President’s Message

Call for a Review of University Funding Rules

University funding includes four main components: level of funding, sources of funding, financial management of universities, and the rules used by the government to allocate public funds to universities. The last component is generally called the “university funding policy.”

Funding policies vary based on location. In Quebec, California, and Texas, funding rules are based on the number of students registered or an equivalent measure. In Finland and Denmark, funding is mainly allocated based on the number of graduates. In Germany, some Länder (regions) fund universities based exclusively on performance, in other words, on the number of objectives met. Finally, some provinces, such as Manitoba and Newfoundland, favour unconditional transfers (also known as “historic funding”).

It is common to hear stakeholders criticize funding policies based on their resulting effects. Depending on positions and interests, we hear, for example, that funding based on the number of students encourages competition between universities, that funding based on the number of graduates decreases the quality of the programs being offered, and that unconditional transfers are disconnected from actual needs.

While none of the approaches are perfect, some include bias that is more damaging than others with regard to the notion of university as a public service.

(Continued on the next pages)
Funding as a real policy

The Quebec university system has grown considerably since the late 1960s, when public funding for higher education became systematized through the development of the so-called historic funding formula. Surprisingly, these changes took place within more or less fixed guidelines, without having a policy directly dictating the budgetary rules for allocating funds in a way that would establish their structure, detail their contents, and simplify their use. Based on the Gauthier Commission (1967), the Québec policy on university funding and the Québec policy on universities: Priorities for our future, both published in 2000, funding has been and remains the provincial government’s principal method of intervention in university development.

Even today, the public’s perception, by way of the Quebec government, of the nature and purpose of universities is solely represented by the funds it allocates to universities. Only public funding can ultimately transform the Quebec government’s current policy into a university matter, in that it provides tangible solutions to problems that have occurred as a result of the growth of the university system.

In this respect, it is the FQPPU’s view

- that chronic underfunding runs counter to the anticipated growth in the higher education sector and the need to increase the number of graduates;
- that governments have adopted irresponsible practices (ambiguity, time limits, lack of transparency, etc.) in demanding that universities manage their own relatively scarce financial resources in order to avoid a social crisis;
- that the funding formula results in competition between universities for “clients”, grants, endowment funds, and questionable new forms of public-private partnership (neo-PPP);
- that universities are becoming more bureaucratic in order to oversee practices that change their operations, increase the number of professionals in management positions, and diminish the role and influence of professors and the university community in academic affairs.

Principles that should guide the process

The FQPPU proposes that the following two general principles be adopted to guide the process:

1. A legitimate objective is to make universities more useful and relevant to Quebec society.
2. The way for the government to achieve this with the greatest chance of success is

a. to publicize and promote the underlying values of Quebec universities and create broad guidelines to steer the decision-making process;

b. to entrust a body, such as the future Council of Universities (CU), with the responsibility of collaborating with universities to establish broad guidelines, development areas for Quebec’s university sector, and inter-university cooperation incentives;

c. to give each university sufficient flexibility to carry out its specific mission. In this case, “university” refers to all of the stakeholders working there, and not the senior administrators that oversee it. Universities are complex organizations, which cannot be run just by using indicators, no matter how refined they are. It is therefore advisable to avoid homogenization and to favour innovation by allowing each university community to produce what is expected of it in its own way; and

d. to co-operatively establish a transparent budget allocation policy with access, fairness, and excellence in mind.

The aim of these proposals is to give each member of each Quebec university the desire to pursue the common good in a spirit of friendly competition and co-operation with the members of academic communities of other universities.

Changing the current rules

According to the requirements for transparency and democratic rationality, funding rules should set out a process for determining allocation as well as objective, stable, and fair distribution, based on a policy consistent with a framework law and the recommendations of the future CU. All of the rules that apply to university subsidies should coherently and consistently state

- the allocated amount;
- the allocation (or determination) criteria for the amount;
- the criteria for distributing the amount among universities, where applicable; and
- the justification of the rule and the amount that it commits.

The funding rules that result from this vision should pull university administrations out of the costly and detrimental competition to secure “clients,” which they have been taking part in for several years, and to mitigate its adverse effects. Such rules would be standardized, universally applicable, and consistent, while addressing university needs.
Parameters of a new formula

A fairer, more transparent, and more objective new formula should be composed of five parameters relating to university life as a whole. In addition to the number of students enrolled, for which the current weighting is, in fact, too high, an ideal formula would also take the following parameters into account: number of professors, academic units (programs and courses), administration and support, and other activities relating to the mission of higher education.

