• the Board Committee proposal would concentrate power in a less representative
  Board that could become predominately self-selected through Board fiat

• the Board would have complete discretion over a multitude of vital matters that are
currently protected by legislation

• the Board itself would no longer be obliged to have representation from academic
  staff, students, or alumni

• the Board could have as few as five members and quorum, being in the bylaws rather
  than in the legislation, would be under the unilateral control of the Board

• the Board would no longer be constrained by the checks and balances of the Senates
  or the provincial government

• the role of the Senates in the appointment of the president would no longer be
  protected and the provincial government would be removed from the process
  (currently, the Board and Senates make a joint recommendation through a Board-
  Senates double majority requirement to the Lieutenant-Governor in Council, who then
  makes the appointment)

• the Board unilaterally could dispose of lands or other assets granted by the Crown
  and held in trust for the people of New Brunswick

• the Senates would become subservient to the Board, and hence the Board could have
  ultimate responsibility for academic matters

• the Board could disband either or both of the Senates, or create new “Senates” for
  commercial ventures formed and operated without proper academic oversight such as,
to use the Board Committee’s frequent example, an on-line operation

• the Board Committee’s proposed Act revision could be used to restrict the rights of
  academic staff to democratic participation in university governance

The Board Committee’s process for proposing a new UNB Act was and continues to be
deply flawed:

• the Board committee worked in administratively directed secrecy
• **lack of consultation**: although the Board Committee process began in 2013, there was no advance consultation with Senates, AUNBT, student organizations, or other representative bodies on appropriate revisions; the Committee’s draft was not published until late September 2014; the first public information sessions began in early 2015; and there is no firm assurance by the Board or its Committee that there will be a full and fair opportunity for the UNB community, including the Senates, Faculty Councils, AUNBT and student bodies to deliberate on a second draft revised Act that is to be prepared in light of feedback from the community on the September 2014 draft

• **there are ongoing questions** about many of the assertions from the Board Committee

• the purportedly innocuous goals of the revision exercise **do not reflect** the substance of the Board Committee’s proposal before the UNB community

• the **role of the Senates** in the process of considering the Board Committee’s proposal remains ambiguous, and this major step has yet to be scheduled

**The AUNBT proposal**

• respects the **historical significance** of the Act to the people of New Brunswick

• preserves legislative protections of **representation and shared governance** by retaining references to separate constituencies such as faculty, students, alumni

• expands representation in University governance to include **Contract Academics**

• **modernizes** language and usage

• recognizes UNB’s **bicameral** structure

• extends use of **term limits** for the Board

• maintains or increases **quorum** for governance bodies

• institutes **elected chairs** in Senates

• preserves and protects the powers of **Senates and of Faculty Councils**

• retains the role of the provincial government as the representative of the **people of New Brunswick**

For further information about the *UNB Act*, the Board’s proposed revisions and AUNBT’s response, go to [https://aunbt.ca/issues/unb-act/](https://aunbt.ca/issues/unb-act/).