

# **OCUFA submission to the Standing Committee on General Government**

***re: Bill 276, Supporting Recovering and  
Competitiveness Act, 2021***

May 19, 2021

# **OCUFA**

Ontario Confederation of University Faculty Associations  
Union des associations des professeurs des universités de l'Ontario

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*re: Bill 276, Supporting Recovering and Competitiveness Act, 2021*

May 2021

Ontario Confederation of University Faculty Associations (OCUFA)

The Ontario Confederation of University Faculty Associations has been the provincial voice of university faculty since 1964. OCUFA represents over 17,000 professors, academic librarians, and other academic professionals in 30 faculty associations across Ontario.

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## Summary of recommendations

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Schedule 16 of Bill 276 as it pertains to the Northern Ontario School of Medicine's Act be amended to:

- ▶ Include, in line with other public university Acts, language on the composition and powers of the university's Board of Governors and Senate. This amendment is essential to ensure the autonomy, good governance, and long-term viability of the new independent university.
- ▶ Remove any reference to collective agreements being subject to change by regulatory powers. This amendment is needed to make the Act constitutionally valid with regards to the *Charter of Rights and Freedoms*.

## On NOSM becoming an independent, degree-granting institution

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The Ontario Confederation of University Faculty Associations is the voice of 17,000 faculty and academic librarians across Ontario. We seek to maintain and enhance the quality of the province's higher education system and to advance the professional and economic interests of our members.

We are responding to the Ontario Legislative Assembly Standing Committee on General Government's call for written submissions as part of the consultations on Bill 276, Supporting Recovering and Competitiveness Act, 2021. In our submission, we address schedule 16 of Bill 276, pertaining to the Northern Ontario School of Medicine (NOSM) becoming an independent, degree-granting institution. This written submission follows up on our appearance at the virtual hearing in Toronto on May 19<sup>th</sup>.

First and foremost, we would like to note that, regrettably, the introduction of this sudden change to the status of the university did not follow any consultations with the stakeholders in the sector including the faculty and staff at the Northern Ontario School of Medicine, Laurentian University, or Lakehead University. It is simply irresponsible to make a decision of this magnitude in such a short time, with no concrete information on funding commitments and supports, and with no consultation, proper process or advice from experts and stakeholders.

Since 2005, NOSM has been providing medical education to support better health outcomes in Northern Ontario, especially in remote rural and Indigenous communities. Working with and granting degrees from both Lakehead and Laurentian universities, NOSM ensured that students enrolled at either institution could attain a medical education and receive a degree from a highly regarded Ontario university. The partnership between NOSM and the two northern universities has been critical for ensuring credible, research-intensive accreditation for medical students in Northern Ontario. Any changes to the status of this important institution requires a careful and consultative approach.

Second, we are very concerned that, unlike other public university Acts, the proposed NOSM Act in schedule 16 does not include clear governance provisions regarding the composition, powers and

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duties, including the power to write their own bylaws, of the University Board of Governors and Senate and, instead, leaves the matter to regulations. For NOSM to succeed as an independent, degree-granting university, it is crucial that the institution's autonomy, collegial and bicameral governance, and academic freedom be guaranteed and enshrined in the Act. This is not only essential for the university's accreditation requirements, but also for its long-term academic planning, access to research grants and funds, and national and international recognition as a university. Including these governance provisions in the Act ensures that any changes to the fundamental governance structures of this public university are subject to debate and scrutiny through a legislative process, as opposed to a top-down regulatory change.

Failing to include the basics of the bicameral governance model of the university and the composition and powers of the Board of Governors and Senate in the University Act will destabilize the institution right from the start and undermine its ability for long-term academic planning and its future as a recognized university locally and internationally.

Finally, we are concerned by the expanded list of matters that are subject to regulations in the Act, including the university's collective agreements, which are legally binding contracts between NOSM and its employees that cannot be changed by ministerial regulations. This is, yet again, a departure from Ontario's other public university Acts and an unnecessary, irresponsible, and illegal proposition. Allowing existing collective agreements to be changed or impacted by regulation would trigger the implementation of the *Canadian Charter of Rights and Freedoms*. The language in sections 17(h) (iv) and 17(2) of the draft legislation provide the government with regulatory powers that will infringe on freedom of association and as such violate the *Charter* and are constitutionally invalid. As such, schedule 16 of the bill should be amended to remove any reference in the permanent University Act to collective agreements being subject to regulatory powers.

We thank the committee for allowing us to present our views on how to strengthen Bill 276. We join with the committee and other witnesses in a shared commitment to ensuring an independent, accessible, high-quality, and thriving public university sector. It is in that spirit that we offer our suggestions for amending the bill.