Such a funding formula would therefore include the following five broad parameters:

- **Students**: funding based on the number of full-time equivalents (FTEs) weighted by discipline, registration status, socio-educational status (first-generation students), learning disabilities and abilities;
- **Professors**: funding based on the number of professors, independent of their academic discipline, while taking into account the three aspects of their work:
  - teaching (representing, on average, 40% of their work);
  - research (representing, on average, another 40% of their work); and
  - service (representing, on average, 20% of their work);
- **Academic units**: funding programs and courses based on how many there are and their degree of inter-institutional co-operation;
- **Administration and support**: funding according to the “normal relative share” of university administrative fees; and
- **Activities relating to the mission of higher education**: relative funding of the costs incurred by para-academic services offered in the university community.

The funding (or distribution) formula for university operating funds could be represented as the sum of these variables and parameters. The exact weighting of each of these parameters remains to be determined.

Clearly, the relative share of each within the total funding allocated for operating costs should be evaluated using simulations and prior verifications to prevent undesirable effects. It will be up to the appropriate body, either the CU, an expert working group within MES, or any other legitimate authority, to analyze the universities’ financial statements and real needs to set the specific rules for applying this general formula.

Special allocations

Over the years, based on the various objectives of successive governments, the ministry has added supplementary subsidies to the regular university funding formula, with the aim of having universities contribute to meeting government objectives. Examples of such subsidies are relative allocations according to the number of degrees granted, medical teaching support, support for integrating students with disabilities, support for members of Aboriginal communities, a work-study program for international students, healthy lifestyles, special allocations for medicine programs, and teacher training assistance.

In their current form, and by virtue of their very existence, their arbitrary nature, and their volatility, the rules governing special subsidies expose shortcomings in the financing of university operating funds.

This approach forces the government to establish rules for paying out these sums and obliges universities to report on their achievement of fixed objectives and to justify their expenses. Would it not be easier for the government, or the CU, to establish general guidelines for some matters, and let universities determine the means by which they would meet these objectives? The government could then distribute the vast majority of the special subsidies according to the usual rules.

Jean-Marie Lafontune

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**DAILY PRESS REVIEW**

For several months, the FQPPU has prepared a daily press review for its members that contains journal, newspaper, and blog articles from Quebec and around the world, and covers subjects as higher education, research, and unions.

To sign-up to receive the press review by email every day, please contact Marie-Claude Thomas (info@fqppu.org).
From the Members of Our Team

Louis Demers, Councillor
From Melbourne to Montréal: The Arrival of the Enterprise University

there were a great deal of documents and appearances from opponents of Bill 234, An Act to amend the Charter of the Université de Montréal, when it was studied in December 2017 by the National Assembly Committee on Culture and Education. Other points will no doubt be raised during the current session to invite parliamentarians to completely reject this proposed reform.

Both the form and the substance of this reform were objected to by university professors, not only at Université de Montréal, but across Quebec and Canada. The underlying issue is, in fact, the very concept of universities and their role in society: are they above all service-producing organizations like any others, which must be managed from above, or are they instead communities in which the power of administrations comes first and foremost from their ability to embody the values of the institutions’ members?

In the 1970s, the latter would have no doubt been true in Quebec and elsewhere. Since then, this collegial approach to steering has progressively given way to a hierarchy of power relations within universities. I will now focus solely on this dimension of the reform proposed for the Charter of the Université de Montréal.

I will attempt to show how, beyond its specificity, this case is typical of the reforms that took place in the 1980s inspired by new public management, which contributed to bringing the steering approach for universities closer to that of big business. I will use Australian universities as an example to illustrate this point.

The current context in which universities operate is very different than that of half a century ago. With the influx of baby boomers, universities first had to undergo the process of massification. An unspoken agreement therefore bound universities and governments, since governments were the source of the largest portion of university funding: universities carried out their research and teaching freely and for the common good, and governments agreed to fund universities without requiring anything specific in return for such funding.

Beginning in the 1980s, the precarious state of public finances led governments to significantly reduce their funding for higher education, resulting in the underfunding of universities, which still occurs in Quebec today. One of the main effects of these public funding cuts was that universities were required to reduce their costs and find new sources of income.

