



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

OCUFA Submission: Bill 166, the Strengthening Accountability and Student Support Act, 2024

April 15, 2024

Introduction

Minister of Colleges and Universities Jill Dunlop introduced the *Strengthening Accountability and Student Support Act, 2024* (Bill 166), along with the \$1.3 billion funding announcement on postsecondary education, on February 26, 2024.

The Bill proposes amendments to the Ministry of Colleges and Universities Act. In summary, the Bill proposes three changes:

1. It requires every college and university in the province to have a student mental health policy.
2. It requires every college and university in the province to have “policies and rules to address and combat racism and hate”.
3. It grants the Minister authority to issue directives regarding the costs of attending college and university.

Bill 166: a lack of clarity and need for consultation

OCUFA is deeply concerned about the lack of detail in the proposed Bill. While the Bill seeks to address issues that are of vital importance to the postsecondary sector, it is lacking in detail and provides no information on how it will be implemented, the timeline for its implementation, any funding supports, or the consultation process—if any—that will be incorporated in rolling out its measures. It would be important for the Ministry to provide these details to sector stakeholders.

The province has not clarified whether consultations were held prior to the development of the Bill. If such consultations were held, we are concerned that postsecondary sector stakeholders—students, staff, and faculty representative unions and associations—

were not included. The absence of these details raises many questions about the Bill's haste, implementation, and potential impact on Ontario's postsecondary institutions.

Furthermore, the Bill pays little or no attention to the root causes of the issues it seeks to address. OCUFA agrees that "students should feel safe when they are studying and know what supports are available if they need help" and should know "the costs associated with attending a college or university, such as ancillary fees or educational material costs". However, the Bill is silent on the root causes of the student mental health crisis, hate and racism, and the affordability crisis in postsecondary education. Addressing the root causes of these issues is essential to address these challenges effectively.

Action not Duplication: comprehensive action on mental well-being is needed, not unnecessary policy duplication.

Requiring all Ontario universities to provide a mental health plan unnecessarily duplicates existing policies, increases administrative red tape, and reflects the Ontario government's continued downloading of public health responsibilities. All Ontario universities recognize their duty to provide care and have invested in student mental health policies and supports. Universities' investments in mental health were in part a response to the lack of timely services available through the Ministry of Health, which has closed psychological support services in hospitals and maintains a system where wait times of one year are common. Universities stepped up to provide additional mental health support willingly because inadequate and delayed care does not help students.

Although the Bill appears to be a solution in search of a problem, it nevertheless offers an opportunity for us to think seriously about what a comprehensive approach to supporting student mental health would entail. Unfortunately, the Bill fails to define what is meant by 'student mental health' and it does not suggest that student mental health policies be oriented around student development or be trauma informed. In fact, student development is a broad lens that includes mental health, well-being, and myriad other issues that promote good citizenship, including housing and food security.

Student mental health does not exist in isolation. The well-being of students, university faculty and staff, and the wider community are interconnected, and require a comprehensive community well-being effort. With world-class researchers and practitioners, Ontario's university faculty have the expertise and willingness to be part of a comprehensive effort to promote community well-being. Policy development in this area should not be left solely to university administrators and government officials, and requires faculty involvement to be effective. This is also the case for developing policies to address racism and hate.

Proper investments in mental health are needed on campuses, not just policies. A true commitment to student well-being requires full-time counsellors. A general rule of thumb is that one mental health counsellor should be provided for every 1,000 full-time

undergraduate students. Ensuring that universities provide an appropriate level of counselling by qualified mental health professionals is a prerequisite for providing inclusive education, yet the government has not provided the necessary funds to support this effort, nor does this Bill suggest it would do so either.

Context is Essential: a manufactured crisis of underfunding at Ontario's postsecondary institutions.

