

A Response by the
Council on Post-Secondary Education

to

The Organizational and Operational Review

of the

University College of the North

July 2009

Introduction

In 2006, the Minister of Advanced Education and Literacy directed that the organizational and operational review required under Section 12(d) of *The University College of the North Act* be undertaken to review issues of structure, governance, autonomy and academic freedom raised by members of the academic community in Manitoba regarding UCN.

In July 2009, the *Organizational and Operational Review of the University College of the North* final report was forwarded to the Council on Post-Secondary Education by the consultant, Dr. John Loxley, an economist at the University of Manitoba. The review, conducted between the fall of 2008 and winter of 2009, addressed each issue in detail, and presented a number of recommendations.

The Recommendations

The *Review* presented a number of recommendations for action by various different bodies and agencies. These recommendations are summarized in the attached table.

Actions to be Taken by COPSE

The Council on Post-Secondary Education is the provincial government agency responsible for coordination of the post-secondary system. As such, it shall play a leading role in pursuing the response to the Organizational and Operational Review of UCN.

The terms of reference require that the consultant present his report, which is a public document, to the Council on Post-Secondary Education. COPSE, in turn, has undertaken to develop the following responses:

Budget

1. COPSE will review funding levels at UCN with respect to Bachelors programs.

The Learning Council

2. COPSE will pursue with Government for an upcoming session of the Legislature changes to *The University College of the North Act* to give the Learning Council executive rather than advisory powers over academic matters. This would (1) recognize current practice at UCN, and (2) treat UCN's Learning Council in a similar manner as other university Senates in Manitoba.

Fiscal Year

3. COPSE will pursue with Government for an upcoming session of the Legislature changes to *The University College of the North Act* in order to change the fiscal year of UCN to one ending 31 March each year.

Powers of the Minister

4. COPSE will pursue with Government for an upcoming session of the Legislature changes to *The University College of the North Act* in order to repeal the ministers' powers in Sections 21(1) and 21(2).

BUNTEP

5. The issue of BUNTEP is complex and sensitive, involving perceived and real benefits in existing contractual agreements affecting the BUNTEP staff. COPSE will continue to work with all parties towards a resolution of issues and the ultimate transfer of the program to UCN.

Other Matters

6. COPSE will continue to work with UCN to monitor the status of the recommendations of this *Review* to be undertaken by UCN.¹

Conclusion

The *Organizational and Operational Review of University College of the North* makes specific recommendations that will strengthen the governance features of that institution. This will help to ensure that UCN is better able to meet its purposes and objects into the future.

¹ It must be noted that recommendations to be implemented by UCN are related to matters of academic policy, staffing issues (collective agreements). Accordingly, the limitations outlined in Section 3(2) of *The Council on Post-Secondary Education Act* apply. COPSE can therefore monitor progress on these recommendations, but cannot compel UCN to comply.

Attachment: Table of Recommendations

Recommendation	Responsible Agency	Comments
<p>General Academic freedom, tenure, exigency and redundancy now seem to be adequately provided for. In future, however, provision should be made for academic input into exigency procedures</p>	UCN	These are negotiated matters within the collective agreement at UCN
<p>Budget One budget area that may require careful consideration by the Province is that of the funding of the Bachelor's programs</p>	COPSE	COPSE could review the issue of funding for degree programs at UCN relative to that for other institutions.
<p>Learning Council The UCN Act should be changed to give the Learning Council complete control over the academic matters that it now, in law at least, simply advises on</p>	Government	A legislative amendment to <i>The University College of the North Act</i> is required.
The size and membership of the LC seem reasonable, but it might be advisable to extend membership to all Deans, which is the practice elsewhere, given the responsibilities of Dean	UCN	The membership of the Learning Council is established by UCN's Governing Council
It might also be advisable to extend representation to support staff. This is not the practice elsewhere but, given the potentially important impact of academic decisions on the working lives of support staff, it ought to be	UCN	The membership of the Learning Council is established by UCN's Governing Council
There is ambiguity as to roles, functions and responsibilities of the faculties and departments at UCN. There is no explicit provision for them in the Act though the GC is responsible for 'the administrative and academic organization of the university college' (page 8)	Government	A legislative amendment to <i>The University College of the North Act</i> is required.. The reviewer indicates that the U of M Act, Section 34(1)(d) provides the Senate with powers relating to faculties and departments.
The Learning Council, however, has no power under the Act to specify how faculties/schools and departments will be organized and with what powers. It has, however, recently passed motions formally creating new faculties	Government	A legislative amendment to <i>The University College of the North Act</i> is required.
The by-laws of the LC will need to be updated to provide for the uniform governance of academic units	UCN	These by-laws are an internal matter in UCN
Faculty councils and departments will also need to develop their own by-laws consistent with those of the Learning Council, as they evolve	UCN	These by-laws are an internal matter in UCN

Recommendation	Responsible Agency	Comments
<p>Fiscal Year Consideration should be given by the government to changing Section 23 of the UCN Act so that the fiscal year of UCN ends on 31 March each year</p>	Government	A legislative amendment to <i>The University College of the North Act</i> is required.
<p>Powers of the Minister Sections 21(1) and 21(2) of the UCN Act which gives the Minister the power to issue directives to UCN, either directly or delegated through COPSE, should either be redrafted to clarify that they apply only to college programming or, ideally, they should be removed altogether</p>	Government	The Reviewer notes that <i>The Council on Post-Secondary Education Act</i> has sufficient powers to address this matter independent of UCN's legislation. A legislative amendment to <i>The University College of the North Act</i> is required.
<p>BUNTEP The UCN might have to drop its insistence on northern residency for existing BUNTEP staff: BU might have to accept that redundancy is the appropriate line of action in the circumstances and BUNTEP staff might have to drop insistence on secondment</p>	BU, UCN	Continued effort is required in this area.
<p>If lines cannot be redrawn, then COPSE's current approach of recommending arbitration of the status of BUNTEP staff while, in the meantime, negotiating the issues one by one, would seem to be the only feasible way forward</p>	COPSE	COPSE will continue to work with all parties towards a resolution of issues and the ultimate transfer of the program to UCN