Some of the measures implemented to allow universities to navigate a more demanding environment include a reduction in the number of tenured professors and an increase in the number of casual teaching and research positions, increased tuition fees, increased effort for funding applications, commercialization of patents, and the securing of various contracts with private partners.

Another burden being placed on universities is that they must report on their judicious use of public funds and their performance with regard to teaching and research.

Such accountability has the paradoxical effect of decreasing the resources available to carry out the mission of universities, while encouraging administrators to treat units in their organization as revenue generators and cost centres.

These new conditions have had variable impacts based on the national systems of higher education and the ideology of the political parties in power. Australian universities were among the first to experience the full gamut of effects that resulted from the changing landscape.

An extensive empirical study carried out in the late 1990s in half of Australian universities, gave rise to a significant publication, the title of which I borrowed for this article. I will focus here on reiterating the conclusions that the authors gleaned from their study about the trends in governance of Australian universities. There are five such trends:

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3. Ibid., 1–12.
1. **A new form of power for administrators.** University administrators, alone, interpret the pressure coming from the environment and are responsible for implementing strategies to adjust to such pressure.

2. **Structural innovations.** The collegial forms of governance have been replaced by a hierarchical organization that is based on consultation mechanisms that are selective and no longer formal. Administrators dictate the agenda and have fiscal manoeuvrability.

3. **An increased flexibility with regard to staff and resources.** Universities are no longer regulated by laws; they are regulated by incentives, targets, and plans. Administrators have greater control over these mechanisms than over discussions within collegial bodies.

4. **A notable decline in the role of disciplines in governance.** The collegial cultures and networks that underlie disciplines are often considered to be a nuisance by administrators and policy-makers.

5. **New methods of devolution.** The centralization of power at the top of universities allows administrators to provide “superdeans” and department heads with increased budgetary responsibilities if they meet performance targets. This devolution therefore does not reflect a decentralization to faculties or departments, but instead reflects the power of university administrations over mid-level administrators.

Overall and “[w]ithout exception[,] the university leaders in [the] study saw collegial forms of decision-making as an obstacle to managerial rationalities.”

The professors (and administrators) of Université de Montréal are in a better position than me to determine how well the practices observed twenty years ago in Melbourne correspond to the current realities in Montréal. The advantages and disadvantages of the five trends when it comes to leading and managing a university of the size and complexity of UdeM are also up for discussion.

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4 Ibid., 11.

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About a year ago, the FQPPU hired Sept/24 to create an advertising campaign aimed at reasserting the value of the role of university professors in the development of Quebec society. At all of the stages of creation and production, the agency was guided by a working committee made up of professors who are FQPPU members.

We are pleased to announce that the launch of this campaign will take place on January 29, 2018. A television commercial will be broadcast until February 25, 2018, on TVA, mostly during the following shows: TVA Nouvelles, La Voix, L’Échappée, O’, Salut Bonjour, J.E. and L’Heure bleue. The campaign will also be widely promoted on the Internet through social media (Facebook and YouTube), as well as using banner ads, which will be posted on various sites, particularly those of the media.

To increase appropriation of the content presented in the videos, the profuniversite.com website was also created. Those who would like to learn more about university professors can also visit the site to do a quiz and see examples of research in a variety of fields that has had a positive impact on society.

Ultimately, the success of the “Theory: It’s Practical!” campaign also depends on you! We invite you to share the videos on our website and YouTube page with as many members and people in your networks as possible starting on January 29.
n late November 2017, I was part of the FQPPU delegation invited to speak at the parliamentary committee meetings in Québec examining Bill 234, which is aimed at amending Université de Montréal’s Charter. The notice of presentation for Bill 234 indicates that its goal is to [Translation] “modernize the University’s governance process.”

The word “modernize” troubles me. Anyone who is aware of the current situation in North American and European universities knows what “modernize” means in this case: recurring budget cuts, a gradual decline in professors’ influence, rapid growth of bureaucracy, and an inevitable decline in the status of basic research.

Such “modernization” leads to major problems in the modern university, which is in the process of losing its status as a place of higher learning, since it is forced to adjust to the needs of a global economy. Several publications, summarized below, demonstrate this.