OCUFA strongly believes that adequately funding postsecondary education in Ontario is a prerequisite for making effective progress on promoting student mental health, mitigating hate and racism, and addressing the cost of attending postsecondary education. The government, however, has made it clear that no additional funding for postsecondary mental health would be provided beyond the previously announced \$23 million over three years to enhance mental health supports. Were this money divided equally among the province's 47 public colleges and universities, each institution would receive approximately a mere \$163,000 annually for the next three years, with no guarantees of funding beyond this period.

Postsecondary institutions in Ontario are facing a manufactured crisis resulting from more than a decade of underfunding by successive governments. Universities in Ontario receive the lowest per-domestic-student funding in Canada—by a huge margin. In 2021-22, Ontario provided \$9,890 in total university funding per domestic full-time student, the most recent year for which there is comprehensive data. This is a total far behind the national average of \$15,807. Ontario's public universities receive less than a quarter (24%) of their funding from the Ontario government. The average university funding received from provincial governments in the rest of Canada is over a third (35%).

The lack of stable public funding has driven universities towards short-term cost-saving measures, including the reliance on precarious contract faculty, aggressive international student recruitment, skyrocketing fees, undervaluing of important university programs through program pauses and cancellations, and increased privatization. As a result, for tenure and tenure-track faculty, Ontario has the highest student-to-faculty ratio in Canada. As of 2021-22, there were 34 students for every full-time faculty member at an Ontario university, compared to an average of 23 students for each university faculty member across the rest of Canada. This hurts teaching and learning in Ontario (and research). Having more students and fewer professors leads to substantially larger class sizes, less one-on-one engagement, and fewer opportunities for mentorship, academic advising, and personalized support that can support student mental health, provide a sense of belonging, and refer students to formal mental health supports. Large class sizes and limited options for academic mentorship are particularly anathema to quality graduate education. Further, the government-appointed Blue Ribbon Panel has found that faculty in Ontario are not being overly compensated. Compared to almost every other province, Ontario faculty salaries are lower. Proper funding, thus, is necessary to address any of the matters in this Bill.

Adequately funding Ontario's postsecondary institutions is essential for effectively addressing student mental health, anti-racism on campus, and the affordability of postsecondary education

These trends are undermining long-term planning and investments that are needed to support Ontario's world-class public universities, and they have a direct negative impact on student mental health and combating racism on campuses.

To effectively address student mental health, combat racism and hate, and address the increasing cost of attending university in Ontario, the Ontario government must address the manufactured crisis of chronic underfunding in Ontario's postsecondary institutions. This is why OCUFA has asked the Ontario government to increase its per-student funding by annual compounded increases of 11.75 percent for the next five years to move Ontario from last place to the Canadian average.

While attention to student mental health on postsecondary campuses is welcome, effectively improving student mental health would require the government to end the affordability crisis for students due to high tuition fees, high student debt levels, and the unaffordability of basic needs such as housing and food. Further, lowering class sizes and improving the student-to-faculty ratios at Ontario's universities would ensure that students receive lasting mentorship, career advice and supports, and one-on-one guidance throughout their educational journey, positively impacting student mental health.

To effectively address the unaffordability crisis of postsecondary education, a policy that grants the Minister the authority to issue directives regarding the cost of attending college and university is both inadequate and a cause for concern. In 2019, the provincial government made significant cuts to the Ontario Student Assistance Program (OSAP) and introduced the Student Choice Initiative, which a Divisional Court ultimately held unlawful. The Student Choice Initiative targeted student unions and imperiled funding for other student initiatives, including support groups, campus newspapers, and radio stations. OCUFA is concerned that this Bill will give the Minister a renewed impetus to attack the funding of student unions and support groups under the guise of promoting affordability.

To address the affordability crisis for students, the Ontario government must adequately fund Ontario's universities so that they need not rely so extensively on domestic and international tuition to make up for losses in public funding. No ministerial directive is an appropriate substitute for strong public funding.

To adequately combat hate and racism on campuses, it is important for the government to address ongoing program pauses, especially in humanities and social sciences. A diverse, well-rounded education expands students' horizons and social relationships, and has a positive impact on addressing hate and racism on campuses and beyond.