Daphnée Dion-Viens, a journalist, revealed that the number of senior administrators in Quebec universities has almost doubled in recent years, going from 84 in 2004 to 149 in 2015 (Journal de Montréal, February 11, 2016). Jean-Marie Lafortune, FQPPU President, was quoted in the same article, as well as in an article in La Presse on September 28, 2015, as saying that the Quebec university network experienced budget cuts of $733 million between 2012 and 2016. This translates to a budget cut of 5% for universities, during a time in which the student population increased by 10%.

Yves Gingras, a professor of history and sociology at UQAM agrees that universities are managed like businesses. It is not surprising that the payroll for senior administrators in universities increased by 154% between 1997 and 2009, no doubt partly due to the approximately 200 annual reports that each university must submit to the government—a yearly cost of almost $60 million.

Pierre Trudel (a law professor at Université de Montréal) wrote about corporatization (Journal de Montréal, February 12, 2016), deploring the fact that centralized administration distances professors from the decision-making nerve centres that cement the university’s role as the home of research and teaching of contemporary knowledge.

He specified that having less funding available for operations and to pay professors forces universities to cut full-time positions. Further exacerbating the situation is the fact that professors must spend more time writing, refining, and going over funding applications for their research.²

This, however, is a Canada-wide problem. To add to the comments of Dion-Viens, Gingras, Lafortune, and Trudel, and to better understand the role of the Canadian government in the corporatization of universities, it is instructive to read Jamie Brownlee’s article in the January 2016 issue of Academic Matters, “The Role of Governments in Corporatizing Canadian Universities.”

Brownlee explains how a government with objectives such as economic growth and reducing public spending transformed our universities by a) reducing funding and b) reviving universities that were experiencing difficulty by adopting the corporate model, where corporations and public servants, focused on the “market,” ensure an increase in private funding, direct federal funding to sponsored research and programs related to the market, and plan for reduced funding to be allocated to art-based disciplines.

The Business Council on National Issues called for reduced funding to force universities to be more open to private interests and market demands. Others accuse universities of offering a great deal of useless programs and propose that there be a fourth component to professorial work: commercialization of one’s own research projects (Fortier report: see Bergeron, Johanne. 1987. “L’autel du libéralisme : une revue des rapports Fortier, Gobeil et Scowen.” Politique 11: 129–138.).

These policies had the following result: in 1979, public funding of universities in Canada made up 84% of operating funds, while in 2009, this number dropped to 58%. Again, previous observations and analyses show that “modernizing” universities leads to their extinction as institutions of higher learning.

² At the time of writing, the CIHR success rate was 10%. It is clear that the Naylor report is far from being adopted. Is this the “modernization” of Quebec universities being referred to?
The slow demise of the role of a university professor

Professors are the first victims of bringing together universities and the business community, of the excessive growth of bureaucracy, and of a decrease in funding for basic research. They are seeing their teaching and research roles lose prestige and their influence decreasing, while their workload increases.

A result of American influence and the globalization of the economy, this reversal of power in universities, to the benefit of senior administrators, and this new partnership between universities and industry are Western phenomena. A recent book that my colleague Louis Demers referred to when he spoke before the National Assembly in Québec criticizing Bill 234 demonstrates the magnitude of the growth in size of administrations in American and British universities, as well as the fall of professors. The book is entitled The Fall of the Faculty: The Rise of the All-Administrative University and Why It Matters (2011) and is written by Benjamin Ginsberg, a professor at Johns Hopkins University. The following summary is from a review written by Alan Ryan and published by THE World University Rankings on December 1, 2011.

Ginsberg reported that in the United States between 1985 and 2005, there was an increase of about 50% in the number of institutions awarding diplomas, the number of diplomas awarded, and the number of students enrolled. This is to be expected. He noted, however, that there was an 85% increase in the number of administrators and a 240% increase in the number of support staff. This phenomenon, common in the United States, can be explained by new demands from governments for activity reports and a more regulated environment, as described in the previous section.

Ginsberg argued that this interpretation is incomplete, providing a comparison of the public sector (which is, in theory, more regulated) and the private sector. From 1975 to 2005, there was a 66% increase in the number of managers in the public sector and a 135% increase in the private sector. The situation is, for the most part, similar to that in England (see various articles in The Guardian, such as “The Irresistible Rise of Academic Bureaucracy” by Tariq Tahir, (March 30, 2010)).