Safeguarding academic freedom and university autonomy

It is essential for any policies introduced under this Bill to safeguard academic freedom and university autonomy, without which a university cannot fulfill its academic mission or address Ontario's most pressing economic, social, and cultural challenges. Principles of tenure, academic freedom, and collegial governance are the lifeblood of universities and guarantee that universities remain autonomous from state and private interests. University autonomy grants each university the ability to respond to the needs of its community, students, and faculty, and it fosters the distinct character and culture of each institution, contributing to differentiation and providing unique value to local communities and the people of Ontario.

Autonomy is a defining feature of universities. Part of that autonomy is that faculty and academic librarians have a meaningful voice in the critical academic decisions of the university. By virtue of not being beholden to public or private interests, academics and students are empowered to pursue independent inquiry and drive the production of knowledge that can potentially benefit all Ontarians, not just narrow interests. This is the very core of what distinguishes a university, builds public trust, and positions universities to best serve the people of the province.

Policies introduced under this Bill must support the speech rights of students, staff, and faculty, without threats of funding cuts or otherwise withholding financial support, and without discipline. Academic freedom, intellectual inquiry, and democracy itself depend on the ability to engage in respectful debate without risking punishment for teaching and research that does not align with the government's priorities. The Bill's preamble states that "Postsecondary institutions should be an inclusive place for all". Inclusive education requires that a student feels well while they are studying and has access to resources to support their health, but it also includes the courage to engage in discomfort by being exposed to new or divergent ideas as part of the learning process. The Bill as written has the potential to limit academic freedom and the exposure of students to new or challenging ideas. Without speech protections in place, we are concerned that policy directives will infringe on university autonomy, prevent universities from fulfilling their missions, and lead to a more polarized and litigious environment that risks suppressing speech.

These issues are especially important as the government has issued directives that have sought to justify interference in the academic governance and autonomy of Ontario's universities. Most recently, we raised concerns with Minister Dunlop in a letter about her naming faculty and students in the Ontario legislature who expressed their views on war in Israel and Gaza. We firmly believe that it is inappropriate to name faculty or students in this manner in the legislature, as it impedes both academic freedom and university autonomy.

It is vital that the Ontario government provide these protections to students and faculty in the policies it introduces under this Bill. Otherwise, the government risks threatening the highly regarded principles of university autonomy and academic freedom, and contributing to the censorship, intimidation, and attacks on scholars who express views

on issues that are not in line with the view of their university administration or government. Given these concerns, we request that the Ontario Government ensure that any policy directives under this Bill respect the autonomy of Ontario's universities, collegial governance, and academic freedom.

Meaningfully addressing the student mental health crisis and combatting racism and hate on campuses will require postsecondary institutions to embrace collegial governance by adopting more transparent and accountable decision-making practices that represent all members of the campus community, including academic experts in these subjects. It is through more democratic campuses, not government policies, that freedom of expression and work towards anti-racism can be meaningfully advanced and effective.

Conclusion

OCUFA believes that the government should have invested more time working with university administrators, faculty, staff, and students to develop the framework and policies for this Bill, and to provide details on its implementation. Moving forward, it is vitally important that members of the university community have opportunities to exercise their speech rights through broad and comprehensive consultations about policies proposed under this Bill, their implementation, and their likely impact on university autonomy, collegial governance, and academic freedom.

The government is already underserving postsecondary students. Without increasing funding to postsecondary institutions in Ontario to reach at least the Canadian average and addressing existing issues, including fairness for contract faculty, large class sizes, program pauses and cancellations, and the affordability crisis facing students, it is not prudent for the Ontario government to introduce this Bill and require these changes of Ontario's postsecondary institutions.

Given the absence of additional funding, the efficacy of introducing mental health and anti-racism policies at Ontario's postsecondary institutions will be severely limited. Without additional funding, implementing additional transparency regarding the cost of attending postsecondary institutions does not address the crisis of affordability that postsecondary students in the province are facing.