While the prestige and salary of a university administrator are based today on the volume of reports produced, the number people supervised, and the quality of industry relationships, the prestige and salary of a professor, which determine such a professor’s influence on the changing environment, are based on excellence in research and teaching, the values of which are significantly dropping.

UNESCO Recommendation Comforts the Scientific Community

Maryse Tétreault, FQPPU Professional Researcher

In November 2013, UNESCO began a process to revise the text of the Recommendation of 1974 about the status of scientific researchers. One of the working sessions took place in Montréal in October 2014. Forty years after UNESCO’s position on this important topic was published, a position that has been critical for the work of the FQPPU both nationally and internationally, resulting in addresses to the Canadian Commission for UNESCO on multiple occasions, a revision was more than necessary in order to reflect societal change and the concrete challenges it presents. More than ever before, scientific research is being confronted by numerous issues, on the geopolitical, technological, ethical, and legal fronts, and the scientific community must come together to address them.

A New Recommendation

Following a series of consultations that took place over four years, UNESCO finally published a new version of the 1974 Recommendation in November 2017. This revised version is innovative in a number of ways.

On one hand, the new version is innovative because it considers science to be a common good for humanity, going beyond individual interests. This has great value in a context in which pressure to commercialize knowledge is on the rise, for example, with an increased share of funding being allocated to practical innovations, to the detriment of basic research. This statement about science is crucial because it reaffirms the academic freedom of the researcher, freedom that is at the heart of the scientific process and that leads to progress.

On the other hand, the new version is innovative because it specifically states, once again, that governments have a duty to provide researchers with an environment that is conducive to research. This means that “Member States should develop or devise machinery for the formulation and execution of adequate [scientific and technological] policies,” but should also provide the institutions, equipment, and staff required for the advancement of science. In practical terms, as a Member State of UNESCO, Canada has the duty—and as a result, the obligation to deliver results—to provide guarantees with regard to, in particular, access to safe and healthy workplaces, to diverse sources of quality information, and to fair hiring procedures and working conditions for all scientific research staff.

The Applicability of the New Recommendation

Beyond the major principles, this recommendation could have practical impacts for Quebec researchers. It could serve as a basis for arguments for union demands and play the role of a lobbying tool for addressing governments. For it to serve as a reference point for the scientific community, it must first be promoted among scientists, organizations, and political and professional authorities. The FQPPU invites its members to help us accomplish this task.
An Unprecedented Crisis at Université de Montréal

Jean Portugais, President of the Syndicat général des professeurs et professeures de l’Université de Montréal

According to the FQPPU (available in French only), the issues with regard to Bill 234 to amend the Charter of the Université de Montréal (UdeM) affect colleagues in all Quebec universities. It is therefore important to examine such issues closely.

FQPPU members have already been informed that the Syndicat général des professeurs et professeures de l’Université de Montréal (SGPUM) is arguing before the courts that Bill 234 to amend the UdeM Charter is both illegal and unconstitutional. In short, the SGPUM denounces the numerous violations of professors’ rights contained in the bill:

- It infringes on their role and function in the university, particularly with regard to the right for professors to be part of the university’s administration;
- It is illegal under the Quebec Charter of Rights and Freedoms and is unconstitutional under the Canadian Charter of Rights and Freedoms, because it affects the right of association, which is guaranteed by these charters. The right of association includes bargaining rights based on precedent (Supreme Court of Canada decision, in Health Services and Support, 2007);
- It effectively removes the union’s power to negotiate working conditions for its members with regard to important subjects (e.g., discipline, university senate regulations); and
- It violates public laws (C-12 and C-27) and therefore does not respect the criteria of the National Assembly itself that are required for it to qualify as a private bill.

We invite all of our colleagues to read more in the SGPUM brief (available in French only) presented to the Committee on Culture and Education (CCE). In addition, the FQPPU also presented a very thorough brief (available in French only) to the CCE that professors should also review in detail.

In this article, we will look back on the reform process that began in December 2016 at UdeM, as well as at excerpts from presentations by certain colleagues to the CCE, during the first hearing days on December 6, 7, and 8, 2017, at the National Assembly of Quebec. Unfortunately, the few comments that were selected do not fully reflect the many other strong presentations made by professors. To read all of the speeches, the transcript of the hearing days is available on the website of the National Assembly of Quebec (available in French only).

The bill has not been adopted at the time of publishing this text, so no one knows whether the many key criticisms made to the CCE by several stakeholders, including the FQPPU, will result in quashing the current Liberal government’s willingness to adopt it.

Tight grip on the university: a full year of crisis due to the council

When the project began in December 2016, the top-down, unilateral approach of the Conseil de l’Université de Montréal (CU), along with that of the president and his team, profoundly shocked faculty members. The draft Charter was adopted behind closed doors by the CU on December 12, 2016, in violation of the existing Charter, since it is the university senate that [Translation] “establishes the general principles that orient the university and its development.” The total absence of collegiality was denounced from the start by the FQPPU (available in French only).

In January 2017, many criticized the administration’s power grab. The original emergency schedule forced the university senate to adopt the text of the Charter in a month, a text which had been adopted in advance by the CU without consulting the community: everything was backwards!

Faced with public outcry, the UdeM administration had to adjust the schedule and provide more time. However, it was very quickly obvious that this was only a diversionary tactic because the CU would not consider any alternative draft charters; in other words, we were in a stranglehold.

Faced with this charade, university senate working sessions on the Charter were spontaneously boycotted by all of the professors who had been elected to the university senate (available in French only). Colleagues repeatedly denounced the violation of the university senate’s mandate, the lack of respect for procedure on the part of the administration, as well as the clear lack of respect that the administration demonstrated toward professors during the first debates in the university senate. Several professors stated that they did not feel heard or recognized by the administration. Unfortunately, this led to a hostile environment that has persisted.
Lack of collegiality

UdeM’s administration was completely closed off to the idea of receiving criticism on the draft Charter. Subsequently, behind closed doors in the summer, it proceeded to introduce its bill before the Quebec government.

The bill submitted to the government by the UdeM administration was finally made public on November 15, leaving very little time before the CCE hearings began in early December.

A surprising turn of events: Safe conduct for philanthropists to sit on the board of directors

During the hearings, a physics professor, François Schiettekatte, revealed a change made by the UdeM administration after the sham consultation that was boycotted by many of our colleagues. The professor brought to the CCE’s attention that the community had not seen or adopted the following passage of the bill that had been introduced: [Translation] “A person’s relationships or interests of a philanthropic nature are not taken into account when determining if the person qualifies as an independent member [of the Conseil de l’UdeM].”

Several parliamentarians were obviously shaken after Mr. Schiettekatte stated before the CCE how this new provision of the draft Charter flagrantly contradicts the definition in, for example, the Act respecting the governance of state-owned enterprises. In response to a question from a Liberal MNA, Mr. Schiettekatte gave the following response: [Translation] “I’d like to be on a council where one of the members has donated 50 million dollars to the university and where we must decide how, for example, to create a centre for a specific subject. We would orient the university’s research in a certain direction with the donation, and then the donor would be on the council as an independent member. To me, this situation is unbelievable.”

Later, at the end of his appearance, our colleague had the following exchange with MNA Gabriel Nadeau-Dubois:

[Translation]

Mr. Nadeau-Dubois: Based on the information I found out in the last few minutes, Bombardier, Hydro-Québec, the Paul Desmarais family, Power Corporation of Canada, The Jean Coutu Group, Provigo, Petro-Canada, and Norton Rose are all businesses that have made significant donations to Université de Montréal in the past few years. If I understand your presentation correctly, all of these people qualify as independent members under the draft Charter that we are studying at the moment?

Mr. Schiettekatte: I am not a lawyer, but that is my interpretation as a physicist.

Mr. Nadeau-Dubois: In your opinion, are they truly independent if they donated 10.5 million dollars?

Mr. Schiettekatte: It seems to me that they are not. They will be creating structures in the university that will orient the research directions, etc.

Mr. Nadeau-Dubois: So, you fear there would be a conflict of interest given that they provide the university with funding and they will be asked to make decisions, for example, that orient teaching and research. Did I understand you correctly?

Mr. Schiettekatte: Yes, that’s correct.

Mr. Nadeau-Dubois: Thank you.

An inadequate reform process and major flaws

The process to reform the Charter was flawed from the start. In a rare occurrence, faculty of law professors denounced the situation in the media (available in French only).

In the parliamentary committee on December 7, Pierre Trudel, professor at the Centre de recherche en droit public (CRDP; public law research centre) of the law faculty outlined several [Translation] “major flaws in the bill that justified delaying its adoption.”

Mr. Trudel first explained that the normal process for reforming the Charter should have given the task of analysis to [Translation] “special committees, consisting of several components of the university, working groups to make a first assessment, and then, once such assessments were agreed upon, identifying the possible avenues to come up with solutions, in order to reach consensus.” It is only after the fact, according to him, that a bill could be introduced. However, the CU did the exact opposite of this collegial process.

Next, Mr. Trudel stated before the CCE that the bill wrongly abolishes the power of the university senate to monitor the application of the regulations and thus, [Translation] “eventually, to identify dysfunction. [...] It is not just a small detail, since that is where the small amount of public accountability occurs at the university.
Accountability, therefore, would drastically suffer.”

Another major fault, in Mr. Trudel’s opinion, is that [Translation] “deans become the president’s officers. Their loyalty must above all be to the administration. However, it is important to remember that Université de Montréal, at its origins, was a federation of faculties [...]; weakening the status of faculties by turning deans into officers is a very serious attack on academic freedom. [...] It opens the door to the marginalization of assemblies in the dean nomination process. What’s worse is that deans are no longer designated representatives for their faculties before the university administration. They no longer have the freedom to say, ‘This is what the majority of people think, this is what those who, on a daily basis, are called on to make the university function think.”’

Finally, Mr. Trudel confirmed on December 7, before the CCE, that there was a [Translation] “lack of transparency on the part of the board of directors,” which is another major fault that Bill 234 does not address in any way. [Translation] “The board of directors has all of the council’s powers, other than those that are expressly unique to the council. [...] However, it has been proposed that disciplinary power be assigned to the board of directors. [...] However, the board of directors deliberates behind closed doors. The first thing that they ask people who are appointed to the board to do is to sign a confidentiality agreement[,] [...] one of the most strict ones that could be imagined. So, they are literally unable to speak, and of course, the board of directors is not required to explain its decisions. To assign it, without a true counterweight, authority that is so extensive, in that it could make or break professors, is to radically threaten academic freedom. [...] What will a professor or a dean do when the board of directors sends a message that certain types of research may more often be put on hold because they could make work more complicated for those, for example, who raise funds for the university to construct a new building or something of that nature? There are no guarantees in this regard, and it is surprising that the transfer of a power as important as disciplinary power is not accompanied by sufficient safeguards.”

Guy Rocher provides some background

At the final sitting of the CCE held on December 8, 2017, Guy Rocher, professor emeritus, and one of the founders of modern Quebec, spoke.

Mr. Rocher explained to the CCE that if the government did not withdraw Bill 234, professors would not accept it, and there would likely be a long conflict with professors that would end up in the court system.

[Translation] I have 93 years of life experience and 60 years of teaching experience. [...] What I’ve observed, as a sociologist and as a member of the academic community is that the draft Charter created an institutional crisis that I find very serious [...].

The current bill has led to division and discord in the academic community. I believe that you have seen this for the past three days with everyone who has appeared before you. We are not living in harmony at the moment. Not at all. The new Charter did not bring peace. On the contrary, you have seen students oppose us, the professors and lecturers. Professors are at war with the administration.

We are in a very serious situation of conflict and I have come to tell you that [...] in 60 years, I have never seen such a deteriorating state of the relationship between professors and the administration. It is perhaps the biggest issue at the moment [...].

It strikes me that institutions external to Université de Montréal, such as the FQPPU and the Canadian Association of University Teachers, have appeared before you because they see that at the university, there is a serious issue for university professors [...].

I would say that what is at stake is a fundamental issue: in the university of the future, what will be the status of tenured professors? [...] For 60 years, I have been part of this evolution, I have lived through it, and I have participated in it. We, university professors, have made universities what they are. That is why the status of tenured professors is an issue for universities.

Mr. Rocher concluded by saying, [Translation] “What I came to do is to suggest to the National Assembly that it invite the university to review its bill [...] . You have seen that university professors oppose both its content and the way in which the Charter was presented. You have seen and heard it. This very serious problem is an institutional crisis we are experiencing at the moment.”

We couldn’t agree more.

Note: At the time of writing this article, we are still waiting for CCE to eventually resume its work on this bill.